NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.81137 Implied consent to chemical tests of blood, breath, or urine; exception.

Sec. 81137. (1) Except as provided in subsection (2), a person who operates an ORV is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood, and may be requested by a peace officer to submit to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood if:

(a) The person is arrested for a violation of section 81134(1), (3), (4), (5), (6), or (7) or a local ordinance substantially corresponding to section 81134(1), (3), or (6).

(b) The person is arrested for negligent homicide, manslaughter, or murder resulting from the operation of an ORV, and the peace officer has reasonable grounds to believe that the person was operating the ORV in violation of section 81134.

(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2014, Act 405, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

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Title: chapter-436

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-1 - Chapter 1 (436.1101...436.1113a.added)Section 436.1101 - Short Title.

Sec. 101. This act shall be known and may be cited as the "Michigan liquor control code of 1998". History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-1 - Chapter 1 (436.1101...436.1113a.added)Section 436.1103 - Meanings of Words and Phrases.

Sec. 103. For the purposes of this act, the words and phrases defined in this chapter have the meanings ascribed to them in this chapter, unless the context requires otherwise. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

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Sec. 105. (1) "Alcohol" means the product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes. (2) "Alcohol vapor device" means any device that provides for the use of air or oxygen bubbled through alcoholic liquor to produce a vapor or mist that allows the user to inhale this alcoholic vapor through the mouth or nose. (3) "Alcoholic liquor" means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the commission according to alcoholic content as belonging to 1 of the varieties defined in this chapter. (4) "Alternating proprietorship" means 1 of the following: (a) An arrangement in which 2 or more wine makers or small wine makers take turns using the same space and equipment to manufacture wine under section 603(9)(a) and in accordance with 27 CFR 24.136. (b) An arrangement in which 2 or more brewers or micro brewers take turns using the same space and equipment to manufacture beer under section 603(9)(b) and in accordance with 27 CFR 25.52. (5) "Approved tasting room" means a tasting room that is approved by the commission. A licensee with an approved tasting room is not a retail licensee as that term is used in this act and the rules promulgated under this act except for sections 701, 801, 803, 815, 905, and 906. (6) "Authorized distribution agent" means a person approved by the commission to do 1 or more of the following: (a) To store spirits owned by a supplier of spirits or the commission. (b) To deliver spirits sold by the commission to retail licensees. (c) To perform any function needed to store spirits owned by a supplier of spirits or by the commission or to deliver spirits sold by the commission to retail licensees. (7) "Bar" means a barrier or counter at which alcoholic liquor is sold to, served to, or consumed by customers. (8) "Beer" means a beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, sugar, or other cereal in potable water. (9) "Bottle" or "bottling" means a process, separate from manufacturing, using owned or leased equipment to fill and seal a container, including a keg, with alcoholic liquor for sale at wholesale or retail in accordance with this act. Bottle or bottling does not include filling a growler for sale at retail. (10) "Brand" means any word, name, group of letters, symbol, trademark, or combination thereof adopted and used by a supplier to identify a specific beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product and to distinguish that product from another beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product that is produced or marketed by that or another supplier. As used in this subsection, "supplier" means a brewer, micro brewer, an outstate seller of beer, a wine maker, a small wine maker, an outstate seller of wine, a manufacturer of mixed wine drink, an outstate seller of a mixed wine drink, a mixed spirit drink manufacturer, or an outstate seller of mixed spirit drink. (11) "Brand extension" means any brand that incorporates all or a substantial part of the unique features of a preexisting brand, regardless of whether the extension is beer, wine, mixed wine drink, or mixed spirit drink. (12) "Brandy" means an alcoholic liquor as defined in 27 CFR 5.22(d). (13) "Brandy manufacturer" means a wine maker or a small wine maker licensed under this act to manufacture brandy. A wine maker or small wine maker authorized to manufacture brandy shall not manufacture any other spirits. The commission may approve a brandy manufacturer to sell brandy that it manufactures at retail in accordance with section 537. (14) "Brewer" means a person located in this state that is licensed to manufacture beer and sell at retail in accordance with section 537 and to licensed wholesalers beer manufactured by the person. (15) "Brewpub" means a license issued in conjunction with a class C, tavern, class A hotel, or class B hotel license that authorizes the person licensed with the class C, tavern, class A hotel, or class B hotel to manufacture and brew not more than 18,000 barrels of beer per calendar year in this state and sell at its licensed premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in sections 405, 407, and 537. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2005, Act 320, Imd. Eff. Dec. 27, 2005 ;-- Am. 2014, Act 353, Imd. Eff. Oct. 17, 2014 ;-- Am. 2018, Act 414, Imd. Eff. Dec. 19, 2018 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021 ;-- Am. 2022, Act 226, Imd. Eff. Oct. 14, 2022Compiler's Notes:Enacting section 1 of Act 226 of 2022 provides: "Enacting section 1. R 436.1625 and R 436.1726 of the Michigan Administrative Code are rescinded".

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-1 - Chapter 1 (436.1101...436.1113a.added)Section 436.1107 - Definitions; C to L.

Sec. 107. (1) "Cash" means money in hand, bank notes, demand deposits at a bank, or legal tender, that a creditor must accept according to law. Cash does not include call loans, postdated checks, or promissory notes. (2) "Class C license" means a place

licensed to sell at retail beer, wine, mixed spirit drink, and spirits for consumption on the premises. (3) "Class G-1 license" means a place licensed to sell at retail beer, wine, mixed spirit drink, and spirits for consumption on the premises at a golf course having at least 18 holes that measure at least 5,000 yards and which license is issued only to a facility that permits member access by means of payments that include annual paid membership fees. (4) "Class G-2 license" means a place licensed to sell at retail beer, wine, and mixed spirit drink for consumption on the premises at a golf course having at least 18 holes that measure at least 5,000 yards and which license is issued only to a facility that permits member access by means of payments that include annual paid membership fees. (5) "Club" means a nonprofit association, whether incorporated or unincorporated, organized for the promotion of some common purpose, the object of which is owning, hiring, or leasing a building, or space in a building, of an extent and character as in the judgment of the commission may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, but does not include an association organized for a commercial or business purpose. (6) "Commission" means the liquor control commission created in section 209. (7) "Church" means an entire house or structure set apart primarily for use for purposes of public worship, and that is tax exempt under the laws of this state, and in which religious services are held and with which a clergyman is associated, and the entire structure of which is kept for that use and not put to any other use inconsistent with that use. (8) "Distiller" means a person licensed to manufacture and sell spirits or alcohol, or both, of any kind. (9) "Hotel" means a building or group of buildings located on the same or adjoining pieces of real property, that provide lodging to travelers and temporary residents and that may also provide food service and other goods and services to registered guests and to the public. (10) "Class A hotel" means a hotel licensed by the commission to sell beer, wine, and mixed spirit drink for consumption on the premises only, that provides for the rental of, and maintains the availability for rental of, not less than 25 bedrooms if located in a local governmental unit with a population of less than 175,000 or not less than 50 bedrooms if located in a local governmental unit with a population of 175,000 or more. (11) "Class B hotel" means a hotel licensed by the commission to sell beer, wine, mixed spirit drink, and spirits for consumption on the premises only, that provides for the rental of, and maintains the availability for rental of, not less than 25 bedrooms if located in a local governmental unit with a population of less than 175,000 or not less than 50 bedrooms if located in a local governmental unit with a population of 175,000 or more. (12) "Financial records" means any document or summary of information contained in a document, including electronic documents, that contains information about the financial activities or position of a person including, but not limited to, information about the assets, balance sheets, budgets, cash flow, earnings, revenue, expenditures, income, investments, losses, liabilities, payroll, profits, retained earnings, or taxes. (13) "License" means a contract between the commission and the licensee granting authority to that licensee to manufacture and sell, sell, or warehouse alcoholic liquor in the manner provided by this act. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2001, Act 223, Eff. Mar. 22, 2002 ;-- Am. 2019, Act 126, Imd. Eff. Nov. 21, 2019 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-1 - Chapter 1 (436.1101...436.1113a.added)Section 436.1109 - Definitions; M to O.

Sec. 109. (1) "Manufacture" means to distill, rectify, ferment, brew, make, produce, filter, mix, concoct, process, or blend an alcoholic liquor or to complete a portion of 1 or more of these activities. Manufacture does not include bottling or the mixing or other preparation of drinks for serving by those persons authorized under this act to serve alcoholic liquor for consumption on the licensed premises. In addition, manufacture does not include attaching a label to a shiner. All containers or packages of alcoholic liquor must state clearly the name, city, and state of the bottler. (2) "Manufacturer" means, except as provided in section 603, a person that manufactures alcoholic liquor, whether located in or out of this state, including, but not limited to, a distiller, a small distiller, a rectifier, a mixed spirit drink manufacturer, a mixed wine drink manufacturer, a wine maker, a small wine maker, a brewer, and a micro brewer. (3) "Manufacturing premises" means the licensed premises of a manufacturer where the manufacturer manufactures alcoholic liquor or, for a small wine maker only, bottles wine. (4) "Master distributor" means, except as provided in section 307, a wholesaler that acts in the same or similar capacity as a brewer, wine maker, mixed spirit drink manufacturer, outstate seller of wine, outstate seller of beer, or outstate seller of mixed spirit drink for a brand or brands of beer, wine, or mixed spirit drink to other wholesalers on a regular basis in the normal course of business. (5) "Micro brewer" means a brewer that manufactures in total less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided in section 203a. In determining the 60,000-barrel threshold, all brands and labels of a brewer, whether manufactured in this state or outside this state, must be combined and all facilities for the manufacturing of beer that are owned or controlled by the same person must be treated as a single facility. (6) "Minor" means an individual less than 21 years of age. (7) "Mixed spirit drink" means a drink manufactured and packaged or sold by a mixed spirit drink manufacturer or sold by an outstate seller of mixed spirit drink to a wholesaler that meets either of the following conditions: (a) Contains 10% or less alcohol by volume consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials and that may also contain 1 or more of the following: (i) Water. (ii) Fruit juices. (iii) Fruit adjuncts. (iv) Sugar. (v) Carbon dioxide. (vi) Preservatives. (b) Meets both of the following conditions: (i) Contains more than 10% and not more than 13.5% alcohol by volume consisting of spirits mixed with nonalcoholic beverages and flavoring or coloring materials and that may also contain 1 or more ingredients listed in subdivision (a). (ii) Is filled in a metal container that meets all of the following conditions: (A) The container has the general shape and design of a can that has a liquid capacity that does not exceed 24 ounces. (B) The container has a closure that is an integral part of the container. (C) The container cannot be readily closed after opening. (8) "Mixed spirit drink manufacturer" means a person licensed under this act to manufacture mixed spirit drink in this state and to sell mixed spirit drink at retail in accordance with section 537, or to a wholesaler, or to a retailer as provided in section 203b. For

purposes of rules promulgated by the commission, a mixed spirit drink manufacturer is treated as a wine manufacturer but is subject to the rules applicable to spirits for manufacturing and labeling. (9) "Mixed wine drink" means a drink or similar product marketed as a wine cooler that contains less than 7% alcohol by volume, consists of wine and plain, sparkling, or carbonated water, and contains any 1 or more of the following: (a) Nonalcoholic beverages. (b) Flavoring. (c) Coloring materials. (d) Fruit juices. (e) Fruit adjuncts. (f) Sugar. (g) Carbon dioxide. (h) Preservatives. (10) "Outstate self-distributor" means a person located in another state that is the substantial equivalent of a micro brewer, small distiller, mixed spirit drink manufacturer, or small wine maker licensed by the commission to sell alcoholic liquor that the person manufactured outside this state directly to a retailer under sections 203(20), 203a, and 203b in accordance with rules promulgated by the commission. An applicant for an outstate self-distributor license must submit a copy of its federal basic permit or brewer's notice and its manufacturing license from the state of issuance. (11) "Outstate seller of beer" means a person licensed by the commission to sell beer that has not been manufactured in this state, or beer that the person purchased from a limited production manufacturer, to a wholesaler in this state in accordance with rules promulgated by the commission. As used in this subsection, "limited production manufacturer" means a person licensed under section 504. (12) "Outstate seller of mixed spirit drink" means a person licensed by the commission to sell mixed spirit drink that has not been manufactured in this state to a wholesaler in this state in accordance with rules promulgated by the commission. For purposes of rules promulgated by the commission, an outstate seller of mixed spirit drink is treated as an outstate seller of wine but is subject to the rules applicable to spirits for manufacturing and labeling. (13) "Outstate seller of wine" means a person licensed by the commission to sell wine that has not been manufactured in this state to a wholesaler in this state in accordance with rules promulgated by the commission and to sell sacramental wine as provided in section 301. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2014, Act 42, Imd. Eff. Mar. 25, 2014 ;-- Am. 2018, Act 409, Imd. Eff. Dec. 19, 2018 ;-- Am. 2020, Act 80, Imd. Eff. Apr. 2, 2020 ;-- Am. 2020, Act 120, Imd. Eff. July 1, 2020 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021Constitutionality:In Granholm v Heald, 544 US 460 (2005), the United States Supreme Court held that Michigan laws regulating direct shipment of alcohol to in-state consumers discriminated against interstate commerce in violation of clause 3 of section 8 of article 1 of the United States Constitution, and that the powers granted to states under the 21st Amendment to the United States Constitution do not authorize violation of other constitutional provisions.

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-1 - Chapter 1 (436.1101...436.1113a.added)Section 436.1111 - Definitions; P to S.

Sec. 111. (1) "Person" means an individual, firm, partnership, limited partnership, association, limited liability company, or corporation. (2) "Primary source of supply" means, for domestic spirits, the distiller, producer, owner of the commodity at the time it becomes a marketable product, or bottler, or the exclusive agent of the distiller, producer, owner of the commodity at the time it becomes a marketable product, or bottler, and, for spirits imported into the United States, either the foreign distiller, producer, owner, or bottler, or the prime importer for, or the exclusive agent in the United States of, the foreign distiller, producer, owner, or bottler. (3) "Professional account" means an account established for a person by a class C licensee or tavern licensee whose major business is the sale of food, by which the licensee extends credit to the person for not more than 30 days. (4) "Residence" means the premises in which a person resides permanently. (5) "Restaurant" means a food service establishment defined and licensed under the food law, 2000 PA 92, MCL 289.1101 to 289.8111. A restaurant that does not hold a license issued by the commission under this act shall not manufacture, market, deliver, or sell alcoholic liquor in this state. (6) "Retailer" means a person licensed by the commission that sells to the consumer in accordance with rules promulgated by the commission. Retailer includes a brewpub but does not include a manufacturer or supplier, as defined in section 603, that is allowed as a condition of its license to sell to consumers in this state. (7) "Sacramental wine" means wine containing not more than 24% of alcohol by volume that is used for sacramental purposes. (8) "Sale" includes the exchange, barter, traffic, furnishing, delivery, or giving away of alcoholic liquor. For a sale in which a shipment or delivery of alcoholic liquor is made by a common or other carrier, the sale of the alcoholic liquor is considered to be made in the county within which the delivery of the alcoholic liquor is made by that carrier to the consignee or his or her agent or employee, and venue for the prosecution for that sale may be in the county or city where the seller resides or from which the shipment is made or at the place of delivery. (9) "School" includes buildings used for school purposes to provide instruction to children in grades kindergarten through 12, if that instruction is provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses. School does not include a proprietary trade or occupational school. (10) "Shiner" means an unlabeled, sealed container of wine, including a keg, that is sold by a wine maker, small wine maker, or out-of-state entity that is the substantial equivalent of a wine maker or small wine maker to another wine maker, small wine maker, or out-of-state entity that is the substantial equivalent of a wine maker or small wine maker. The purchasing wine maker or small wine maker must attach a label to the container using equipment owned or leased by the purchasing wine maker or small wine maker, register the wine label with the commission, and sell it as provided for in this act. (11) "Small distiller" means a manufacturer of spirits annually manufacturing in this state not more than 60,000 gallons of spirits, of all brands combined. (12) "Small wine maker" means a wine maker manufacturing or bottling not more than 50,000 gallons of wine in 1 calendar year. A small wine maker is not required to bottle wine it manufactures. (13) "Special license" means a contract between the commission and the special licensee granting authority to that licensee to sell beer, wine, mixed spirit drink, or spirits. The license must be granted only to the persons and the organization and for the period of time that the commission determines if the person or organization is able to demonstrate an existence separate from an affiliated umbrella organization. If such an existence is demonstrated, the commission shall not deny a special license solely by the applicant's affiliation with an organization that is also

eligible for a special license. (14) "Specially designated distributor" means, subject to section 534, a person engaged in an established business licensed by the commission to distribute spirits in the original package for the commission for consumption off the premises. (15) "Specially designated merchant" means a person to whom the commission grants a license to sell beer, wine, or mixed spirit drink at retail for consumption off the licensed premises. (16) "Spirits" means a beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink. (17) "State liquor store" means a store established by the commission under this act for the sale of spirits in the original package for consumption off the premises. (18) "Successor to a supplier that continues in business" means a supplier that acquires a brand or brands from another supplier and remains in business after it acquires that brand or brands. As used in this subsection, "supplier" means any of the following: (a) Brewer. (b) Outstate seller of beer. (c) Master distributor. (d) Wine maker. (e) Outstate seller of wine. (19) "Supplier of spirits" means a vendor of spirits, a manufacturer of spirits, or a primary source of supply. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2008, Act 218, Imd. Eff. July 16, 2008 ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2018, Act 415, Imd. Eff. Dec. 19, 2018 ;-- Am. 2020, Act 115, Imd. Eff. July 1, 2020 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021

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***** 436.1113 THIS SECTION IS REPEALED BY ACT 269 OF 2005 EFFECTIVE WHEN CONDITIONS APPLIED BY ENACTING SECTION 2(1) OF ACT 269 OF 2005 ARE MET: See compiler's note following section ***** Sec. 113. (1) "Tasting room" means any of the following locations: (a) A location on the manufacturing premises of a brewer or micro brewer where the brewer or micro brewer may provide samples of or sell at retail for consumption on or off the premises, or both, beer it manufactures. (b) A location on or off the manufacturing premises of a wine maker or small wine maker where the wine maker or small wine maker may provide samples of or sell at retail for consumption on or off the premises, or both, shiners, wine it manufactured, or, for a small wine maker only, wine it bottled. (c) A location on or off the manufacturing premises of a distiller or small distiller where the distiller or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, spirits it manufactured. (d) A location on the manufacturing premises of a mixed spirit drink manufacturer where the mixed spirit drink manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, mixed spirit drinks it manufactured. (e) A location on or off the manufacturing premises of a brandy manufacturer where the brandy manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, brandy it manufactured. (2) "Tavern" means any place licensed to sell at retail beer, wine, or mixed spirit drink for consumption on the premises only. (3) "Vehicle" means any means of transportation by land, by water, or by air. (4) "Vendor" means a person licensed by the commission to sell alcoholic liquor. (5) "Vendor of spirits" means a person selling spirits to the commission. (6) "Warehouse" means a premises or place primarily constructed, used, or provided with facilities for the storage in transit or other temporary storage of perishable goods or for the conduct of a warehousing business, or for both. (7) "Warehouser" means a licensee authorized by the commission to store alcoholic beverages, but prohibited from making sales or deliveries to retailers unless the licensee is also the holder of a wholesaler or manufacturer license issued by the commission. (8) "Wholesaler" means a person that is licensed by the commission and sells beer, wine, or mixed spirit drink only to retailers or other licensees, and that sells sacramental wine as provided in section 301. A wholesaler includes a person that may also act as a master distributor unless prohibited from doing so by its supplier or manufacturer in a written agreement required by either section 305(3)(i) or 403(3)(i) and, by mutual agreement with an outstate seller of beer, wine, or mixed spirit drink, can be authorized by the outstate seller of beer, wine, or mixed spirit drink to do, in the manner prescribed by the commission, either or both of the following: (a) Register with this state the labels of the outstate seller of beer, wine, or mixed spirit drink. (b) On behalf of the outstate seller of beer, wine, or mixed spirit drink collect excise taxes levied by this state and remit the taxes to the commission. (9) "Wine" means a product manufactured by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including cider made from apples or pears, or both, that contains at least 1/2 of 1% of alcohol by volume, or mead or honey wine made from honey, fermented fruit juices other than grapes, and mixed wine drinks. (10) "Wine maker" means a person licensed by the commission to manufacture wine and to sell that wine to a wholesaler, to a consumer by direct shipment, at retail on the licensed winery premises, to sell that wine to a retailer, and as provided for in section 537. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2005, Act 269, Imd. Eff. Dec. 16, 2005 ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2018, Act 405, Imd. Eff. Dec. 19, 2018 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021Constitutionality:In Granholm v Heald, 544 US 460 (2005), the United States Supreme Court held that Michigan laws regulating direct shipment of alcohol to in-state consumers discriminated against interstate commerce in violation of clause 3 of section 8 of article 1 of the United States Constitution, and that the powers granted to states under the 21st Amendment to the United States Constitution do not authorize violation of other constitutional provisions.Compiler's Notes:Enacting sections 2 and 3 of Act 269 of 2005 provide:"Enacting section 2. (1) If any provision of section 113 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1113, as amended by this amendatory act, is held to be unconstitutional by a court of competent jurisdiction and the allowable time for filing an appeal has expired or the appellant has exhausted all of his or her avenues of appeal, section 113 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1113, is repealed."(2) Section 113a of the Michigan liquor control code of 1998, 1998 PA 58, as added by this amendatory act, shall not take effect unless section 113 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1113, is held unconstitutional or repealed pursuant to subsection (1)."Enacting section 3. If an appellate court declares this amendatory act unconstitutional, then it is

the intent of the legislature that a good faith effort be made to amend section 305 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1305, to make it less burdensome for a small winery to terminate an agreement with a wholesaler."

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-1 - Chapter 1 (436.1101...436.1113a.added)Section 436.1113a.added - Additional Definitions.

***** 436.1113a.added THIS ADDED SECTION IS EFFECTIVE WHEN CONDITIONS APPLIED BY ENACTING SECTION 2(2) OF ACT 269 OF 2005 ARE MET: See compiler's note following section ***** Sec. 113a. (1) "Tasting room" means any of the following locations: (a) A location on the manufacturing premises of a brewer or micro brewer where the brewer or micro brewer may provide samples of or sell at retail for consumption on or off the premises, or both, beer it manufactures. (b) A location on or off the manufacturing premises of a wine maker or small wine maker where the wine maker or small wine maker may provide samples of or sell at retail for consumption on or off the premises, or both, shiners, wine it manufactured, or, for a small wine maker only, wine it bottled. (c) A location on or off the manufacturing premises of a distiller or small distiller where the distiller or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, spirits it manufactured. (d) A location on the manufacturing premises of a mixed spirit drink manufacturer where the mixed spirit drink manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, mixed spirit drinks it manufactured. (e) A location on or off the manufacturing premises of a brandy manufacturer where the brandy manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, brandy it manufactured. (2) "Tavern" means any place licensed to sell at retail beer, wine, or mixed spirit drink for consumption on the premises only. (3) "Vehicle" means any means of transportation by land, by water, or by air. (4) "Vendor" means a person licensed by the commission to sell alcoholic liquor. (5) "Vendor of spirits" means a person selling spirits to the commission. (6) "Warehouse" means a premises or place primarily constructed, used, or provided with facilities for the storage in transit or other temporary storage of perishable goods or for the conduct of a warehousing business, or for both. (7) "Warehouser" means a licensee authorized by the commission to store alcoholic liquor, but prohibited from making sales or deliveries to retailers unless the licensee is also the holder of a wholesaler license issued by the commission. (8) "Wholesaler" means a person that is licensed by the commission and sells beer, wine, or mixed spirit drink only to retailers or other licensees, and that sells sacramental wine as provided in section 301. A wholesaler includes a person that may also act as a master distributor unless prohibited from doing so by its supplier or manufacturer in a written agreement required by either section 305(3)(i) or 403(3)(i) and, by mutual agreement with an outstate seller of beer, wine, or mixed spirit drink can be authorized by the outstate seller of beer, wine, or mixed spirit drink to do, in the manner provided by the commission, either or both of the following: (a) Register with this state the labels of the outstate seller of beer, wine, or mixed spirit drink. (b) On behalf of the outstate seller of beer, wine, or mixed spirit drink, collect excise taxes levied by this state and remit the taxes to the commission. (9) "Wine" means a product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including cider made from apples or pears, or both, that contains at least 1/2 of 1% alcohol by volume, or mead or honey wine made from honey, fermented fruit juices other than grapes, and mixed wine drinks. (10) "Wine maker" means a person licensed by the commission to manufacture wine, to sell that wine to a wholesaler, to sell that wine by direct shipment to a consumer, at retail on the licensed winery premises, and as provided for in section 537 but not to sell wine to a retailer. History:Add. 2005, Act 269, Eff. (pending) ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2018, Act 416, Imd. Eff. Dec. 19, 2018 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021Compiler's Notes:Enacting sections 2 and 3 of Act 269 of 2005 provide:"Enacting section 2. (1) If any provision of section 113 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1113, as amended by this amendatory act, is held to be unconstitutional by a court of competent jurisdiction and the allowable time for filing an appeal has expired or the appellant has exhausted all of his or her avenues of appeal, section 113 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1113, is repealed."(2) Section 113a of the Michigan liquor control code of 1998, 1998 PA 58, as added by this amendatory act, shall not take effect unless section 113 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1113, is held unconstitutional or repealed pursuant to subsection (1)."Enacting section 3. If an appellate court declares this amendatory act unconstitutional, then it is the intent of the legislature that a good faith effort be made to amend section 305 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1305, to make it less burdensome for a small winery to terminate an agreement with a wholesaler."

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2001 - Armories, Air Bases, Naval Installations and State Military Reservation.

Sec. 1001. The commanding general of the Michigan national guard may publish by general order such regulations and restrictions as to the transportation, possession, sale, and use of alcoholic liquor in armories, air bases, and naval installations owned or leased by the state or provided by the federal government by lease, license, or use permit and used by outside parties of a nonmilitary or state governmental nature and on the state military reservation during the field training periods of the Michigan national guard, either in state or federal service, as he or she determines are for the best interests of the military service. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2003 - False or Fraudulent Statements.

Sec. 1003. A person who makes a false or fraudulent statement to the commission, orally or in writing, for the purpose of inducing the commission to act or refrain from taking action or for the purpose of enabling or assisting a person to evade the provisions of this act is guilty of a violation of this act and is punishable in the manner provided for in section 909. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2005 - Adulterated, Misbranded, or Refilled Liquors.

Sec. 1005. (1) A licensee who, by himself or herself or by his or her agent or employee, sells, offers for sale, exposes for sale, or possesses alcoholic liquor that is adulterated, misbranded, or in bottles that have been refilled is guilty of a violation of this act. (2) For purposes of this section, alcoholic liquor is adulterated if it contains any liquid or other ingredient that was not placed there by the original manufacturer or bottler. (3) For purposes of this section, alcoholic liquor is misbranded if it is not plainly labeled, marked, or otherwise designated. (4) For purposes of this section, alcoholic liquor bottles have been refilled when the bottles contain any liquid or other ingredient not placed in the bottles by the original manufacturer or bottler. (5) This section does not apply to beer containers. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2007 - Alcoholic Liquor as Contraband.

Sec. 1007. All alcoholic liquor that is manufactured, transported, sold, or possessed without the consent of the commission is hereby declared contraband and shall be disposed of by order of the commission. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2009 - Delivery of Seized Alcoholic Liquor; Bankruptcy; Payment.

Sec. 1009. (1) If alcoholic liquor is seized under a judgment rendered against a licensee or if a licensee becomes insolvent, the officer seizing that alcoholic liquor or the trustee in bankruptcy of the insolvent licensee shall deliver to the commission all alcoholic liquor found in the licensee's possession. (2) Within 1 month after the date of delivery of alcoholic liquor to the commission by an officer or trustee in bankruptcy under this section, the commission shall pay over to the officer or trustee in bankruptcy the purchase price, less 10%, paid by the licensee to the commission for all legal alcoholic liquor seized and the value, less 10%, as established by the commission, of other legally acquired alcoholic liquor delivered to the commission under this section. Alcoholic liquor delivered to the commission under this section that was illegally acquired by the licensee shall be disposed of by order of the commission and payment shall not be made for that alcoholic liquor. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2011 - Printed Price List; Posting.

Sec. 1011. Alcoholic liquor for consumption on the premises shall be sold only in accordance with a printed price list that is readily available to customers. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2013 - Sale or Purchase of Alcoholic Liquor for Cash; Exceptions.

Sec. 1013. A sale or purchase of alcoholic liquor made in a state liquor store and by all types of licensees shall be for cash only, except for the following: (a) A customer's charge account with a specially designated merchant who is not a holder of a license authorizing sale of alcoholic liquor for consumption on the premises. (b) A sale to a bona fide registered guest of a class B hotel or class A hotel, if the extension of credit does not exceed 30 days. (c) A sale to an industrial account if the extension of credit does not exceed 30 days. (d) A sale to a person holding an authorized credit card from a credit card agency. (e) A sale to a professional account, or an industrial account of class C licensee or a tavern, whose major business is food, if the extension of credit does not exceed 30 days. (f) A sale by a private club to a bona fide member. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2014 - Sale of Unlimited Quantity of Alcoholic Liquor at Specific Price; Conditions; Sale of 3 or More Identical Drinks Containing Alcoholic Liquor for 1 Price; Prohibition; "Private Function" Defined.

Sec. 1014. (1) An on-premises licensee shall not sell, offer to sell, or advertise the sale of an unlimited quantity of alcoholic liquor at a specific price unless all of the following conditions are met: (a) The sale, offer, or advertisement is in connection with a private function. (b) The on-premises licensee has entered into a written agreement with the organizer of the private function stating all of the following: (i) The date and time the event will be held. (ii) The location of the event. (iii) The terms under which alcohol will be sold and served during the event. (c) The on-premises licensee makes available to the commission and local law enforcement, on

notice, the written agreement described in subdivision (b). (2) An on-premises licensee shall not sell, offer to sell, or advertise the sale of 3 or more identical drinks containing alcoholic liquor to an individual for the individual's consumption for 1 price. If 3 or more identical drinks containing alcoholic liquor are served to an individual at 1 time, the price charged for the third and each additional drink must be the same as the price charged for the first drink. Except on prior written order by the commission, an on-premises licensee shall not sell alcoholic liquor to an individual under this subsection for a price that is less than the on-premises licensee's cost for the alcoholic liquor. (3) As used in this section, "private function" means an event that meets all of the following conditions: (a) It is a prearranged private party, private function, or private event for a specific social or business occasion. (b) Attendance is only by invitation or reservation. (c) It is not open to the general public. (d) The guests are served in an outdoor service area or room that is well-defined and clearly marked and designated and used exclusively for the event. History:Add. 2015, Act 47, Imd. Eff. June 9, 2015 ;-- Am. 2020, Act 126, Imd. Eff. July 1, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2015 - Awarding Unopened Alcoholic Liquor Pursuant to Lawful Fund Raising Activity.

Sec. 1015. (1) A nonlicensee, or a person who holds either a special license or a club license under this act, may offer and award unopened alcoholic liquor having a value of less than $200.00 to a person 21 years of age or older in a drawing or raffle or as a door prize, pursuant to a lawful fund raising activity. The alcoholic liquor awarded shall not be consumed on the premises at which it is awarded. (2) A person who holds either a special license or a club license under this act and who has purchased alcoholic liquors to be awarded as provided for in subsection (1) shall be exempt from sections 1021(2) and 1025 for those purchases. (3) A person who holds either a special license or a club license under this act shall not sell or award alcoholic liquor to a person who is in an intoxicated condition. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2017 - Sterilization of Glass; Method and Manner.

Sec. 1017. Alcoholic liquor shall not be served to a person for consumption on the premises unless the glass in which the alcoholic liquor is to be served has been sterilized by a method and in a manner as prescribed by the commission. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2019 - Sales in Hotel Rooms.

Sec. 1019. (1) Alcoholic liquor may be served by any hotel licensed individually under this act in the room of a bona fide guest. (2) A person shall not consume or offer for consumption spirits or mixed spirit drink in any place licensed under this act to sell beer or wine and not licensed to sell spirits or mixed spirit drink. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2021 - Selling or Serving Food; Removal of Liquor From Premises; Removal of Partially Consumed Bottle of Wine From Premises; Class a or B Hotel; Consumption of Wine Brought Into Premises by Consumer.

Sec. 1021. (1) The commission shall not require a licensee to sell or serve food to a purchaser of alcoholic liquor. The commission shall not require a class A hotel or class B hotel to provide food services to registered guests or to the public. (2) Except as otherwise provided in section 551 and subsection (3), a purchaser shall not remove alcoholic liquor sold by a vendor for consumption on the premises from those premises. (3) A vendor licensed to sell wine on the premises may allow an individual who has purchased a meal and who has purchased and partially consumed a bottle of wine with the meal, to remove the partially consumed bottle from the premises on departure. This subsection does not allow the removal of any additional unopened bottles of wine unless the vendor is licensed as a specially designated merchant. The licensee or the licensee's clerk, agent, or employee shall cap the bottle or reinsert a cork so that the top of the cork is level with the lip of the bottle. The transportation or possession of the partially consumed bottle of wine shall be in compliance with section 624a of the Michigan vehicle code, 1949 PA 300, MCL 257.624a. (4) This act and rules promulgated under this act do not prevent a class A or B hotel designed to attract and accommodate tourists and visitors in a resort area from allowing its invitees or guests to possess or consume, or both, on or about its premises alcoholic liquor purchased by the invitee or guest from an off-premises retailer and does not prevent a guest or invitee from entering and exiting the licensed premises with alcoholic liquor purchased from an off-premises retailer. (5) Notwithstanding section 901(6), an on-premises licensee may, in a manner as determined by that licensee, allow for the consumption of wine that is produced by a wine maker, a small wine maker, or an out-of-state entity that is the substantial equivalent of a wine maker or small wine maker and that is brought into the licensed premises in its original sealed container by a consumer who is not prohibited under this act from possessing wine. The licensee shall not allow the consumer to remove a partially consumed bottle of wine brought by the consumer unless the licensee or the licensee's clerk, agent, or employee caps the bottle or reinserts the cork so that the top of the cork is level with the lip of the bottle. The licensee may charge a corkage fee for each bottle of wine brought by the consumer and opened on the premises by the licensee or

the licensee's clerk, agent, or employee. This subsection does not exempt the licensee or the consumer from any other applicable requirements, responsibilities, or sanctions imposed under this act. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2002, Act 725, Imd. Eff. Dec. 30, 2002 ;-- Am. 2005, Act 21, Imd. Eff. May 19, 2005 ;-- Am. 2013, Act 235, Eff. Mar. 14, 2014 ;-- Am. 2020, Act 124, Imd. Eff. July 1, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2023 - Pinball Machines.

Sec. 1023. The commission shall not prohibit licensees from allowing pinball machines on the premises for the purpose of amusement. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2024 - Automatic Teller Machine; Preventing Access to Cash Benefits From Michigan Bridge Card; Definitions.

Sec. 1024. (1) A retailer shall work with the department of human services and with persons that provide automatic teller machine services on the retailer's premises to prevent an individual's access to cash benefits from Michigan bridge cards through a point of sale device or withdrawal from an automatic teller machine on the retailer's premises. For purposes of this section only, a retailer does not include a retail food store. (2) As used in this section: (a) "Michigan bridge card" means the card that is used to distribute cash benefits by the department of human services. (b) "Retail food store" means that term as defined in 7 USC 2012. History:Add. 2013, Act 197, Eff. Feb. 1, 2014

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2025 - Giving Away Alcoholic Liquor Prohibited; Exception; Sale to Intoxicated Individual Prohibited; Inadmissibility of Breathalyzer or Blood Alcohol Test Results.

Sec. 1025. (1) Except as otherwise provided in subsection (3), and subject to subsection (2), a vendor shall not give away any alcoholic liquor of any kind or description at any time in connection with his or her business, except a vendor that is a manufacturer for consumption on the premises only. (2) Subsection (1) does not prevent any of the following: (a) A vendor of spirits, brewer, mixed spirit drink manufacturer, wine maker, small wine maker, outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink, or a bona fide market research organization retained by 1 of the persons named in this subdivision, from conducting samplings or tastings of an alcoholic liquor product before it is approved for sale in this state, if the sampling or tasting is conducted pursuant to prior written approval of the commission. (b) A person from conducting any sampling or tasting authorized by rule of the commission. (c) The holder of a farmer's market permit from conducting a tasting authorized under section 415. (d) A person from conducting any sampling or tasting authorized under section 537. (e) A retailer licensed for consumption on the premises from conducting a sampling authorized under section 1027(2). (f) A person from conducting a sampling at a consumer sampling event authorized under section 1027(4) and (5). (g) A class A or B hotel designed to attract and accommodate tourists and visitors in a resort area from giving away alcoholic liquor to an invitee or guest in connection with a business event or as a part of a room special or promotion for overnight accommodations. (3) A wholesaler or manufacturer may give samples of beer or wine to an employee of the wholesaler if all of the following conditions are met: (a) The sampling is for the purpose of educating the employee regarding the beer or wine. (b) The employee is at least 21 years of age. (c) The sampling takes place on the licensed premises of the wholesaler. (4) A vendor shall not sell an alcoholic liquor to an individual in an intoxicated condition. (5) Evidence of any breathalyzer or blood alcohol test results obtained in a licensed establishment, or on property adjacent to the licensed premises and under the control or ownership of the licensee, is not admissible to prove a violation of this section, section 707(1), (2), (3), or (4), or section 801(1). To establish a violation of this section, section 707(1), (2), (3), or (4), or section 801(1), the individual's intoxicated condition at the time of the sale or consumption of alcohol must be proven by direct observation by law enforcement or commission enforcement personnel or through other admissible witness statements or corroborating evidence obtained as part of the standard investigation other than breathalyzer or blood alcohol test results. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2002, Act 725, Imd. Eff. Dec. 30, 2002 ;-- Am. 2008, Act 11, Imd. Eff. Feb. 29, 2008 ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2017, Act 88, Imd. Eff. July 12, 2017 ;-- Am. 2019, Act 131, Imd. Eff. Nov. 21, 2019

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2027 - Samplings or Tastings of Alcoholic Liquor; Consumption on Premises; Holding of Consumer Sampling Event; Violation; Rule or Order; Sampling for Other Than Commercial Purpose; Written Agreement; Definitions.

Sec. 1027. (1) Unless otherwise provided by rule of the commission, a person shall not conduct samplings or tastings of any alcoholic liquor for a commercial purpose except at premises that are licensed by the commission for the sale and consumption of alcoholic liquor on the premises. (2) Notwithstanding section 1025(1) or (2), a retailer licensed by the commission for consumption on the premises may allow customers to sample beer, wine, and spirits if the retailer does not charge for the samples provided to customers. Sample serving sizes must not exceed 3 ounces for beer, 2 ounces for wine, and 1/2 ounce for spirits. A customer must

not be provided more than 2 samples within a 24-hour period per licensed premises. (3) This section does not prohibit any of the following: (a) A vendor of spirits, brewer, wine maker, mixed spirit drink manufacturer, small wine maker, outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink, or a bona fide market research organization retained by 1 of the persons named in this subsection, from conducting samplings or tastings of an alcoholic liquor product before it is approved for sale in this state if the sampling or tasting is conducted under prior written approval of the commission. (b) An on-premises licensee from giving a sampling or tasting of alcoholic liquor to an employee of the licensee during the legal hours for consumption for the purpose of educating the employee regarding 1 or more types of alcoholic liquor if the employee is at least 21 years of age. (c) A small distiller licensee from giving a sampling or tasting of brands it manufactures on the licensed premises or an off-site tasting facility operated by that small distiller. (d) A micro brewer, brewpub, or on-premises licensee from allowing the sampling and consumption on the licensed premises of beer, wine, mead, honey-based beer, or cider produced by 1 or more home brewers at a meeting of home brewers, or a club composed primarily of home brewers, under the following circumstances: (i) The sampling or consumption is for the purpose of exhibitions or competitions involving home brewers. (ii) The beer, honey-based beer, or cider is served in portions that do not exceed 3 ounces. The wine or mead is served in portions that do not exceed 2 ounces. (iii) The beer, wine, mead, honey-based beer, or cider produced by the home brewer is only consumed by the home brewer, the home brewer's family, a club member, a judge, or a guest speaker and is not sold to members of the general public. (iv) The participants in the sampling or consumption otherwise comply with applicable state and federal law and applicable regulatory provisions of this act and rules adopted by the commission under this act. (v) The participants in the sampling or consumption are not charged for the sampling or consumption of the beer, wine, mead, honey-based beer, or cider. (4) A vendor of spirits or a manufacturer may conduct a consumer sampling event on the premises of a holder of a specially designated distributor license upon submission of a completed application to the commission. (5) The holder of a consumer sampling event license shall comply with the following: (a) The commission must be notified in writing a minimum of 10 working days before the event with the date, time, and location of the event. (b) The consumer sampling event is limited to 3 events per vendor of spirits or manufacturer per specially designated distributor license per month. (c) The vendor of spirits or manufacturer conducting the consumer sampling event must have a licensed representative present at the specially designated distributor's establishment. (d) Licensed representatives or an authorized representative may distribute merchandise, not to exceed $100.00 in value, to consumers 21 years of age or older during the event. (e) Participating specially designated distributor licensees do not receive any fee or other valuable consideration for participating in the event. (f) Each consumer is limited to 3 samples, which total no more than 1/3 ounce of spirits per serving. (g) The consumer is not charged for and does not purchase any sample. (h) The alcoholic liquor used in the consumer sampling event is provided by the vendor of spirits or manufacturer, and purchased at the minimum retail selling price fixed by the commission from the specially designated distributor on whose premises the event is located. The vendor of spirits or manufacturer shall remove any unfinished product from the premises at which the event is held upon completion of the event. (i) The consumer sampling event is not allowed if the sale of alcoholic liquor is otherwise prohibited on the premises at which the event is conducted. (j) Samples are not offered to, or allowed to be consumed by, any person under the legal age for consuming alcoholic liquor. (k) A consumer sampling event may be advertised in any type of media and the advertisements may include the date, time, location, and other information regarding the event. (l) The participating vendor of spirits or manufacturer and specially designated distributor licensees complies with this act and commission rules. (m) The vendor of spirits or manufacturer demonstrates that the individual actually conducting the sampling has successfully completed the server training program in the manner provided for in section 906 and rules promulgated by the commission. (6) Violation of this section subjects the vendor of spirits or manufacturer to the sanctions and penalties as provided for under this act. (7) The commission, by rule or issuance of an order, may further define eligibility for licensure and processes for conducting consumer sampling events. (8) A sampling or tasting of any alcoholic liquor in a home or domicile for other than a commercial purpose is not subject to this section. (9) Before a micro brewer, brewpub, or on-premises licensee allows an event to be held under subsection (3)(d), the micro brewer, brewpub, or on-premises licensee shall enter into a written agreement with the home brewers or home brewers club stating all of the following: (a) The date and time the event will be held. (b) The location of the event. (c) Either of the following: (i) A statement that the micro brewer, brewpub, or on-premises licensee acknowledges that it is not in control of an unregulated alcoholic beverage at its establishment and agrees to assume liability under section 801(2) for the event. (ii) Proof that the home brewers or home brewers club has obtained a bond or liability insurance equal to that required under section 803(1). (10) As used in this section: (a) "Commercial purpose" means a purpose for which monetary gain or other remuneration could reasonably be expected. (b) "Home brewer" means an individual who manufactures beer, wine, mead, honey-based beer, or cider at his or her dwelling. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2001, Act 46, Imd. Eff. July 23, 2001 ;-- Am. 2008, Act 218, Imd. Eff. July 16, 2008 ;-- Am. 2010, Act 175, Imd. Eff. Sept. 30, 2010 ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2011, Act 219, Imd. Eff. Nov. 10, 2011 ;-- Am. 2019, Act 131, Imd. Eff. Nov. 21, 2019

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2028 - Special License for Spirits Tasting; Qualified Organization; Application; Requirements; Rebate on Purchase of Spirits; Designated Supervisor; Definitions.

Sec. 1028. (1) The commission may issue a special license under this section to a qualified organization conducting a spirits tasting. The application must conform to all of the following: (a) The application must be submitted by a qualified organization. (b) The spirits tasting involves an event having for its primary purpose the showcasing of spirits and the spirits' production and or mixability. (c) The application must be accompanied by a fee of $25.00 per day of the event described in subdivision (b). (2) The

holder of a special license issued under this section shall not allow more than 6 events per calendar year conforming to the requirements of subsection (1). (3) A holder of a special license issued under this section may purchase the spirits for an event described in subsection (1) under R 436.582 of the Michigan Administrative Code. (4) A holder of a special license issued under this section may receive a rebate on the purchase of spirits subject to all of the following: (a) The rebate must be the difference of the purchase price the special licensee paid to the specially designated distributor and the sum of the following: (i) The price the commission paid for the spirits before establishing the price to determine the gross profit under section 233. (ii) Fifteen percent of the price under subparagraph (i). (iii) Specific taxes calculated on the price of the spirits established under section 233. (b) The special licensee shall submit 1 combined request for a rebate by March 1 of each year for all spirit tasting events for which it was issued a special license under this section in the previous calendar year. (c) The special licensee shall submit its request for a rebate on a form prescribed by the commission. The special licensee shall include all of the following information with its request for a rebate: (i) The date or dates of the spirits tasting events for which a rebate is being requested. (ii) The name and license number of the specially designated distributor from which the spirits were purchased. (iii) The purchase price paid per bottle to the specially designated distributor. (iv) The quantity of bottles purchased less any bottles returned under section 609d. (v) The special licensee shall submit a copy of the receipt or invoice that shows the price it paid for the spirits to the specially designated distributor and any products returned under section 609d. (d) By June of each year, the commission shall issue a combined rebate to the special licensee for each of the events in the previous calendar year for which the special licensee submitted a request for a rebate. The rebate for any 1 event must not exceed $10,000.00. (5) A holder of a special license issued under this section and the member vendors of spirits, small distillers, authorized distribution agents, and brokers whose vendor representatives, salespersons, or agents are licensed by the commission, may pour and serve spirits, with or without mixers. (6) A qualified organization shall designate a supervisor on each shift and during all hours when alcoholic liquor is served who has successfully completed a server training program as described in section 906 and in the rules promulgated by the commission. (7) As used in this section: (a) "Qualified organization" is a nonprofit association established for the primary purpose of representing the interests of vendors of spirits, craft distillers, and brokers whose membership includes at least 15 primary members and consists of at least 3 of the following that are licensed by the commission: (i) Vendors of spirits. (ii) Small distillers. (iii) Brokers. As used in this subparagraph, "broker" means that term as defined in section 609. (iv) Authorized distribution agents. (b) "Spirits tasting" means an event at which spirits are showcased to the general public and at which the general public can purchase and sample the spirits being showcased for consumption on the licensed premises. History:Add. 2020, Act 24, Imd. Eff. Feb. 4, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2029 - Packaging of Nonalcoholic Carbonated Beverages With Spirits.

Sec. 1029. (1) The commission, by promulgation of a rule, issuance of an order, or execution of a memorandum of understanding with the department of treasury, or any combination thereof, may allow the conduct by a manufacturer or outstate seller of spirits of a preapproved program for marketing spirits by inclusion of nonalcoholic carbonated beverages to be packaged with spirits. The commission may, in conjunction with the department of treasury, adopt a program that disallows the redemption of returnable containers from the commission but otherwise allows redemption of Michigan-sold returnable containers at other venues, and shall allow for a system of appropriate allocation of funds under 1976 IL 1, MCL 445.571 to 445.576, by means of the issuance of an order or by adoption of a rule. (2) The commission shall provide for a system of non-mail-in or instant coupon transactions that does not diminish the spirit product margins allocated to the state under this act by means of the issuance of an order or by adoption of a rule. History:Add. 2010, Act 175, Imd. Eff. Sept. 30, 2010

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-10 - Chapter 10 (436.2001...436.2031)Section 436.2031 - "Wine Auction License" Defined; Issuance of License; Restrictions; Payment of Taxes; Delivery, Storage, Warehousing, and Delivery of Wine; Sale and Resale of Wine Purchases at Auction.

Sec. 1031. (1) As used in this section, "wine auction license" means a license issued by the commission to sell wine by auction, subject to the following: (a) The wine is sold through an auction by a person that is licensed as a specially designated merchant or through a seller that is a partner with a specially designated merchant, as evidenced by a written agreement of the parties. (b) The owner of the wine is not licensed under this act. (c) The wine is part of a private collection owned by a person that is not licensed under this act. (d) The specially designated merchant ensures that each bottle sold from the private collection has a permanently affixed tag or label stating that the wine was acquired from a private collection. (2) If it receives a completed application and the license fee described in section 525(1)(aa), the commission shall issue a wine auction license to a person licensed as a specially designated merchant, or a seller that is a partner with a specially designated merchant, who is arranging for the sale of wine by an owner that is not licensed under this act. The commission shall issue the license for a term of 1 year. The license allows the licensee to hold not more than 12 auctions per license year. (3) The license restrictions prescribed under this section and under this act are in addition to those requirements and prescriptions imposed by any local law or ordinance, or resolution of the local unit of government. (4) The holder of the wine auction license is responsible for the payment of any applicable sales or excise taxes regarding the sale of the wine by auction. (5) The holder of the wine auction license is responsible for the delivery, storing, and warehousing of the wine offered for sale and for the delivery of the wine to the purchasers. (6) A person that is licensed to sell wine

at wholesale or retail may purchase any wine offered at an auction under this section and may resell that wine in accordance with the terms of the license, if at the time of sale the tag or label remains permanently affixed to the bottle. (7) The sale and resale of wine purchased at auction is subject to this act and any rules of the commission promulgated under this act. History:Add. 2010, Act 175, Imd. Eff. Sept. 30, 2010 ;-- Am. 2014, Act 194, Imd. Eff. June 24, 2014

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-11 - Chapter 11 (436.2101...436.2115)Section 436.2101 - Sale of Spirits and Mixed Spirit Drink for Consumption on Premises; Resolution; Petition; Notice; Submission of Question to Electors; Ballot; Canvass; Effect of Tie Vote; Use of Section to Nullify Referendum Vote Prohibited.

Sec. 1101. (1) Spirits and mixed spirit drink for consumption on the premises, in addition to beer and wine, may be sold by restaurants, hotels, and establishments approved by the commission under this act in the following cities, villages, or townships if the legislative body of the city, village, or township by resolution of a majority vote of the members elect, votes in favor of allowing that sale. A petition may be filed with the city, village, or township clerk requesting the submission of the question of sale of spirits and mixed spirit drink for consumption on the premises, in addition to beer and wine. In the case of a city or township, the petition shall be signed by a number of the registered and qualified electors which shall be not less than 35% of the total number of votes cast for all candidates for the office of secretary of state in that city or township at the last general election held for that purpose. In the case of a village, the petition shall be signed by a number of the registered and qualified electors that is not less than 35% of the total number of votes cast for all candidates for the office of president of the village at the last village election held for that purpose. The question shall not be submitted to the electors of a city, village, or township more often than once in every 2 years. The city, village, or township clerk shall, within 10 days after the petition is filed with the clerk, give notice of the filing by publication of notice setting forth the essential facts of the petition in a newspaper published or in general circulation in the city, village, or township. The city, village, or township clerk shall submit the question at the next regular state election held in the city, village, or township if the petitions are filed at least 60 days before the election. Class C licensees in a newly incorporated city or village shall continue to be licensed by the commission until the question of the sale of spirits and mixed spirit drink for consumption on the premises, in addition to beer and wine, is submitted to the electors of the city or village as provided in this section. The question of the sale of spirits and mixed spirit drink for consumption on the premises, in addition to beer and wine, shall be submitted by ballot in substantially the following form: "Shall the sale of spirits and mixed spirit drink in addition to beer and wine be permitted for consumption on the premises within the city, village, or township of ..... under the provisions of the law governing same? Yes ..... No .....". (2) All votes on the question submitted by ballot under subsection (1) shall be taken, counted, and canvassed in the same manner as votes cast in city, village, or township elections, as applicable, are taken, counted, and canvassed. Ballots shall be furnished by the election commission or similar body of the respective city, village, or township. If a majority of the electors voting at an election conducted under this section shall vote in favor of the question submitted by ballot under subsection (1), spirits and mixed spirit drink may be sold under this act in that city, village, or township for consumption on the premises, in addition to beer and wine. (3) At any time within 18 months after an election conducted under this section has resulted in a tie vote, the question shall be resubmitted to the electors upon the filing of a petition with the legislative body of the city, village, or township. The petition shall be signed by a number of electors not less than that required under subsection (1) for the calling of an election on an original petition. The question shall be resubmitted to the electors by the city, village, or township clerk at the next regular election if that election occurs not less than 30 days and not more than 60 days after the filing of the petition or at a special election called for that purpose and to be held within not less than 30 days and not more than 60 days after the filing of the petition. (4) This section shall not be used by the legislative body of a city, village, or township to nullify the results of a referendum vote of the electors of the city, village, or township. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-11 - Chapter 11 (436.2101...436.2115)Section 436.2101a - Violation of MCL 168.1 to 168.992 Applicable to Petitions; Penalties.

Sec. 1101a. A petition under section 1101, 1107, 1111, or 1113, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. History:Add. 1998, Act 251, Eff. Mar. 23, 1999

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-11 - Chapter 11 (436.2101...436.2115)Section 436.2103 - Sale of Spirits and Mixed Spirit Drink for Consumption on Premises; Annexation of Territory to City Prohibiting Sale; Continuance of License; Referendum.

Sec. 1103. (1) If spirits and mixed spirit drink for consumption on the premises, in addition to beer and wine, may be sold by restaurants, hotels, and establishments approved by the commission in a city, village, or township and all or a part of that city, village, or township becomes annexed to and a part of a city or village that does not, at the time of annexation, permit those sales, class C licensees in that annexed area shall continue to be licensed by the commission until the next regular, city, or village election, at which election, without the need to file a petition, the question of the sale of spirits and mixed spirit drink for consumption on the premises, in addition to beer and wine, shall be submitted to the electors of the city or village to which the territory has been

annexed. (2) The form of the ballot, the voting and canvassing of votes, and the effect of the votes shall be as provided in section 1101. (3) The fact that a vote has been taken upon that question either in the annexing municipality or in the annexed area, or in both, within 4 years before the annexation is not a bar to the submission of the question as provided in this section. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-11 - Chapter 11 (436.2101...436.2115)Section 436.2105 - Sale of Spirits and Mixed Spirit Drink for Consumption on Premises; Referendum; License to Serve Spirits in Addition to Beer and Wine for Consumption on Premises; Application; Approval; Fee; Referendum in Certain Townships.

Sec. 1105. (1) When the question of the sale of spirits and mixed spirit drink for consumption on the premises is submitted to and approved by the electors of a city, village, or township, and immediately after certification of the results of the election, all currently approved licensed establishments for consumption of beer and wine on the premises in the city, village, or township shall be licensed to serve spirits and mixed spirit drink in addition to beer and wine for consumption on the premises upon application to and approval by the commission and payment of the applicable license fee as specified in section 525. (2) A township having incorporated villages within its boundaries may submit to the voters in the unincorporated portion of the township the question of sale of spirits and mixed spirit drink for consumption on the premises and the will of the electors outside of the incorporated villages shall decide the question for the unincorporated portion of the township. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-11 - Chapter 11 (436.2101...436.2115)Section 436.2107 - Manufacture and Sale of Alcoholic Liquor; County Option; Form of Ballot; Notice of Prohibition.

Sec. 1107. (1) Upon the filing with the county clerk of a petition signed by not less than 20% of the registered and qualified electors of any county of the entire vote cast for the office of secretary of state in that county at the last general election requesting the submission to the electors of that county of the question of the manufacture or sale of alcoholic liquor, or both, within that county, the county clerk shall submit the question at the next regular state election held in that county. A petition filed under this subsection shall be filed at least 60 days before the election. A ballot question under this subsection shall not be submitted to the electors more often than once in any 4-year period. (2) All votes on the question shall be taken, counted, and canvassed in the same manner as votes cast for county offices are taken, counted, and canvassed. The vote on that question shall be by ballot, which ballots shall be furnished by the board of election commissioners of the county and shall be substantially in 1 of the following forms: "1. Shall the manufacture of alcoholic liquor be prohibited in the county of .....? Yes ..... No ..... 2. Shall the sale of alcoholic liquor be prohibited in the county of .....? Yes ..... No ..... 3. Shall the manufacture and sale of alcoholic liquor be prohibited in the county of .....? Yes ..... No .....". (3) The effective date of the prohibition of the manufacture or sale, or both, as applicable, shall be 30 days after the board of county canvassers has determined that a majority of those voting on that question have voted in favor of the prohibition. The county clerk shall give notice of the effective date of the prohibition by publishing the date at least once in a newspaper published in that county or, if no newspaper is published within the county, in a newspaper published in an adjoining county. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-11 - Chapter 11 (436.2101...436.2115)Section 436.2109 - Ordinance Prohibiting Retail Sale of Alcoholic Liquor; Adoption; Duration; Election; Affirmance or Revocation; Prohibition.

Sec. 1109. (1) Notwithstanding section 1101, a city, village, or township in which there are no retail licenses for the sale of alcoholic liquor may, by ordinance, prohibit the retail sale of alcoholic liquor within its borders. (2) An ordinance adopted under subsection (1) remains in effect until the next general or special election held not less than 45 days after the adoption of the ordinance. At that election, the ordinance shall be submitted to the electors of the city, village, or township for affirmance or revocation. A revocation of the ordinance is effective on the date the election results are certified. (3) The commission shall not issue a license that violates an ordinance adopted under subsection (1). History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-11 - Chapter 11 (436.2101...436.2115)Section 436.2111 - Sunday Sale of Beer and Wine During Certain Hours; Circumstances for Prohibiting.

Sec. 1111. (1) The sale of beer and wine between the hours of 7 a.m. on Sunday and 2 a.m. on Monday is allowed. Except as otherwise provided in subsection (6), a county, city, village, or township may prohibit the sale of beer and wine between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday under the following circumstances: (a) By majority vote of the legislative body voting on the resolution to make such an authorization. Failure of the legislative body to act on such an authorization is grounds for the petitioning of the county, city, village, or township for submission of the question to the voters of the county, city, village, or township under subsection (2). (b) By submission of a petition under subsection (2) by a majority vote of the electors voting at a regular state election. (2) Upon the filing of a petition with the county, city, village, or township clerk, by a majority of the electors voting at a regular state election within that county, village, city, or

township, as applicable, requesting the submission of the question of the Sunday morning sale of beer and wine or the Sunday sale of beer and wine, the clerk shall submit that question to the electors of the county, city, village, or township at the next regular state election held in that county, city, village, or township. A petition filed under this subsection shall be filed not less than 60 days before the regular state election. A ballot question under this subsection shall not be submitted more often than once in any 4-year period. (3) In the case of a county, city, or township, the petition shall be signed by a number of the registered and qualified electors of the county, city, or township that is not less than 35% of the total number of votes cast for all candidates for the office of secretary of state in that county, city, or township at the last general election held for that purpose and, in the case of a village the petition shall be signed by a number of the registered and qualified electors of the village that is not less than 35% of the total number of votes cast for all candidates for the office of president of the village at the last village election held for that purpose. (4) The question of the sale of beer and wine shall be submitted by ballot in substantially the following forms: (a) For the sale between the hours of 7 a.m. and 12 noon on Sunday: "Shall the sale of beer and wine within (the county, city, village, or township as the case may be) between the hours of 7 a.m. and 12 noon on Sunday be prohibited? Yes ..... No .....". (b) For the sale between the hours of 7 a.m. on Sunday and 2 a.m. on Monday: "Shall the sale of beer and wine within (the county, city, village, or township as the case may be) between the hours of 7 a.m. on Sunday and 2 a.m. on Monday be prohibited? Yes ..... No .....". (5) Votes on a question submitted to the electors under this section shall be taken, counted, and canvassed in the same manner as votes cast in county, city, village, or township elections, as applicable, are taken, counted, and canvassed. Ballots shall be furnished by the election commission or similar body of the respective county, city, village, or township. If a majority of the electors voting at an election conducted under this section vote in favor of the question submitted, the sale of beer and wine within that county, city, village, or township between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday is prohibited. (6) The sale of beer and wine in any county between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday shall not be prohibited under the provisions of subsections (1) through (5) as applied to a motorsports entertainment complex located in more than 1 county if a resolution or referendum under this section results in the question's failing to pass in 1 county but passing in another. Under these circumstances, the commission shall determine the issue of the sale of beer and wine in the motorsports entertainment complex in those counties between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. As used in this section, "motorsports entertainment complex" means a closed-course motorsports facility, and its ancillary grounds and facilities, that satisfies all of the following: (a) Has at least 70,000 fixed seats for race patrons. (b) Has at least 4 scheduled days of motorsports events each calendar year. (c) Serves food and beverages at the motorsports entertainment complex during motorsports events each calendar year through concession outlets, which are staffed by individuals who represent or are members of 1 or more nonprofit civic or charitable organizations that directly benefit from the concession outlets' sales. (d) Engages in tourism promotion. (e) Has permanent exhibitions of motorsports history, events, or vehicles within the motorsports entertainment complex. (7) Any prohibitions on the sale of beer and wine between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday adopted by a county, city, village, or township before the effective date of the amendatory act that added this subsection shall remain in effect. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2010, Act 213, Eff. Dec. 1, 2010 ;-- Am. 2011, Act 27, Imd. Eff. May 16, 2011

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-11 - Chapter 11 (436.2101...436.2115)Section 436.2113 - Selling at Retail, or Buying Spirits or Mixed Spirit Drink on Sunday; Sale of Spirits or Mixed Spirit Drink for Consumption on or Off Premises on Sunday; Resolution; Petition; Election; Form of Ballot; Voting; Violation as Misdemeanor; Exception; Selling and Buying Alcoholic Liquor From December 24 to 26; Legislative Bodies Authorized to Prohibit Sale of Alcoholic Liquor on Certain Days; "Motorsports Entertainment Complex" Defined.

Sec. 1113. (1) Except as provided in subsection (2), (3), or (5) and subject to subsection (6), a licensee enumerated under section 525 may sell at retail, and a person may buy, spirits or mixed spirit drink between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. (2) Unless the legislative body of a county has prohibited the sale of spirits and mixed spirit drink for consumption on the premises between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday, by resolution approved by a majority of the legislative body voting on that resolution, spirits and mixed spirit drink may be sold after 7 a.m. on Sunday, in an establishment licensed under this act in which the gross receipts derived from the sale of food and other goods and services exceed 50% of the total gross receipts. With respect to an action taken by the legislative body or if the legislative body fails to act, a petition may be filed with the county clerk requesting the submission of the question regarding the prohibition of the sale of spirits and mixed spirit drink for consumption on the premises between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. The petition shall be signed by a number of the registered and qualified electors of the county that is not less than 8% of the total number of votes cast for all candidates for the office of secretary of state in the county at the last general election held for that purpose. The question shall not be submitted to the electors of a county more than once every 4 years. The county clerk shall submit the question at the next regular state election held in the county if the petitions are filed not less than 60 days before the election. The question regarding the prohibition of the sale of spirits and mixed spirit drink for consumption on the premises shall be submitted by ballot in substantially the following forms: (a) For the sale between the hours of 7 a.m. and 12 noon on Sunday: "Shall the sale of spirits and mixed spirit drink for consumption on the premises be prohibited between the hours of 7 a.m. and 12 noon on Sunday within the county of ..... under the provisions of the

law governing the sale of spirits and mixed spirit drink for consumption? Yes ..... No ..... ". (b) For the sale between the hours of 7 a.m. on Sunday and 2 a.m. on Monday: "Shall the sale of spirits and mixed spirit drink for consumption on the premises be prohibited between the hours of 7 a.m. on Sunday and 2 a.m. on Monday within the county of ..... under the provisions of the law governing the sale of spirits and mixed spirit drink for consumption? Yes ..... No ..... ". (3) Unless the legislative body of a county has prohibited the sale of spirits and mixed spirit drink for consumption off the premises between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday by resolution approved by a majority of the legislative body voting on the resolution, spirits and mixed spirit drink may be sold after 7 a.m., in a retail establishment licensed under this act. With respect to an action taken by the legislative body or if the legislative body fails to act, a petition may be filed with the county clerk requesting the submission of the question regarding the prohibition of the sale of spirits and mixed spirit drink for consumption off the premises, in addition to beer and wine, in a retail establishment licensed under this act between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. The petition shall be signed by a number of the registered and qualified electors of the county that is not less than 8% of the total number of votes cast for all candidates for the office of secretary of state in the county at the last general election held for that purpose. The question shall not be submitted to the electors of a county more than once every 4 years. The county clerk shall submit the question at the next regular state election held in the county if the petitions are filed not less than 60 days before the election. The question regarding the prohibition of the sale of spirits and mixed spirit drink for consumption off the premises, in addition to beer and wine, in a retail establishment licensed under this act shall be submitted by ballot in substantially the following forms: (a) For the sale between the hours of 7 a.m. and 12 noon on Sunday: "Shall the sale of spirits and mixed spirit drink for consumption off the premises be prohibited between the hours of 7 a.m. and 12 noon on Sunday in a retail establishment licensed under the Michigan liquor control code of 1998 within the county of ..... under the provisions of the law governing the sale of spirits and mixed spirit drink for consumption? Yes ..... No .....". (b) For the sale between the hours of 7 a.m. on Sunday and 2 a.m. on Monday: "Shall the sale of spirits and mixed spirit drink for consumption off the premises be prohibited between the hours of 7 a.m. on Sunday and 2 a.m. on Monday in a retail establishment licensed under the Michigan liquor control code of 1998 within the county of ..... under the provisions of the law governing the sale of spirits and mixed spirit drink for consumption? Yes ..... No .....". (4) Votes on a question submitted to the electors under this section shall be taken, counted, and canvassed in the same manner as votes cast in county elections are taken, counted, and canvassed. A ballot shall be furnished by the election commission or similar body of the county. If a majority of the electors voting at an election vote in favor of the proposal, the sale of spirits and mixed spirit drink may be prohibited in the county under this act for consumption on the premises or by a retail establishment for consumption off the premises, in addition to beer and wine, between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. The sale of spirits and mixed spirit drink shall not be permitted in a city, village, or township in which the sale of spirits and mixed spirit drink is prohibited under this act. A violation of this section is a misdemeanor. This section does not apply to spirits and mixed spirit drink served to a bona fide guest in the residence of a person or sold or furnished for medicinal purposes as provided for in this act. (5) A licensee enumerated under section 525 or any other person shall not sell at retail, and a person shall not knowingly and willfully buy, alcoholic liquor between the hours of 11:59 p.m. on December 24 and 12 noon on December 25. The legislative body of a city, village, or township, by resolution or ordinance, may prohibit the sale of alcoholic liquor on a legal holiday, primary election day, general election day, municipal election day, between the hours of 7 a.m. and 12 noon on Sunday, or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. (6) The sale of spirits or mixed spirit drink in any county between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday shall not be prohibited under the provisions of subsections (1) through (5) as applied to a motorsports entertainment complex located in more than 1 county if a resolution or referendum under this section results in the question's failing to pass in 1 county but passing in another. Under those circumstances, the commission shall determine the issue of the sale of spirits and mixed spirit drink in the motorsports entertainment complex in those counties between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. As used in this section, "motorsports entertainment complex" means a closed-course motorsports facility, and its ancillary grounds and facilities, that satisfies all of the following: (a) Has at least 70,000 fixed seats for race patrons. (b) Has at least 4 scheduled days of motorsports events each calendar year. (c) Serves food and beverages at the motorsports entertainment complex during motorsports events each calendar year through concession outlets, which are staffed by individuals who represent or are members of 1 or more nonprofit civic or charitable organizations that directly benefit from the concession outlets' sales. (d) Engages in tourism promotion. (e) Has permanent exhibitions of motorsports history, events, or vehicles within the motorsports entertainment complex. (7) Any prohibitions on the sale of alcoholic liquor between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday adopted by a county, city, village, or township before the effective date of the amendatory act that added this subsection shall remain in effect. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998 ;-- Am. 2004, Act 134, Imd. Eff. June 7, 2004 ;-- Am. 2010, Act 213, Eff. Dec. 1, 2010 ;-- Am. 2011, Act 27, Imd. Eff. May 16, 2011

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-11 - Chapter 11 (436.2101...436.2115)Section 436.2114 - Selling, Giving Away, Furnishing, or Buying Alcoholic Liquor or Spirits on Any Day; Annual Fee.

Sec. 1114. (1) Notwithstanding R 436.1403 and R 436.1503 of the Michigan administrative code and except as otherwise provided under this act or rule of the commission, an on-premises and an off-premises licensee shall not sell, give away, or furnish alcoholic

liquor between the hours of 2 a.m. and 7 a.m. on any day. (2) Subsection (1) does not prevent any local governmental unit from prohibiting the sale of beer and wine between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday under section 1111 and does not prevent any local governmental unit from prohibiting the sale of spirits and mixed spirit drink between the hours of 7 a.m. and 12 noon on Sunday or between the hours of 7 a.m. on Sunday and 2 a.m. on Monday under section 1113. A licensee selling alcoholic liquor between 7 a.m. and 12 noon on Sunday shall obtain a permit and pay to the commission an annual fee of $160.00. (3) A reference to the time of day under this act or a rule of the commission includes daylight savings time, when observed. History:Add. 2004, Act 134, Imd. Eff. June 7, 2004 ;-- Am. 2010, Act 213, Eff. Dec. 1, 2010 ;-- Am. 2011, Act 27, Imd. Eff. May 16, 2011

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-11 - Chapter 11 (436.2101...436.2115)Section 436.2115 - Sale of Spirits or Mixed Spirit Drink on Sunday; Additional Fee; Disposition of Revenue.

Sec. 1115. (1) A licensee who elects to sell spirits or mixed spirit drink between the hours of 12 noon on Sunday and 2 a.m. on Monday under section 1113 shall not do so until he or she first obtains a permit and pays to the commission an additional fee in the amount of 15% of the fee charged for the issuance of his or her license. (2) The revenue received from subsection (1) for the sale of spirits or mixed spirit drink between 12 noon on Sunday and 2 a.m. on Monday shall be deposited with the state treasurer in a special fund to be used only by the department of public health in programs for the treatment of alcoholics. Any other revenue resulting from the additional $160.00 license fee as described in section 1114 for sales of alcoholic liquor permitted under sections 1111 and 1113 shall be deposited into the general fund. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2010, Act 213, Eff. Dec. 1, 2010

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-12 - Chapter 12 (436.2201...436.2207)Section 436.2201 - Imposition of Tax; Levy; Collection; Computations; Deposit of Proceeds; Secondary Road Patrol and Training Fund; General Fund; Inventory.

Sec. 1201. (1) In addition to any taxes imposed by law, there is imposed and levied upon and collected a specific tax equal to 4% of the retail selling price of spirits. The commission shall collect the tax at the time of sale by the commission. For a sale to a licensee, the tax must be computed on the retail selling price established by the commission under section 233 without allowance of discount under section 233. (2) Upon collection of the tax under subsection (1), the commission shall deposit the entire proceeds in the state treasury. In each fiscal year, $15,000,000.00 of the proceeds deposited in the state treasury must be allocated to the secondary road patrol and training fund created in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, and any remaining proceeds to the credit of the general fund. For the fiscal year ending September 30, 2024, and each subsequent fiscal year, the state treasurer shall adjust the dollar amount under this subsection by the percentage increase in the Detroit Consumer Price Index for the preceding calendar year and round to the nearest $100.00 increment. As used in this subsection, "Detroit Consumer Price Index" means the most comprehensive index of consumer prices available for the Detroit area from the United States Department of Labor, Bureau of Labor Statistics. (3) If this section is repealed, every licensee, who has on hand any spirits on the effective date of the repeal, shall file a complete inventory of those spirits with the commission within 20 days after the repeal. The commission shall credit to the licensee an amount equal to 4% of the retail selling price of those spirits on future purchases of spirits from the commission. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2022, Act 190, Imd. Eff. Sept. 27, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-12 - Chapter 12 (436.2201...436.2207)Section 436.2203 - Imposition of Tax; Levy; Collection; Computation; Deposit of Proceeds; State School Aid Fund.

Sec. 1203. (1) In addition to any and all taxes imposed by law, there is imposed, levied upon, and collected a specific tax equal to 4% retail selling price of spirits. The tax shall be collected by the commission at the time of sale by the commission. In the case of sales to licensees, the tax shall be computed on the retail selling price established by the commission without allowance of discount. (2) Upon collection, the commission shall deposit the entire proceeds in the state treasury, to the credit of the state school aid fund established by sections 8, 10, and 11 of article IX of the state constitution. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-12 - Chapter 12 (436.2201...436.2207)Section 436.2207 - Legislative Findings and Declarations; Programs to Promote Tourism and Convention Business; Acquisition of Convention Facilities; Imposition of Tax on Spirits for Consumption Off Premises; Deposit of Proceeds; Convention Facility Development Fund.

Sec. 1207. (1) The legislature finds and declares that there exists in this state a continuing need for programs to promote tourism and convention business in order to assist in the prevention of unemployment and the alleviation of the conditions of unemployment, to preserve existing jobs, and to create new jobs to meet the employment demands of population growth. In order to achieve these purposes, it is necessary to assist and encourage local units of government to acquire, construct, improve, enlarge, renew, replace, repair, furnish, and equip convention facilities and the real property on which they are located. (2) In addition to any other taxes imposed by law, there is imposed, levied upon, and collected a specific tax equal to 4% of the retail selling price of spirits for

consumption on the premises. The tax shall be collected by the commission at the time of sale by the commission. In the case of sales to licensees, the tax shall be computed on the retail selling price established by the commission without allowance of discount. (3) In addition to any other taxes imposed by law, there is imposed, levied upon, and collected a specific tax equal to 4% of the retail selling price of spirits for consumption off the premises. The tax shall be collected by the commission at the time of the sale by the commission. (4) Upon collection, the commission shall deposit the proceeds of the taxes imposed pursuant to subsections (2) and (3) in the state treasury to the credit of the convention facility development fund created by the state convention facility development act, 1985 PA 106, MCL 207.621 to 207.640, for distribution and use only in the manner and for the purposes stated in that act. (5) The tax imposed by this act shall not be levied during any period in which the tax imposed pursuant to the state convention facility development act, 1985 PA 106, MCL 207.621 to 207.640, is not levied. (6) This section shall not be construed as making appropriations. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-13 - Chapter 13 (436.2301...436.2303)Section 436.2301 - Repeal of Acts and Parts of Acts.

Sec. 1301. The following acts and parts of acts are repealed: (a) The Michigan liquor control act, 1933 (Ex Sess) PA 8, MCL 436.1 to 436.58. (b) 1959 PA 94, MCL 436.101 to 436.103. (c) 1962 PA 218, MCL 436.121 to 436.125. (d) 1972 PA 213, MCL 436.131 to 436.133. (e) The tourism and convention facility promotion tax act, 1985 PA 107, MCL 436.141 to 436.148. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-13 - Chapter 13 (436.2301...436.2303)Section 436.2303 - Prior Acts or Rights; Rules; Predecessor Commission; Editorial Changes; References to Act.

Sec. 1303. (1) This act does not impair or affect any act done, offense committed or right accruing, accrued or acquired, or penalty, forfeiture or punishment incurred prior to the time this act takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if this act had not been passed. (2) When the commission is directed or authorized to promulgate rules by this act and rules exist on the date the requirement to promulgate rules takes effect, which rules the commission believes adequately cover the matter, the commission may determine that new rules are not required or may delay the promulgation of new rules until the commission considers it advisable. Those rules promulgated under former act 1933 (Ex Sess) PA 8 and in effect on the effective date of this act shall remain in effect until rescinded or otherwise changed according to law, as provided for in section 31 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.231. (3) In the case of the commission created pursuant to this act which was preceded by a commission with the same or similar name and functions, members of the predecessor commission shall continue in office for the duration of the terms of office for which they were appointed and with the new members appointed shall constitute the new commission. Members shall be appointed under this act only as terms of the former members expire or vacancies occur. Members of the predecessor commission may be appointed to the new commission to succeed themselves subject to the limits for any total period of service that may be set forth in this act. (4) It is the intention of the legislature that editorial changes in the language of the statutes recodified in this act not be construed as changes to the meanings of those statutes. (5) A reference in any other law to the Michigan liquor control act, 1933 (Ex Sess) PA 8, being MCL 436.1 to 436.58, is considered to be a reference to this act. (6) A reference to a provision in former 1933 (Ex Sess) PA 8 is considered to be a reference to the successor provision in this act. A reference in any application, document, authorization, order, license, or other document issued or provided by the commission or its authorized agent to former 1933 (Ex Sess) PA 8 is considered to be a reference to this act. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1201 - Alcoholic Liquor; Manufacture, Sale, Possession, or Transportation Lawful; Terms, Conditions, Limitations, and Restrictions; Right, Power, and Duty of Commission to Control Alcoholic Beverage Traffic and Traffic in Other Alcoholic Liquor; Unreasonable Discrimination Against Michigan Manufacturers Prohibited; Enforcement of Act and Rules; Willful Neglect or Refusal of Officer to Perform Duties as Misdemeanor; Penalty.

Sec. 201. (1) On and after December 15, 1933, it shall be lawful to manufacture for sale, sell, offer for sale, keep for sale, possess, or transport any alcoholic liquor, as defined in this act, including alcoholic liquor used for medicinal, mechanical, chemical, or scientific purposes and wine used for sacramental purposes, subject to the terms, conditions, limitations, and restrictions contained in this act, and only as provided for in this act. (2) Except as otherwise provided in this act, the commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof. (3) A rule, regulation, or order made by the commission shall not unreasonably discriminate against Michigan manufacturers of alcoholic liquor. (4) A peace officer or law enforcement officer of this state or a county, township, city, village, state university, or community college or an inspector of the commission is authorized, and it is the duty of each of them, to enforce the provisions of this act and the rules promulgated by the commission within his or her respective jurisdiction. It is the special duty of an officer described in this section to use his or her utmost efforts to repress and prevent crime and the violation of any of the provisions of this act. An officer described in this section who willfully neglects or refuses to perform the duties imposed upon him or her by this section is guilty of a misdemeanor and upon conviction shall be fined

not more than $500.00 or imprisoned in the county jail not more than 90 days, or both. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1203 - Sale, Delivery, or Importation of Alcoholic Liquor or Wine; Duties of Direct Shipper of Wine; Common Carrier; Verification That Individual Accepting Delivery Is 21 Years of Age or Older; Original Purchase and Importation Into State of Spirits for Sale, Use, Storage, or Distribution; Requirements; Exceptions; Direct Shipper License Required; Application; Fee; Violation; Delivery of Beer and Wine to Home or Designated Location of Consumer; Holder of Specially Designated Merchant License; Sale or Delivery of Spirits by Qualified Small Distiller Requirements; Delivery or Sale of Beer, Wine, Mixed Spirit Drink, or Spirits by Third Party Facilitator; Reports; Retention of Books, Records, and Documents; Disclosure; Definitions.

Sec. 203. (1) Except as provided in this section and section 301, a person shall not sell, deliver, or import alcoholic liquor, including alcoholic liquor for personal use, in this state unless the sale, delivery, or importation is made by the commission, the commission's authorized agent or distributor, an authorized distribution agent approved by order of the commission, a person licensed by the commission, or by prior written order of the commission. (2) Notwithstanding R 436.1011(7)(b) and R 436.1527 of the Michigan Administrative Code and except as provided in subsections (3), (12), (13), (14), (15), and (16), a retailer shall not deliver alcoholic liquor to a consumer in this state at the home or business of the consumer or at any location away from the licensed premises of the retailer. The purpose of this subsection is to exercise this state's authority under section 2 of Amendment XXI of the Constitution of the United States, to maintain the inherent police powers to regulate the transportation and delivery of alcoholic liquor, and to promote a transparent system for the transportation and delivery of alcoholic liquor. The regulation described in this subsection is considered necessary for both of the following reasons: (a) To promote the public health, safety, and welfare. (b) To maintain strong, stable, and effective regulation by having beer and wine sold by retailers to consumers in this state by passing through the 3-tier distribution system established under this act. (3) For purposes of subsection (1), a qualified retailer that holds a specially designated merchant license located in this state may use a common carrier to deliver beer, wine, and mixed spirit drink to a consumer in this state. A qualified retailer that holds a specially designated distributor license located in this state may use a common carrier to deliver spirits to a consumer in this state. A qualified retailer that uses a common carrier to deliver beer, wine, mixed spirit drink, or spirits to a consumer under this subsection shall comply with all of the following: (a) Pay any applicable taxes to the commission and pay any applicable taxes to the department of treasury as directed by the department of treasury. On the request of the department of treasury, a qualified retailer shall furnish an affidavit to verify payment. (b) Comply with all laws of this state, including, but not limited to, the prohibition on sales to minors. (c) Verify the age of the individual placing the order by obtaining from him or her a copy of a photo identification issued by this state, another state, or the federal government or by using an identification verification service. The person receiving and accepting the order on behalf of the qualified retailer shall record the name, address, date of birth, and telephone number of the individual placing the order on the order form or other verifiable record of a type and generated in a manner approved by the commission and provide a duplicate to the commission. (d) On request of the commission, make available to the commission any document used to verify the age of the individual ordering or receiving the beer, wine, mixed spirit drink, or spirits from the qualified retailer. (e) Stamp, print, or label on the outside of the shipping container that the package "Contains Alcohol. Must be delivered to a person 21 years of age or older.". The recipient at the time of the delivery shall provide identification verifying his or her age and sign for the delivery. (f) Place a label on the top panel of the shipping container containing the name and address of the individual placing the order and the name of the designated recipient if different from the name of the individual placing the order. (g) For a qualified retailer that has been issued licenses at 2 or more locations, the shipment of the beer, wine, mixed spirit drink, or spirits must be fulfilled from the location nearest to the consumer unless that location does not have the beer, wine, mixed spirit drink, or spirits ordered in stock. (4) For purposes of subsection (1), a direct shipper may sell, deliver, or import wine to consumers in this state by means of any mail order, internet, telephone, computer, device, or other electronic means, or sell directly to a consumer on the winery premises. A direct shipper that sells, delivers, or imports wine to a consumer under this subsection shall comply with all of the following: (a) Hold a direct shipper license. (b) Pay any applicable taxes to the commission and pay any applicable taxes to the department of treasury as directed by the department of treasury. On the request of the department of treasury, a direct shipper shall furnish an affidavit to verify payment. (c) Comply with all laws of this state, including, but not limited to, the prohibition on sales to minors. (d) Verify the age of the individual placing the order by obtaining from him or her a copy of a photo identification issued by this state, another state, or the federal government or by using an identification verification service. The person receiving and accepting the order on behalf of the direct shipper shall record the name, address, date of birth, and telephone number of the individual placing the order on the order form or other verifiable record of a type and generated in a manner approved by the commission and provide a duplicate to the commission. (e) On request of the commission, make available to the commission any document used to verify the age of the individual ordering or receiving the wine from the direct shipper. (f) Stamp, print, or label on the outside of the shipping container that the package "Contains Alcohol. Must be delivered to a person 21 years of age or older.". The recipient at the time of the delivery shall provide photo identification verifying his or her age and sign for the delivery. (g) Place a label on the top panel of the shipping container containing the name and address of the individual placing the order and the name of the designated recipient if different from the name of the individual placing the order. The direct shipper must have received a registration number of approval from the commission for any wine imported into this state. However, the registration number of approval from the commission is not required

to be on the invoice or on the label of the wine that the direct shipper sells, delivers, or imports to a consumer in this state. (h) Direct ship not more than 1,500 9-liter cases, or 13,500 liters in total, of wine in a calendar year to consumers in this state. If a direct shipper, whether located in this state or outside this state, owns, in whole or in part, or commonly manages 1 or more direct shippers, it shall not in combination ship to consumers in this state more than 13,500 liters of wine in the aggregate. (i) Pay wine taxes quarterly and report to the commission quarterly the total amount of wine, by type, brand, and price, shipped to consumers in this state during the preceding calendar quarter, and the order numbers. (j) Authorize and allow the commission and the department of treasury to conduct an audit of the direct shipper's records. (k) Consent and submit to the jurisdiction of the commission, the department of treasury, and the courts of this state concerning enforcement of this section and any related laws, rules, and regulations. (l) For a direct shipper that is a wine manufacturer as described in subsection (10)(b), direct ship only the wine that the wine manufacturer has manufactured and registered with the commission, wine purchased from another wine manufacturer and further manufactured or bottled and registered with the commission, or labeled shiners purchased from another manufacturer in compliance with section 204a and registered with the commission. (5) For a delivery of beer, wine, mixed spirit drink, or spirits through the use of a common carrier under subsection (3), a person taking the order on behalf of the qualified retailer shall comply with subsection (3)(b) to (f). For a sale, delivery, or importation of wine occurring by any means described in subsection (4), a person taking the order on behalf of the direct shipper shall comply with subsection (4)(c) to (g). (6) A person that delivers the wine for a direct shipper under this section shall verify that the individual accepting delivery is 21 years of age or older and is the individual who placed the order or the designated recipient, is an individual 21 years of age or older currently occupying or present at the address, or is an individual otherwise authorized through a rule promulgated under this act by the commission to receive alcoholic liquor under this section. If the delivery person, after a diligent inquiry, determines that the purchaser or designated recipient is not 21 years of age or older, the delivery person shall return the wine to the direct shipper. A delivery person who returns wine to the direct shipper because the purchaser or designated recipient is not 21 years of age or older is not liable for any damages suffered by the purchaser or direct shipper. (7) All spirits for sale, use, storage, or distribution in this state must originally be purchased by and imported into the state by the commission, or by prior written authority of the commission. (8) This section does not apply to alcoholic liquor brought into this state for personal or household use in an amount permitted by federal law by an individual 21 years of age or older at the time of reentry into this state from outside the territorial limits of the United States if the individual has been outside the territorial limits of the United States for more than 48 hours and has not brought alcoholic liquor into the United States during the preceding 30 days. (9) An individual 21 years of age or older may do either of the following in relation to alcoholic liquor that contains less than 21% alcohol by volume: (a) Personally transport from another state, once in a 24-hour period, not more than 312 ounces of alcoholic liquor for that individual's personal use, notwithstanding subsection (1). (b) Ship or import from another state alcoholic liquor for that individual's personal use if that personal importation is done in compliance with subsection (1). (10) A direct shipper shall not sell, deliver, or import wine to a consumer unless it applies for and is granted a direct shipper license from the commission. This subsection does not prohibit wine tasting or the selling at retail by a wine maker of wines he or she produced and bottled or wine manufactured for that wine maker by another wine manufacturer, if done in compliance with this act. Only the following persons qualify for the issuance of a direct shipper license: (a) A wine maker. (b) A wine manufacturer that is located inside this country but outside of this state and that holds both a federal basic permit issued by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury and a license to manufacture wine in its state of domicile. (11) An applicant for a direct shipper license shall submit an application to the commission in a written or electronic format provided by the commission and accompanied by an application and initial license fee of $100.00. The initial application must be accompanied by a copy or other verifiable evidence of the existing federal basic permit or license, or both, held by the applicant. The direct shipper may renew its license annually by submission of a license renewal fee of $100.00 and a completed renewal application. The commission shall use the fees collected under this section to conduct investigations and audits of direct shippers. The failure to renew, or the revocation or suspension of, the applicant's existing Michigan license, federal basic permit, or license to manufacture wine in its state of domicile is grounds for revocation or denial of a direct shipper license. If a direct shipper is found guilty of violating this act or a rule promulgated by the commission, the commission shall notify both the alcoholic liquor control agency in the direct shipper's state of domicile and the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury of the violation. (12) A retailer that holds a specially designated merchant license, a brewpub, a micro brewer, or an out-of-state entity that is the substantial equivalent of a brewpub or micro brewer may deliver beer, wine, or mixed spirit drink, as allowed by the license the retailer holds, to the home or other designated location of a consumer in this state if all of the following conditions are met: (a) The beer, wine, or mixed spirit drink is delivered by the retailer's, brewpub's, or micro brewer's employee. (b) The retailer, brewpub, or micro brewer or its employee who delivers the beer or wine, or both, verifies that the individual accepting delivery is at least 21 years of age. (c) If the retailer, brewpub, or micro brewer or its employee intends to provide service to consumers, the retailer, brewpub, or micro brewer or its employee providing the service has successfully completed a server training program as provided for in section 906. (13) A retailer that holds a specially designated merchant license may use a third party that provides delivery service to municipalities in this state that are surrounded by water and inaccessible by motor vehicle to deliver beer, wine, and mixed spirit drink to the home or other designated location of that consumer if the delivery service is approved by the commission and agrees to verify that the individual accepting delivery of the beer, wine, and mixed spirit drink is at least 21 years of age. (14) A retailer that holds a specially designated distributor license may deliver spirits to the home or other designated location of a consumer in this state if all of the following conditions are met: (a) The spirits are delivered by the retailer's employee. (b) The retailer or its employee who delivers the spirits verifies that the individual accepting delivery is at least

21 years of age. (c) If the retailer or its employee intends to provide service to consumers, the retailer or its employee providing the service has successfully completed a server training program as provided for in section 906. (15) A qualified retailer that holds a specially designated merchant license located in this state may use a third party facilitator service by means of the internet or mobile application to facilitate the sale of beer, wine, or mixed spirit drink to be delivered to the home or designated location of a consumer as provided in subsection (12), this subsection, or subsection (3), and a third party facilitator service may deliver beer, wine, or mixed spirit drink to a consumer on behalf of a qualified retailer that holds a specially designated merchant license located in this state, if all of the following conditions are met: (a) If the third party facilitator service delivers beer, wine, or mixed spirit drink under this subsection, the third party facilitator service verifies that the individual accepting the delivery of the beer, wine, or mixed spirit drink is at least 21 years of age. (b) A manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of wine, supplier of spirits, or outstate seller of mixed spirit drink does not have a direct or indirect interest in the third party facilitator service. (c) A manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of wine, supplier of spirits, or outstate seller of mixed spirit drink does not aid or assist the third party facilitator service by gift, loan of money or property of any description, or other valuable thing as defined in section 609, and the third party facilitator service does not accept the same. (d) The qualified retailer or consumer pays the fees associated with deliveries provided for under this subsection. (e) The third party facilitator service offers services for all brands available at the retail location. (16) A qualified retailer that holds a specially designated distributor license located in this state may use a third party facilitator service by means of the internet or mobile application to facilitate the sale of spirits to be delivered to the home or designated location of a consumer as provided in subsection (14) or this subsection, and a third party facilitator service may deliver spirits to a consumer on behalf of a retailer that holds a specially designated distributor license located in this state, if all of the following conditions are met: (a) If the third party facilitator service delivers spirits under this subsection, the third party facilitator service verifies that the individual accepting the delivery of the spirits is at least 21 years of age. (b) A manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of wine, supplier of spirits, or outstate seller of mixed spirit drink does not have a direct or indirect interest in the third party facilitator service. (c) A manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of wine, or supplier of spirits, or outstate seller of mixed spirit drink does not aid or assist a third party facilitator service by gift, loan of money or property of any description, or other valuable thing as defined in section 609, and a third party facilitator service does not accept the same. (d) The qualified retailer or consumer pays the fees associated with deliveries provided for under this subsection. (e) The third party facilitator service offers services for all brands available at the retail location. (17) A third party facilitator service shall not deliver beer, wine, mixed spirit drink, or spirits to a consumer under subsection (15) or (16), as applicable, and shall not facilitate the sale of beer, wine, mixed spirit drink, or spirits under subsection (15) or (16), as applicable, unless it applies for and is granted a third party facilitator service license by the commission. The commission may charge a reasonable application fee, initial license fee, and annual license renewal fee. The commission shall establish a fee under this subsection by written order. (18) If a third party facilitator service used by a retailer that holds a specially designated merchant or specially designated distributor license under subsection (15) or (16), as applicable, violates this section, the commission shall not treat the third party facilitator service's violation as a violation by the retailer. (19) A common carrier that carries or transports alcoholic liquor into this state to a person in this state shall submit quarterly reports to the commission. A report required under this subsection must include all of the following about each delivery to a consumer in this state during the preceding calendar quarter: (a) The name and business address of the person that ships the alcoholic liquor. (b) The name and address of the recipient of the alcoholic liquor. (c) The weight of the alcoholic liquor delivered to a consignee. (d) The date of the delivery. (20) For purposes of subsection (1), a qualified small distiller or an out-of-state entity that is the substantial equivalent of a qualified small distiller may sell and deliver spirits that it manufactured to a retailer licensed to purchase and sell spirits in this state if all of the following conditions are met: (a) The spirits are sold and delivered by an employee of the qualified small distiller or an out-of-state entity that is the substantial equivalent of a qualified small distiller, not an agent, and are transported and delivered using a vehicle owned by the qualified small distiller or the out-of-state entity that is the substantial equivalent of a qualified small distiller. (b) The qualified small distiller or an out-of-state entity that is the substantial equivalent of a qualified small distiller complies with all applicable state and federal law and applicable regulatory provisions of this act and rules adopted by the commission under this act including, but not limited to, those requirements related to each of the following: (i) Employees that sell and deliver spirits to retailers. (ii) Vehicles used to deliver spirits to retailers. (iii) Uniform pricing established by the commission under section 233. (iv) Labeling and registration of spirits under R 436.1829 of the Michigan Administrative Code. (v) Payment of taxes. (c) The spirits are not listed in the state of Michigan price book. (21) A common carrier described in subsection (19) shall maintain the books, records, and documents supporting a report submitted under subsection (19) for 3 years unless the commission notifies the common carrier in writing that the books, records, and supporting documents may be destroyed. Within 30 days after the commission's request, the common carrier shall make the books, records, and documents available for inspection during normal business hours. Within 30 days after a local law enforcement agency's or local governmental unit's request, the common carrier shall also make the books, records, and documents available for inspection to a local law enforcement agency or local governmental unit where the carrier resides or does business. (22) A third party facilitator service that delivers beer, wine, mixed spirit drink, or spirits to a consumer under subsection (15) or (16), as applicable, shall submit quarterly reports to the commission. A report required under this subsection must include all of the following about each delivery to a consumer in this state during the preceding calendar quarter: (a) The name and business address of the person that ships beer, wine, mixed spirit drink, or spirits. (b) The name and address of the recipient of beer, wine, mixed spirit drink, or spirits. (c) The weight of beer, wine, mixed spirit drink, or spirits delivered to a consignee. (d) The date of the delivery. (23) A third party facilitator

service shall maintain the books, records, and documents supporting a report submitted under subsection (22) for 3 years unless the commission notifies the third party facilitator service in writing that the books, records, and supporting documents may be destroyed. Within 30 days after the commission's request, the third party facilitator service shall make the books, records, and documents available for inspection during normal business hours. Within 30 days after a local law enforcement agency's or local governmental unit's request, the third party facilitator service shall also make the books, records, and documents available for inspection to a local law enforcement agency or local governmental unit where the third party facilitator service resides or does business. (24) A report submitted under subsection (19) or (22) is subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (25) As used in this section: (a) "Common carrier" means a company that transports goods, on reasonable request, on regular routes and at set rates. (b) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network. (c) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers. (d) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network. (e) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware. (f) "Consumer" means an individual who purchases beer, wine, mixed spirit drink, or spirits for personal consumption and not for resale. (g) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses. (h) "Diligent inquiry" means a diligent good faith effort to determine the age of an individual, that includes at least an examination of an official Michigan operator's or chauffeur's license, an official Michigan personal identification card, or any other bona fide picture identification that establishes the identity and age of the individual. (i) "Direct shipper" means either of the following: (i) A wine manufacturer that sells, delivers, or imports wine it has manufactured, bottled, and registered with the commission, to consumers in this state or that is transacted or caused to be transacted through the use of any mail order, internet, telephone, computer, device, or other electronic means, or sells directly to consumers on the winery premises. (ii) A wine manufacturer that purchases wine from another wine manufacturer and further manufactures or bottles the wine or purchases shiners of wine from another wine manufacturer in compliance with section 204a, registers the wine with the commission and sells the wine to consumers in this state that is transacted or caused to be transacted through the use of any mail order, internet, telephone, computer, device, or other electronic means, or sells directly to consumers on the winery premises. (j) "Facilitate" means, subject to subdivision (k), advertising on behalf of a retailer, by means of the internet or mobile application, and pursuant to a written or oral agreement, the brands and prices of beer, wine, or spirits products sold by a retailer and 1 or more of the following: (i) Assisting the retailer, in any manner, in the arrangement of delivery as allowed in this section. (ii) Assisting the retailer, in any manner, in the processing of payment by the consumer for the beer, wine, or spirits. (iii) Transmitting customer information to the retailer. (iv) Assisting the retailer by providing customer service. (v) If the retailer maintains supervision and control over the day-to-day operation of its business, providing other normal and customary operational services. (k) "Facilitate" does not include web designing, operating an internet search engine, or publishing an internet version of a newspaper. (l) "Identification verification service" means an internet-based service approved by the commission specializing in age and identity verification. (m) "Mobile application" means a specialized software program downloaded onto a wireless communication device. (n) "Qualified retailer" means a retailer licensed to sell alcoholic liquor for consumption off the premises that complies with all of the following: (i) The retailer maintains physical licensed premises that are open to the general public for face-to-face sales transactions of alcoholic liquor, packaged food, and other products to consumers. (ii) At least 25% of the retailer's annual gross sales of alcoholic liquor must be from face-to-face sales transactions with consumers on the premises described in subparagraph (i) unless the retailer's physical licensed premises is less than 15,000 square feet in total. (iii) The retailer holds and maintains either of the following for the premises described in subparagraph (i): (A) A retail food establishment license issued under the food law, 2000 PA 92, MCL 289.1101 to 289.8111. As used in this sub-subparagraph, "retail food establishment" means that term as defined in section 1111 of the food law, 2000 PA 92, MCL 289.1111. (B) An extended retail food establishment license issued under the food law, 2000 PA 92, MCL 289.1101 to 289.8111. As used in this sub-subparagraph, "extended retail food establishment" means that term as defined in section 1107 of the food law, 2000 PA 92, MCL 289.1107. (o) "Qualified small distiller" means a small distiller, or an out-of-state entity that is the substantial equivalent of a small distiller, that sells under 3,000 gallons of spirits per calendar year directly to retailers located in this state or out-of-state entities that are the substantial equivalent of retailers. If a small distiller or an out-of-state entity that is the substantial equivalent of a qualified small distiller manufactures spirits at more than 1 location, the total number of gallons of spirits sold to retailers or out-of-state entities that are the substantial equivalent of retailers from all locations must be combined to determine the 3,000-gallon threshold. (p) "Third party facilitator service" means a person licensed by the commission to do any of the following: (i) Facilitate the sale of beer, wine, and mixed spirit drink to a consumer as provided in subsection (15) on behalf of a qualified retailer that holds a specially designated merchant license located in this state. (ii) Facilitate the sale of spirits to a consumer as provided in subsection (16) on behalf of a qualified retailer that holds a specially designated distributor license located in this state. (iii) Deliver beer, wine, and mixed spirit drink to a consumer as provided in subsection (15) on behalf of a qualified retailer that holds a specially designated merchant license located in this state. (iv) Deliver spirits to a consumer as provided in subsection (16) on behalf of a qualified retailer that holds a

specially designated distributor license located in this state. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2000, Act 289, Imd. Eff. July 10, 2000 ;-- Am. 2005, Act 268, Imd. Eff. Dec. 16, 2005 ;-- Am. 2008, Act 474, Eff. Mar. 31, 2009 ;-- Am. 2014, Act 50, Imd. Eff. Mar. 25, 2014 ;-- Am. 2016, Act 520, Eff. Mar. 29, 2017 ;-- Am. 2020, Act 106, Imd. Eff. July 1, 2020 ;-- Am. 2021, Act 16, Eff. Aug. 23, 2021Compiler's Notes:Enacting section 2 of Act 268 of 2005 provides:"Enacting section 2. If an appellate court declares this amendatory act unconstitutional, then it is the intent of the legislature that a good faith effort be made to amend section 305 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1305, to make it less burdensome for a small winery to terminate an agreement with a wholesaler."

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1203a - Sale and Delivery of Beer in This State by Micro Brewer or Substantially-Equivalent Out-of State Entity; Requirements.

Sec. 203a. (1) The legislature finds that the 3-tier system is necessary to protect public health and safety of Michigan residents and to promote competition and access to market for all alcoholic beverage suppliers. (2) The legislature further finds that vertical integration of the alcoholic beverage industry is contrary to this state's interest in protecting public health and safety of Michigan residents and leads to anti-competitive behavior by beverage alcohol suppliers. (3) The legislature further finds that the 3-tier system and the prohibitions under section 603 achieve the following public policy goals: (a) Promote consumer choice and product variety by providing a platform that provides all suppliers access to Michigan's beverage alcohol market. (b) Encourage wholesalers to invest in their businesses and all the brands they distribute, free from undue interference from the suppliers of the brands they distribute. (c) Create a transparent and accountable alcohol distribution system that allows the commission to prevent the manufacture, distribution, or sale of counterfeit, adulterated, unregistered, recalled, or prohibited alcoholic beverages. (4) This state has an interest in creating market access for all sizes of suppliers and finds that micro brewers create competition and variety in Michigan's beer market. (5) For the purposes of creating access to Michigan's beer market while also preserving the 3-tier system and limiting vertical integration, a micro brewer or an out-of-state entity that is the substantial equivalent of a micro brewer may sell and deliver beer to a retailer in this state only if all of the following conditions are met: (a) The retailer is not located in a sales territory for which the micro brewer or out-of-state entity that is the substantial equivalent of a micro brewer has granted exclusive sales rights to a wholesaler under sections 401 and 403 for the sale of any brand or brands of beer produced by the micro brewer or out-of-state entity that is the substantial equivalent of a micro brewer. (b) The beer is sold and delivered by an employee of the micro brewer or out-of-state entity that is the substantial equivalent of a micro brewer, not an agent, and is transported and delivered using a vehicle owned by the micro brewer or out-of-state entity that is the substantial equivalent of a micro brewer. (c) The micro brewer or out-of-state entity that is the substantial equivalent of a micro brewer is in compliance with applicable state and federal law and applicable regulatory provisions of this act and rules promulgated by the commission under this act, including, but not limited to, those requirements related to each of the following: (i) Employees that sell and deliver beer to retailers. (ii) Vehicles used to deliver beer to retailers. (iii) Price schedules and temporary price reductions. (iv) 1976 IL 1, MCL 445.571 to 445.576. (d) The micro brewer or out-of-state entity that is the substantial equivalent of a micro brewer sells not more than 2,000 barrels of beer total per year. In determining the 2,000-barrel threshold under this subdivision, all brands and labels of a micro brewer or out-of-state equivalent of a micro brewer, whether sold to a wholesaler or a retailer in this state or outside of this state, must be combined. Sales to consumers on the licensed premises of the micro brewer or out-of-state entity that is the substantial equivalent of a micro brewer are not included in determining the 2,000-barrel threshold under this subdivision. History:Add. 2020, Act 107, Imd. Eff. July 1, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1203b - Sale and Delivery of Mixed Spirit Drink by Mixed Spirt Drink Manufacturer or Substantially-Equivalent Out-of-State Entity to Retailer; Requirements.

Sec. 203b. Notwithstanding anything in this act to the contrary, a mixed spirit drink manufacturer or an out-of-state entity that is the substantial equivalent of a mixed spirit drink manufacturer may sell and deliver mixed spirit drink that it manufactures to a retailer in this state only if all of the following conditions are met: (a) The retailer is not located in a sales territory for which the mixed spirit drink manufacturer or out-of-state entity that is the substantial equivalent of a mixed spirit drink manufacturer has granted exclusive sales rights to a wholesaler under section 307 for the sale of any brand or brands of mixed spirit drink produced by the mixed spirit drink manufacturer or out-of-state entity that is the substantial equivalent of a mixed spirit drink manufacturer. (b) The mixed spirit drink is sold and delivered by an employee of the mixed spirit drink manufacturer or out-of-state entity that is the substantial equivalent of a mixed spirit drink manufacturer, not an agent, and is transported and delivered using a vehicle owned by the mixed spirit drink manufacturer or out-of-state entity that is the substantial equivalent of a mixed spirit drink manufacturer. (c) The mixed spirit drink manufacturer or out-of-state entity that is the substantial equivalent of a mixed spirit drink manufacturer is in compliance with applicable state and federal law and applicable regulatory provisions of this act and rules promulgated by the commission under this act related to each of the following: (i) Employees that sell and deliver mixed spirit drink to retailers. (ii) Vehicles used to deliver mixed spirit drink to retailers. (iii) Price schedules and temporary price reductions. (iv) 1976 IL 1, MCL 445.571 to 445.576. (v) Labeling and registration of mixed spirit drink. (vi) Payment of taxes. (d) The mixed spirit drink manufacturer or out-of-state entity that is the substantial equivalent of a mixed spirit drink manufacturer sells not more than 31,000 gallons of mixed spirit drink total per year. In determining the 31,000-gallon threshold under this subdivision, all brands and labels

of a mixed spirit drink manufacturer or out-of-state entity that is the substantial equivalent of a mixed spirit drink manufacturer, whether sold to a wholesaler or a retailer in this state or outside of this state, must be combined. Sales to consumers on the licensed premises of the mixed spirit drink manufacturer or out-of-state entity that is the substantial equivalent of a mixed spirit drink manufacturer are not included in determining the 31,000-gallon threshold under this subdivision. History:Add. 2021, Act 17, Eff. Aug. 23, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1204 - Importation of Liquor Into This State; Requirements; Exceptions; Inspection by the Commission.

Sec. 204. (1) Except for an individual who brings, transports, ships, or imports alcoholic liquor into this state under section 203(8) or (9), as applicable, for a retailer, or for sacramental wines imported under section 301, a person shall not sell, deliver, or import beer, wine, or mixed spirit drink in this state unless the person is 1 of the following: (a) A supplier as that term is defined in section 603. (b) A licensed direct shipper described in section 203(10). (c) A wholesaler. (2) Except for an individual who brings, transports, ships, or imports alcoholic liquor into this state under section 203(8) or (9), as applicable, for a retailer, or for sacramental wines imported under section 301, a person described in subsection (1) may only sell, deliver, or import beer, wine, or mixed spirit drink in this state in 1 of the following ways: (a) A licensed direct shipper may sell to a consumer under section 203. (b) An outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink, may deliver the beer, wine, or mixed spirit drink to the licensed premises of the wholesalers designated to sell and deliver the beer, wine, or mixed spirit drink to the individual licensed location of the retailer in the wholesaler's sales territory under section 305 or 403, as applicable. (c) A wholesaler that picks up the beer, wine, or mixed spirit drink from the premises of an outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink, may deliver the beer, wine, or mixed spirit drink to the licensed premises of the wholesaler designated to sell and deliver the beer, wine, or mixed spirit drink to the individual licensed location of the retailer in the wholesaler's sales territory under section 305 or 403, as applicable. (d) An outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink may deliver the beer, wine, or mixed spirit drink to its licensed premises in this state. However, the beer, wine, or mixed spirit drink must be delivered to the licensed premises of the wholesaler designated to sell and deliver the beer, wine, or mixed spirit drink to the individual licensed location of the retailer in the wholesaler's sales territory under section 305 or 403, as applicable. (e) A brewer, wine maker, or mixed spirit drink manufacturer that has a manufacturing plant located outside of this state may deliver the beer, wine, or mixed spirit drink manufactured in the manufacturing plant to its licensed premises in this state. However, the beer, wine, or mixed spirit drink must be delivered to the licensed premises of the wholesaler designated to sell and deliver the beer, wine, or mixed spirit drink to the individual licensed location of the retailer in the wholesaler's sales territory under section 305 or 403, as applicable. (f) Except as otherwise provided in this act, a brewer, wine maker, or mixed spirit drink manufacturer may deliver the beer, wine, or mixed spirit drink to the licensed premises of the wholesaler designated to sell and deliver the beer, wine, or mixed spirit drink to the individual licensed location of the retailer in the wholesaler's sales territory under section 305 or 403, as applicable. (3) Except as otherwise provided in subsection (4), both of the following apply to beer, wine, or mixed spirit drink that is delivered to a wholesaler under this act: (a) The wholesaler shall maintain the beer, wine, or mixed spirit drink on the wholesaler's licensed premises. (b) The wholesaler shall make the beer, wine, or mixed spirit drink maintained on the wholesaler's licensed premises as required under subdivision (a) available for inspection by the commission for at least 24 hours before the wholesaler delivers the beer, wine, or mixed spirit drink to a retailer. (4) For beer, wine, or mixed spirit drink that has been delivered to a wholesaler under this act, subsection (3) does not apply and the wholesaler may deliver beer, wine, or mixed spirit drink to a retailer if all of the following apply: (a) Either of the following applies: (i) The wholesaler cannot fulfill the retailer's order for the beer, wine, or mixed spirit drink from the inventory currently available on the wholesaler's licensed premises. (ii) The wholesaler intends to deliver the beer, wine, or mixed spirit drink to a special licensee, including as provided under section 526, before the 24-hour period under subsection (3)(b) has expired. (b) Either of the following applies: (i) The beer, wine, or mixed spirit drink has been delivered to the address of the wholesaler's licensed premises. (ii) The wholesaler picked up the beer, wine, or mixed spirit drink from the licensed premises of any of the following: (A) A brewer. (B) A wine maker. (C) A mixed spirit manufacturer. (D) An outstate seller of beer. (E) An outstate seller of wine. (F) An outstate seller of mixed spirit drink. (G) A wholesaler. (c) The wholesaler maintains the invoice of the delivery and attaches documentation to the invoice that details each product and the amount of each product that was not placed on the wholesaler's floor. (5) This section does not prohibit a brewer, micro brewer, wine maker, small wine maker, or retailer from selling alcoholic liquor or nonalcoholic beverages as provided in this act. History:Add. 2018, Act 178, Imd. Eff. June 11, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1204a - Prohibition of the Sale or Transfer of Alcoholic Liquor in This State; Exceptions; Applicability of Section to Nonalcoholic Ingredients.

Sec. 204a. (1) A manufacturer shall not sell or transfer alcoholic liquor to a licensed manufacturer in this state except as provided in subsections (2) and (3). (2) Notwithstanding any provision in this act to the contrary, a manufacturer may sell or transfer wine or spirits to a licensed manufacturer, and a licensed manufacturer may purchase or receive wine or spirits, under any of the following conditions: (a) For a sale or transfer of wine: (i) The selling or transferring manufacturer is a wine maker, small wine maker, or out-of-state entity that is the substantial equivalent of a wine maker or small wine maker and is selling or transferring the wine to a wine maker, small wine maker, or out-of-state entity that is the substantial equivalent of a wine maker or small wine maker. (ii) The

purchasing or receiving wine maker or small wine maker manufactures wine at its licensed premises or the purchasing or receiving small wine maker bottles wine at its licensed premises. (b) For a sale or transfer of spirits: (i) The selling or transferring manufacturer is a distiller, small distiller, or out-of-state entity that is the substantial equivalent of a distiller or small distiller and is selling or transferring the spirits to a distiller, small distiller, or out-of-state entity that is the substantial equivalent of a distiller or small distiller. (ii) The purchasing or receiving distiller or small distiller manufactures spirits at their licensed premises. (3) A wine maker, small wine maker, distiller, or small distiller may not sell alcoholic liquor purchased or received under this section unless 1 of the following conditions is met: (a) The purchasing or receiving manufacturer modifies the purchased or received alcoholic liquor by performing a portion of the manufacturing process as described in section 109(1). (b) The purchasing or receiving small wine maker bottles the purchased or received wine. (c) The purchasing or receiving wine maker or small wine maker is selling a shiner on which the wine maker or small wine maker has placed a label under section 111(10). (4) This section does not prevent a manufacturer from selling, purchasing, or receiving nonalcoholic ingredients to or from another manufacturer. History:Add. 2018, Act 404, Imd. Eff. Dec. 19, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1205 - Warehousing and Delivery of Spirits; Authorized Distribution Agent; Report.

Sec. 205. (1) The commission shall, as provided in section 203(1), by order appoint authorized distribution agents to warehouse and deliver spirits in this state to ensure that all retail licensees are properly serviced with spirits. An authorized distribution agent is subject to uniform requirements, including business operating procedures, that the commission may prescribe by rule, subject to this section. (2) A person is eligible for appointment by the commission as an authorized distribution agent if all of the following circumstances exist: (a) The person satisfies all applicable commission rules prescribing qualifications for licensure promulgated under section 215. (b) The person has entered into a written agreement or contract with a supplier of spirits to warehouse and deliver a brand or brands of spirits of that supplier of spirits. (c) The person has an adequate warehousing facility located in this state to store spirits from which all delivery of spirits to retail licensees must be made. (3) An authorized distribution agent shall not have a direct or indirect interest in a supplier of spirits or in a retailer. A supplier of spirits or a retailer shall not have a direct or indirect interest in an authorized distribution agent. An authorized distribution agent shall not hold title to spirits. (4) An authorized distribution agent shall deliver to each retailer located in its assigned distribution area on at least a weekly basis if the order meets the minimum requirements. Except that in a week that accompanies a state holiday, the commission may order a modified delivery schedule if a retailer will not wait longer than 9 days between deliveries because of the modified delivery schedule. The commission shall provide for an integrated online ordering system for spirits and shall require the continuance of any ordering system in existence on the activation date of the system established under section 206. The commission shall set minimum requirements that must be a sufficient number of bottles to comprise not more than 2 cases. A retailer may pick up the product at the authorized distribution agent's warehouse. To avoid occasional emergency outages of spirits, a retail licensee may make up to 12 special emergency orders to an authorized distribution agent in each calendar year. An authorized distribution agent shall make a special emergency order available to the retail licensee within 18 hours of the placing of the order. An authorized distribution agent shall make a special emergency order placed on Saturday or Sunday available to the retail licensee before noon on the following Monday. An authorized distribution agent may impose a fee of up to $20.00 to deliver a special emergency order to a retail licensee. (5) In locations inaccessible to a motor vehicle as that term is defined by section 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33, an authorized distribution agent shall arrange that a delivery of spirits to a retailer be in compliance with the following procedures: (a) After processing an order from a retailer, an authorized distribution agent shall contact a retailer to confirm the quantity of cases or bottles, or both, and the exact dollar total of the order. (b) The authorized distribution agent shall coordinate with the retailer the date and time a driver is scheduled to deliver the order to a ferry transport dock, shall arrange any ferry, drayage, or other appropriate service, and shall pick up the retailer's payment at that time. (c) The ferry transport company or company representing any other form of conveyance shall take the retailer's payment to the mainland dock and give that payment to the authorized distribution agent's driver. (d) The ferry transport company or company representing any other form of conveyance shall transport the order to the drayage or other appropriate company at the island dock for immediate delivery to the retailer. (e) The drayage or other appropriate company shall deliver the order to the retailer. (6) An authorized distribution agent is responsible for the payment of all transportation and delivery charges imposed by the ferry, drayage, or other conveyance company and is responsible for all breakage and any shortages, whether attributable to the ferry, drayage, or other conveyance company or any combination of those companies, until the order is delivered to the retailer's establishment. This subsection does not prevent the authorized distribution agent from seeking reimbursement or damages from any company conveying the authorized distribution agent's product. (7) Except as otherwise provided in subsection (4), an authorized distribution agent shall not charge a delivery fee or a split-case fee for delivery of spirits sold by the commission to a retailer. (8) An authorized distribution agent or prospective authorized distribution agent shall maintain and make available to the commission or its representatives, on notice, any contract or written agreement it has with a supplier of spirits or other authorized distribution agent for the warehousing and delivering of spirits in this state. (9) For a violation of this act, a rule promulgated under this act, or the terms of an order appointing an authorized distribution agent, an authorized distribution agent is subject to the suspension, revocation, forfeiture, and penalty provisions of sections 903(1) and 907 in the same manner in which a licensee would be subject to those provisions. An authorized distribution agent aggrieved by a penalty imposed by the commission may invoke the hearing and appeal procedures of section 903(2) and rules

promulgated under section 903. (10) A specially designated distributor may sell to an on-premises retailer up to 120 liters of spirits during any calendar year and an on-premises retailer may purchase, collectively from specially designated distributors, up to 120 liters of spirits during any calendar year. Notwithstanding any other provision of this act or rule promulgated under this act, a specially designated distributor is only liable for knowingly violating this section. An on-premises retailer shall maintain and make available to the commission on request records verifying the purchases described in this subsection. For each month in which an on-premises retailer purchases spirits under this subsection, the on-premises retailer shall submit a report to the commission indicating the purchases the on-premises retailer made under this subsection during that month. By July 1, 2020, the commission shall establish the method and form for the electronic reporting of purchases made under this subsection by on-premises retailers. The commission shall not require an on-premises retailer to submit a report under this subsection in less than monthly intervals and shall not require a report from an on-premises retailer in a month in which the on-premises retailer did not purchase spirits under this subsection. (11) In addition to paying a vendor of spirits the acquisition price for purchasing spirits, the commission may pay a vendor of spirits an additional amount of not less than $8.25 and not more than $12.50 for each case of spirits purchased as an offset to the costs being incurred by that vendor of spirits in contracting with an authorized distribution agent for warehousing and delivering spirits to retailers. The payment described in this subsection may not be included in the cost of purchasing spirits by the commission and is not subject to the commission's markup, special taxes, or state sales tax. The per-case offset established by this subsection may be increased by the state administrative board each January to reflect reasonable increases in the authorized distribution agent's cost of warehousing and delivering. As used in this subsection, "case" means a container holding twelve 750 ml bottles of spirits or other containers containing spirits that are standard to the industry. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998 ;-- Am. 2001, Act 274, Imd. Eff. Jan. 11, 2002 ;-- Am. 2010, Act 175, Imd. Eff. Sept. 30, 2010 ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2015, Act 246, Eff. Mar. 21, 2016 ;-- Am. 2020, Act 126, Imd. Eff. July 1, 2020 ;-- Am. 2022, Act 142, Imd. Eff. July 11, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1206 - Integrated On-Line Ordering System.

Sec. 206. (1) Not later than January 1, 2003, the commission shall provide for an integrated on-line ordering system for retail licensees to place orders for spirits from authorized distribution agents. The system shall allow retail licensees to order all brands and types of spirits from the commission and provide the order to the appropriate authorized distribution agents. (2) The commission may enter into any agreements with or contract with private or other public entities as provided for or allowed by law to establish the integrated on-line ordering system described in subsection (1). A licensee of the commission or an authorized distribution agent shall not have a direct or indirect interest in the person with whom the commission contracts or enters into an agreement to establish the integrated on-line ordering system described in subsection (1). Ownership of the integrated on-line ordering system remains with the commission. The commission may, through issuance of an order, allow banner advertising in conjunction with the on-line ordering system as a means of defraying the costs of operation or maintenance, or both, of the system. History:Add. 2001, Act 274, Imd. Eff. Jan. 11, 2002

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1207 - Exceptions to Act.

Sec. 207. This act does not apply to any of the following: (a) The manufacture of cider from fruit for the purpose of making vinegar and non-intoxicating cider and fruit juice for use and sale, and cider and fruit juice if used or sold, or both, within 30 days after manufacture. (b) Beer, wine, mead, honey-based beer, or cider of any alcoholic content made on the premises by the owner or lessee of those premises if those premises are used and occupied by the owner or lessee as a dwelling and the beer, wine, mead, honey-based beer, or cider is made for family use and home consumption. (c) The gift to an individual for noncommercial use or consumption of up to 20 gallons of beer, wine, mead, honey-based beer, or cider produced under the circumstances described in subdivision (b). This subdivision does not allow a person less than 21 years of age to possess, receive as a gift, or give beer, wine, mead, honey-based beer, or cider produced under the circumstances described in subdivision (b). (d) The sale, gift, or keeping and storing for sale by druggists and general merchants and others of medicinal preparations manufactured in accordance with the formulas prescribed by the United States pharmacopoeia and national formulary, patent or proprietary preparations, and other bona fide medicinal and technical preparations, that contain no more alcohol than is necessary to extract the medicinal properties of the drugs contained in those preparations and no more alcohol than is necessary to hold the medicinal agents in solution and to preserve them, that are manufactured and sold as medicine and not as beverages, that are unfit for use for beverage purposes, and the sale of which does not require the payment of a United States liquor dealer's tax. (e) The manufacture and sale of tinctures or of toilet, medicinal, and antiseptic preparations and solutions that are not intended for internal human use or that are not intended to be sold as beverages, that are unfit for beverage purposes, and on the outside of each bottle, box, or package of which is conspicuously and legibly printed in English the quantity by volume of alcohol in those preparations. (f) The manufacture and keeping for sale of the food product known as flavoring extracts that are manufactured and sold for cooking, culinary, or flavoring purposes and are unfit for use as a beverage or for beverage purposes, except that a person shall not manufacture or sell any toilet, medicinal, or antiseptic preparations or solutions, or any flavoring extracts or patent or proprietary medicines or preparations, if the manufacture and sale of those items require the payment of a United States liquor dealer's tax except as provided in this act. (g) The manufacture or sale, or both, of ethyl, mechanical, or industrial alcohol, not used for or made unfit for beverage purposes. (h) The purchase of alcoholic

liquor for use in the manufacture of toilet, medicinal, or antiseptic preparations or solutions, or any flavoring extract or patent or proprietary medicines or preparations, by a manufacturer using alcoholic liquor exclusively for the manufacturing purposes and licensed by the commission for that use. A license issued for that use is predicated on the payment of an annual fee of $10.00. The license expires on May 1 following the date of its issuance. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2019, Act 131, Imd. Eff. Nov. 21, 2019

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1209 - Liquor Control Commission; Creation; Appointment, Duties, and Terms of Members; Designation and Duties of Hearing Commissioners and Administrative Commissioners; Appeal Board; Duties; Terms; Oath; Removal; Vacancies; Quorum; Salary and Expenses; Work Station; Designation by Chairperson.

Sec. 209. (1) A commission to be known as the liquor control commission is created. (2) The commission shall consist of 5 members, not more than 3 of whom shall be members of the same political party, to be appointed by the governor with the advice and consent of the senate. Two of these members, 1 from each political party, shall be designated by the chairperson as hearing commissioners to hear violation cases and to perform such other functions and duties as are assigned to them by the chairperson. The remaining 3 commissioners shall be designated as administrative commissioners and shall have the responsibility for administering the provisions of this act relating to licensing, purchasing, enforcement, merchandising, and distribution. The administrative commissioners shall also act as an appeal board to the decisions rendered by the hearing commissioners. (3) The responsibilities of the 5-member commission shall be the administration of the provisions of this act that have not been specifically delegated to either the hearing commissioners or the administrative commissioners in this section. (4) Each member of the commission shall devote that member's entire time to the performance of the duties of that office. (5) The terms of the commissioners shall be 4 years each. Each member of the commission shall qualify by taking and filing the constitutional oath of office and shall hold office until the appointment and qualification of a successor. The members of the commission shall not be removed from office by the governor except for malfeasance, misfeasance, or neglect in office. (6) In the event of a vacancy or vacancies in the membership of the commission the governor shall appoint in like manner a successor or successors to fill the unexpired term. (7) A quorum for the transaction of business of the administrative commissioners shall consist of 2 administrative commissioners. A quorum for the transaction of business of the 5-member commission shall be 3 members. (8) Each member of the commission shall receive an annual salary as appropriated by the legislature, shall be entitled to actual and necessary expenses while on the business of the commission, and shall have a work station designated by the chairperson. If an administrative commissioner's permanent or temporary residence is within 100 miles of an office in which the commission regularly conducts business, the chairperson shall designate an office as the member's work station. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1211 - Liquor Control Business Manager; Selection; Duty and Responsibility.

Sec. 211. (1) The powers of the commission, enumerated in this act, which are not specifically and exclusively reserved to the commission by the act, shall be vested in, and exercised and administered by a liquor control business manager, who shall be selected by and responsible to the commission, and whose position shall be in the state classified civil service. The powers of the commission enumerated in, and provided for by this act, shall be exercised in conformity with the provisions of the act pertaining to the duties of the liquor control manager, except that the commission shall exclusively exercise the power to make rules and regulations under the act to regulate the control of the alcoholic beverage traffic within the state; to hear and decide all cases of violation of the provisions of the act and regulations thereunder; to employ a liquor control business manager as provided for by the act; and to hear and decide all public appeals from the administrative decisions of the liquor control business manager. (2) The liquor control business manager shall be and shall serve as the business manager of the commission, and, as such, it shall be his or her duty and responsibility to manage the business affairs of the commission relative to purchasing, merchandising, warehousing, rationing, distributing, inspecting, investigating, licensing, and accounting, in accordance with policies established by the commission and in compliance with the provisions of this act and with the rules and regulations adopted thereunder. In addition to the foregoing, the business manager shall be exclusively responsible for the assigning, training, and supervision of all commission classified employees. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1213 - Liquor Control Commission; Employment of Assistants and Employees; Compensation; Expenses.

Sec. 213. The commission may employ assistants, clerks, stenographers, employees, and experts as it considers necessary, and fix their compensation, and incur such other expenses as are necessary to carry out the provisions of this act, subject to appropriations provided by the legislature. Assistants and employees of the commission are entitled to actual and necessary travel and other expenses while on the business of the commission, if those expenses are authorized and approved by the commission. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1215 - Liquor Control Commission; Rules and Regulations; Public Hearings; Record.

Sec. 215. (1) The commission shall adopt rules and regulations governing the carrying out of this act and the duties and responsibilities of licensees in the proper conduct and management of their licensed places. Rules shall be promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (2) The commission shall hold public hearings twice each calendar year for the purpose of hearing complaints and receiving the views of the public with respect to the administration of this act. (3) The hearings shall be kept and transcribed as a part of the records of the commission. History:1998, Act 58, Imd. Eff. Apr. 14, 1998Admin Rule:R 436.571 et seq.; R 436.1001 et seq.; R 436.1101 et seq.; R 436.1301 et seq.; R 436.1401 et seq.; R 436.1501 et seq.; R 436.1601 et seq.; R 436.1701 et seq.; R 436.1801 et seq.; R 436.1851 et seq.; R 436.1951 et seq.; R 436.1963; and R 436.2001 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1217 - Liquor Control Commission; Investigations; Inspection and Search of Licensed Premises; Seizure and Use of Evidence of Violation; Examining or Copying Books, Records, and Papers; Issuance of Subpoena; Oath or Affirmation; Court Order; Contempt; Fees of Witnesses; Service of Subpoena; Seal; Certified Copies as Evidence.

Sec. 217. (1) The commission may make investigations that it considers proper in the administration of this act and the rules promulgated under this act concerning alcoholic liquor, or the manufacture, distribution, or sale of alcoholic liquor, or the collection of taxes on alcoholic liquor. (2) A licensee shall make the licensed premises available for inspection and search by a commission investigator or law enforcement officer empowered to enforce the commission's rules and this act during regular business hours or when the licensed premises are occupied by the licensee or a clerk, servant, agent, or employee of the licensee. Evidence of a violation of this act or rules promulgated under this act discovered under this subsection may be seized and used in an administrative or court proceeding. (3) The commission or a duly authorized agent of the commission may examine or copy the books, records, or papers of a person relative to a requirement pertaining to this act, access to which has been obtained pursuant to this section. (4) A member of the commission or a duly authorized agent of the commission may issue a subpoena requiring a person to appear before the commission or its duly authorized agent at any reasonable time and place, to be examined with reference to any matter within the scope of the inquiry or investigation being conducted by the commission, and to produce any books, records, or papers pertaining to the question involved. (5) A member of the commission or a duly authorized agent of the commission may administer an oath or affirmation to a witness in any matter before the commission, certify to official acts, and take depositions. (6) In case of disobedience of a subpoena, the commission or its duly authorized agent may invoke the aid of any circuit court of the state to compel the attendance and testimony of witnesses and the production of books, records, and papers pertaining to the question involved. A circuit court of this state within the jurisdiction of which the inquiry is conducted may, in case of contumacy or refusal to obey a subpoena, issue an order requiring the person to appear before the commission or its duly authorized agent, to produce books, records, and papers if so ordered, and to give evidence regarding the matter in question. Failure to obey the order of the court may be punished by the court as a contempt of court. (7) The fees of witnesses required to appear before the commission shall be the same as those allowed to witnesses in the circuit courts and shall be paid by the commission. (8) A sheriff's department or police department shall, upon request of the commission, cause to be served a subpoena that is directed to a person located within the jurisdiction of the sheriff's department or police department. A fee shall not be charged for this service by the sheriff's department or police department. Subpoenas may also be served by an investigator of the commission. (9) The commission shall adopt a suitable seal, of which all courts of the state shall take judicial notice, and all proceedings, orders, licenses, and official acts of the commission shall be authenticated by that seal. Certified copies of the orders and records of the commission shall be prima facie evidence of the acts of the commission in any court of this state. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1219 - Liquor Control Commission; Branch Offices.

Sec. 219. The commission shall be authorized to establish throughout the state of Michigan 4 branch offices. The expense of the branch offices shall be paid by the commission in the manner provided in this act. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1221 - Liquor Control Commission; Revolving Fund; Use; Report; Interest Earnings; Disposition of Money Received; "Revolving Fund" Defined.

Sec. 221. (1) The commission shall maintain a revolving fund derived from the money deposited to the credit of the commission with the state treasurer. Money from the revolving fund shall be periodically transferred to the general fund in accordance with the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594. The revolving fund must be used for replenishing, maintaining, warehousing, and distributing liquor stock throughout this state and for administration of this act. The commission shall prepare and submit a monthly report containing an accounting of the revolving fund to the state treasurer and to the budget

director. The monthly report must include an itemized account of all money received and all expenditures made by the commission during the month covered in the report. (2) Interest earnings on common cash attributable to the revolving fund must be credited to the revolving fund and must be available to the commission for administration of this act. (3) All money received by the commission under this act must be turned over to the state treasurer according to department of treasury procedures. (4) All money deposited by the commission with the state treasurer must be credited to the revolving fund for expenditures or transfers authorized under subsection (1). (5) As used in this section, "revolving fund" means the revolving fund established under subsection (1). History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2018, Act 155, Eff. Oct. 1, 2018 ;-- Am. 2018, Act 346, Imd. Eff. Oct. 16, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1223 - Liquor Control Commission; Interest of Members or Employees.

Sec. 223. A member or employee of the commission shall not be pecuniarily interested, directly or indirectly, in the manufacture, warehousing, sale, distribution or transportation, or selling or furnishing of any equipment, furnishings, or refrigeration used in the manufacture or sale of alcoholic liquor within this state. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1225 - Liquor Control Commission; Civil Liability of Commission or Members.

Sec. 225. The commission or a member of the commission shall not be personally liable for any action at law for damages sustained by a person because of an action performed or done by the commission or a member of the commission in the performance of their respective duties in the administration and implementation of this act. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1227 - Liquor Control Commission; Establishment of State Liquor Stores; Basis.

Sec. 227. The commission may establish state liquor stores throughout this state. In counties with a population of less than 40,000 according to the most recent federal census, there shall not be more than 1 store in that county, and in counties with a population of 40,000 or more according to the most recent federal census, there shall not be more than 1 store located in that county for each 40,000 population or major fraction thereof according to the most recent federal census. However, the commission may in its discretion establish a state liquor store in any village or city with a population of 3,000 or more according to the most recent federal census. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1229 - Licensing Hotel or Merchant to Sell Spirits for Consumption Off Premises; Sale of Alcoholic Liquor; Price; Rules; Definitions.

Sec. 229. (1) The commission may license a hotel or merchant, in places that the commission may designate, to sell spirits for consumption off the premises, notwithstanding section 233(1). Except as otherwise provided in this section, if alcoholic liquor is sold by a specially designated distributor under a license issued under this section, it shall not be sold at less than the minimum retail selling price fixed by the commission and under rules promulgated by the commission. (2) The commission may, by rule or order, allow a specially designated distributor to sell alcoholic liquor at less than the minimum retail selling price in order to dispose of inventory at a price and under conditions and procedures established through that rule or order. (3) As used in this section and in sections 1201, 1203, and 1207, "retail selling price" means the price the commission pays for spirits plus the gross profit established in section 233. (4) As used in this section, "minimum retail selling price" means retail selling price plus the specific taxes imposed in sections 1201, 1203, and 1207. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2004, Act 407, Imd. Eff. Nov. 29, 2004 ;-- Am. 2005, Act 288, Imd. Eff. Dec. 19, 2005 ;-- Am. 2011, Act 166, Eff. Oct. 1, 2012

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1231 - Liquor Control Commission; Handling of Alcoholic Liquor; Gross Profit; Leasing and Purchasing Power.

Sec. 231. The commission may buy, possess, and sell in its own name all alcoholic liquor for distribution as provided in sections 227 and 229. The commission shall supply such types of alcoholic liquor as are demanded by the public. However, if a brand so demanded is not manufactured within the United States or is not readily obtainable within the United States, then an order for that brand shall be filled by the commission at the entire expense of the person placing that order subject to any gross profit or discounts, or both, provided for in section 233. The commission may lease or occupy any building or land required for its operation, and may purchase any warehouse required for its operation, subject to the approval of the state administrative board. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998

(436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1233 - Uniform Prices for Sale of Alcoholic Liquor; Gross Profit; Prices for Sale of Alcoholic Liquor to Hospitals, Charitable Institutions, and Military Establishments; Discount for Certain Sales of Alcoholic Liquor; Application and Certification of Qualified Small Distiller by Department of Agriculture and Rural Development; Annual Report; Expiration of Certificate; Record Retention; Definitions.

Sec. 233. (1) The commission shall establish uniform prices for the sale of alcoholic liquor by specially designated distributors. Except as otherwise provided in this section, the prices must return a gross profit to the commission of not less than 51% and not greater than 65%. If alcoholic liquor purchased by the commission has not met sales standards established by the commission for 6 months, the commission may sell the alcoholic liquor at a price to be approved by the state administrative board. (2) Notwithstanding subsection (1), the commission may establish by rule prices for the sale of alcoholic liquor to hospitals, charitable institutions, and military establishments located in this state. (3) Except as otherwise provided in this subsection, specially designated distributors and on-premises licensees are entitled to a 17% discount from the uniform prices described in subsection (1) on alcoholic liquor purchased from this state. Beginning July 1, 2020 until July 1, 2021, on-premises licensees are entitled to a 23% discount from the uniform prices described in subsection (1) on alcoholic liquor purchased from this state. (4) Beginning on the effective date of the amendatory act that added this subsection, and July 1 of each year after that date, a small distiller or an out-of-state entity that is the substantial equivalent of a small distiller may file an application with the department of agriculture and rural development to be certified as a qualified small distiller. An application under this subsection must be on a form prescribed and furnished by the department of agriculture and rural development. The department of agriculture and rural development may charge a reasonable certification fee. The certification fee received by the department of agriculture and rural development under this subsection must be deposited in the Michigan craft beverage council fund created under section 303a. (5) Beginning January 1, 2023, the price for each bottle of qualified distilled spirits manufactured by a qualified small distiller must return a gross profit to the commission of 32.5%. (6) The department of agriculture and rural development shall certify that an applicant under subsection (4) is a qualified small distiller if the department of agriculture and rural development determines that the base distillate of the small distiller or the out-of-state entity that is the substantial equivalent of a small distiller is at least 40% distilled from qualified grain grown and harvested in this state. (7) Not later than November 1, 2022, and each November 1 thereafter, the department of agriculture and rural development shall submit a report to the commission. A report under this subsection must include the name of each qualified small distiller certified under subsection (6). (8) A qualified small distiller certificate expires on July 1 following the date of issuance. (9) A small distiller or an out-of-state entity that is the substantial equivalent of a small distiller that knowingly supplies false information to the department of agriculture and rural development or the commission under this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $3,000.00, or both. A small distiller or an out-of-state entity that is the substantial equivalent of a small distiller that knowingly supplies false information as described in this subsection shall pay the commission the difference between the gross profit the commission would have received under subsection (1) if the small distiller or the out-of-state entity that is the substantial equivalent of a small distiller was not a qualified small distiller, as determined by the commission. (10) A qualified small distiller shall keep a complete and accurate set of records and accounts of all transactions pertaining to the operation of its distillery, including, but not limited to, records and accounts of all qualified grain received in or withdrawn from the distillery, all acknowledgment forms and Michigan certification of origination statements in the qualified small distiller's possession, copies of all contracts, and acknowledgment forms returned to and settled by the qualified small distiller. The department of agriculture and rural development and the commission may examine the records and accounts pertaining to the qualified small distiller's qualified grain handling business at any time during normal business hours. (11) As used in this section: (a) "Acknowledgment form" means a scale weight ticket, a load slip, or any other evidence of deposit issued by a small distiller, an out-of-state entity that is the substantial equivalent of a small distiller, or the authorized representative of a small distiller or out-of-state entity that is the substantial equivalent of a small distiller to a depositor that identifies the qualified grain being transferred from possession of the depositor to the possession of the small distiller or the out-of-state entity that is the substantial equivalent of a small distiller. (b) "Depositor" means either of the following: (i) A person that delivers qualified grain to a small distiller or an out-of-state entity that is the substantial equivalent of a small distiller for storage, processing, shipment, or sale and that has title to qualified grain at the time of delivery. (ii) A person that owns or that is the legal holder of an acknowledgment form issued by a depositor for qualified grain. (c) "Michigan certification of origination statement" means a signed statement from a depositor or producer on an acknowledgement form that deposited qualified grain was grown and harvested in this state. (d) "Qualified distilled spirits" means distilled spirits manufactured by a qualified small distiller of which at least 40% of the base distillate is distilled from qualified grain grown and harvested in this state. (e) "Qualified grain" means any of the following: (i) Dry barley. (ii) Malted barley. (iii) Oats. (iv) A small grain. (v) A cereal grain. (vi) Potato. (vii) Corn. (viii) Fruit. (ix) Sugar beets. (x) Honey. (f) "Qualified small distiller" means a small distiller or an out-of-state entity that is the substantial equivalent of a small distiller certified by the department of agriculture and rural development under this section as having at least 40% of the base distillate used to manufacture spirits that are distilled from qualified grain grown and harvested in this state. The base distillates may be distilled by the small distiller or the out-of-state entity that is the substantial equivalent of a small distiller or may be distillates purchased or received and further manufactured in compliance with section 204a. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2020, Act 126, Imd. Eff. July 1, 2020 ;-- Am. 2022, Act 135, Eff. Oct. 5, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-2 - Chapter 2 (436.1201...436.1235)Section 436.1235 - Search Warrant; Seizure of Property.

Sec. 235. A search warrant may be issued in accordance with the code of criminal procedure, 1927 PA 175, MCL 760.1 to 776.21. Under such a search warrant the officer may seize any alcoholic liquor, containers, implements, or conveyances used in connection with the violation of this act or any rule promulgated under this act. A property right does not exist in any alcoholic liquor had, kept, transported, or possessed contrary to law or in any receptacle or container of any kind in which the alcoholic liquor is found, and all such are hereby declared contraband and forfeited to the state and shall be seized. All alcoholic liquor, containers, implements, or conveyances seized under any such search warrant shall be turned over to the commission by direction of the court or magistrate and shall be disposed of in accordance with the rules promulgated under this act, which shall guarantee the return of such property, or payment of money received for the sale of that property, to the owner unless the owner is charged and convicted of the alleged offense or offenses in connection with which the search and seizure was made. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-3 - Chapter 3 (436.1301...436.1307)Section 436.1301 - Wine Tax; Levy and Collection; Rate; Sacramental Wines; Tax on Mixed Spirit Drink; Payment; Incorporation of Farm Mutual Cooperative Wineries; Licensing; Fee; Certification of Stockholders or Members; Payment of Tax by Wholesaler; Rules.

Sec. 301. (1) The commission shall levy and collect on all wine containing 16% or less of alcohol by volume sold in this state a tax at the rate of 13.5 cents per liter if sold in bulk and in a like ratio if sold in smaller quantities. (2) The commission shall levy and collect on all wine containing more than 16% of alcohol by volume sold in this state a tax at the rate of 20 cents per liter if sold in bulk and in a like ratio if sold in smaller quantities. (3) Sacramental wine is nontaxable when used by churches. A person may import sacramental wines. The commission shall not impose restrictions on importations of wine for sacramental purposes but may promulgate rules to prevent any abuses that result from the importations. A wholesaler or an outstate seller of wine may sell sacramental wine directly to a church for sacramental purposes. (4) The commission shall levy and collect on all mixed spirit drink sold in this state a tax at the rate of 30 cents per liter if sold in bulk or a like ratio if sold in smaller quantities. (5) After January 31, 2015, if the wine is manufactured in this state the tax must be paid by the wine maker who manufactured the wine or if the wine is manufactured outside this state the tax must be paid by the wholesaler assigned to distribute that wine. (6) After January 31, 2015, if the mixed spirit drink is manufactured in this state the tax must be paid by the manufacturer of the mixed spirit drink or if the mixed spirit drink is manufactured outside this state the tax must be paid by the wholesaler assigned to distribute that mixed spirit drink. (7) On approval by the commission, the department of licensing and regulatory affairs shall incorporate a limited number of farm mutual cooperative wineries as the commission determines to be beneficial to the Michigan grape and fruit industry. These wineries must be licensed under this act and the payment of 1 license fee annually by the corporation authorizes wine making on the premises of the corporation and also on the premises of the grape and fruit growing farmers who are members of or stockholders in the corporation. Upon incorporation of a farmers' cooperative corporation as provided for in this section, the members of or the stockholders in the corporation are certified to be Michigan grape and fruit growing farmers. Wine making by cooperative corporations on farm premises is allowed, but all sales of the wine must be made by the corporation and from the corporation premises. (8) A wine maker or manufacturer of a mixed spirit drink may designate a wholesaler to pay the tax on behalf of the wine maker or manufacturer, respectively. If a wine maker or manufacturer designates a wholesaler to pay the tax on its behalf, that wine maker or manufacturer shall notify the commission of the designation and provide the commission with a copy of its report of wine premises operations that it filed with the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury for each calendar year. A wholesaler that is responsible for the payment of the tax under this section or that is designated to pay the tax under this section on behalf of the wine maker or manufacturer of the mixed spirit drink is only required to pay the tax on the number of liters actually sold by the wholesaler to licensed retailers. (9) The commission shall establish by rule a method for the collection of the tax levied in this section and reporting requirements for wholesalers, wine makers, outstate sellers of mixed spirit drink, and outstate sellers of wine to verify the remission of taxes to this state. Except as otherwise provided in this subsection, the commission shall not require that the tax be paid in less than monthly intervals. Beginning March 15, 2020, the commission shall not require that the tax be paid in less than quarterly intervals. The rules under this subsection must be promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2014, Act 49, Imd. Eff. Mar. 25, 2014 ;-- Am. 2020, Act 110, Imd. Eff. July 1, 2020 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021Admin Rule:R 436.1001 et seq.; R 436.1701 et seq.; and R 436.1801 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-3 - Chapter 3 (436.1301...436.1307)Section 436.1303 - Grape and Wine Industry Council; Creation; to Be Known as Michigan Craft Beverage Council; Appointment, Qualifications, and Terms of Members; Chairperson; Personnel; Expenses; Liability on Contracts; Compensation; Books and Records; Disposition of Money Received; Award and Administration of Grants; Duties and Powers of Council; Rules; Lobbying Prohibited; Exception; Establishment of Commodity Committee; Definitions.

Sec. 303. (1) The grape and wine industry council created under Executive Reorganization Order No. 2014-2, MCL 333.26253, shall be housed within the department of agriculture and rural development. Beginning on the effective date of the 2018 amendatory act that amended this section, the council shall be known as the Michigan craft beverage council and shall consist of the following members: (a) As a nonvoting member, the director of the department of agriculture and rural development or his or her designee. (b) Subject to subsection (2), the following voting members, appointed by the governor: (i) A representative of retail food

establishments that hold a specially designated merchant license and sell Michigan wines or beer. (ii) A representative of restaurants that hold a class C license and serve Michigan wines, beer, or spirits. (iii) Two representatives of wine makers. (iv) A representative of wine makers that primarily manufacture cider. (v) A representative of large brewers. (vi) One of the following: (A) A representative of micro brewers. (B) A representative of brewpub license holders. (vii) A representative of small distillers. (viii) A representative of distillers that manufacture more than 60,000 gallons of spirits per year. (2) The following apply to a member of the council appointed under subsection (1)(b): (a) The member's principal place of business must be located in this state. (b) The member must not be a lobbyist or a lobbyist agent as those terms are defined in section 5 of 1978 PA 472, MCL 4.415. (3) Voting members of the council appointed by the governor under subsection (1) shall serve for terms of 3 years or until a successor is appointed, whichever is later, except that of the voting members first appointed, 3 shall serve for 1 year, 3 shall serve for 2 years, and 3 shall serve for 3 years. A voting member shall not serve more than 2 consecutive terms. A vacancy on the board shall be filled in the same manner as the original appointment. The director of the department of agriculture and rural development is the chairperson of the council. (4) The council may employ personnel and incur expenses that are necessary to carry out the responsibilities of the council under this act. A member of the council or an employee or agent of the council is not personally liable on the contracts of the council. (5) A nongovernmental member of the council may receive $50.00 per day for each day spent in actual attendance at meetings of the council and traveling expenses while on council business in accordance with standard travel regulations of the department of technology, management, and budget. (6) The council shall maintain accurate books and records, and all money received by the council shall be used to implement and enforce this section. The council may accept money from any source for the purpose of carrying out this section. All money received by the council shall be forwarded to the state treasurer for deposit into the Michigan craft beverage council fund created in section 303a. (7) Subject to an appropriation, the council shall direct the department of agriculture and rural development to award grants for the following: (a) Research into both of the following: (i) Fruits used in winemaking and wines, including, but not limited to, methods of planting, growing, controlling insects and diseases, charting microclimates and locations for growing desirable varieties of fruits used in winemaking and wines, marketing, processing, distribution, advertising, sales production, and product development. (ii) Hops, barley, beer, and spirits, including, but not limited to, methods of planting, growing, controlling insects and diseases, marketing, processing, distribution, advertising, sales production, and product development. (b) Projects that do 1 or more of the following: (i) Provide the wine industry, including growers, wineries, distributors, and retailers, with information relative to proper methods of handling and selling fruits used in winemaking and wines. (ii) Provide the brewing and distilling industries, including growers, brewers, distillers, distributors, and retailers, with information relative to proper methods of handling and selling hops, barley, beer, spirits, and mixed spirit drinks. (iii) Provide for market surveys and analyses for purposes of expanding existing markets and creating new and larger markets for Michigan agricultural products such as fruits, hops, and barley, that are used in the production of wine, cider, beer, spirits, and mixed spirit drinks. (iv) Provide for the promotion of the sale of Michigan agricultural products such as fruits, hops, and barley, that are used in the production of wine, cider, beer, spirits, and mixed spirit drinks for the purpose of maintaining or expanding present markets and creating new and larger domestic and foreign markets. (v) Develop and administer financial aid programs to growers of fruits used in winemaking to encourage the increased planting in this state of desirable fruit varieties in microclimates determined to provide the best conditions for producing quality wines. (vi) Develop and administer financial aid programs to hops growers to encourage increased planting in this state of desirable hops varieties in microclimates determined to provide the best conditions for producing quality beer. (vii) Develop and administer financial aid programs to barley growers to encourage increased planting in this state of desirable barley varieties in microclimates determined to provide the best conditions for producing quality beer. (viii) Establish educational partnerships to benefit the beer, wine, cider, spirits, and mixed spirit drink industries. (8) The department of agriculture and rural development shall administer the grants awarded under subsection (7). (9) The council shall do all of the following: (a) Apply for and accept grants or contributions from the federal government or any of its agencies, the state, or other public or private agencies to be used for any of the purposes of this section and to do any and all things within its express or implied powers necessary or desirable to secure that financial or other aid or cooperation in the carrying out of any of the purposes of this section. (b) Invite the chief executive officer of the Michigan economic development corporation or his or her designee to attend at least 1 council meeting annually to inform the council about partnership activities and opportunities related to the marketing and promotion of Michigan agricultural products such as fruits, hops, and barley, that are used in the production of wine, cider, beer, spirits, and mixed spirit drinks. (c) Invite the director of the department of licensing and regulatory affairs to attend at least 1 council meeting annually to inform the council about funding activities affecting the council. (d) Prepare and adopt an annual budget. (10) Based on the information provided to the council under subsection (9)(b) and (c), the council may do either or both of the following: (a) Take actions that will enhance the marketing and promotion of Michigan agricultural products, such as fruits, hops, and barley, that are used in the production of wine, cider, beer, spirits, and mixed spirit drinks. (b) Annually review and adopt strategies for marketing and promotion of Michigan agricultural products, such as fruits, hops, and barley, that are used in the production of wine, cider, beer, spirits, and mixed spirit drinks. (11) The council may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the purposes of implementing and enforcing this section. However, the council shall not promulgate a rule that conflicts with a rule promulgated by the commission under section 215. (12) Except as otherwise provided in this subsection, the council shall not engage in lobbying. This subsection does not prohibit the council or a council member or council employee from providing technical information to the legislature or to the department of agriculture and rural development, regardless of whether the council, council member, or council employee is appearing before an officially convened legislative committee or department of agriculture and rural development hearing panel, if

the technical information is related to the council's duties under this section. (13) This section does not prevent the council from establishing a commodity committee under the agriculture commodities marketing act, 1965 PA 232, MCL 290.651 to 290.674. (14) As used in this section: (a) "Cider" means an alcoholic beverage made from the fermentation of juice from primarily apples or pears, or both, which contains not less than 1/2 of 1% and not more than 8.5% of alcohol by volume. Cider may be still or carbonated and may contain other fruits, spices, botanicals, or other flavors. (b) "Council" means the Michigan craft beverage council described in subsection (1). (c) "Large brewer" means a brewer that produces in total at least 60,000 barrels of beer and not more than 1,000,000 barrels of beer per year. In determining the barrel threshold under this subdivision, all brands and labels of a brewer, whether brewed in this state or outside this state, must be combined and all facilities for the production of beer that are owned or controlled by the same person are treated as a single facility. (d) "Lobbying" means that term as defined in section 5 of 1978 PA 472, MCL 4.415. (e) "Technical information" means that term as defined in section 5 of 1978 PA 472, MCL 4.415. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2018, Act 154, Eff. Oct. 1, 2018Compiler's Notes:For transfer of powers and duties of the grape and wine industry council to the new grape and wine industry council, and abolishment of grape and wine industry council, see E.R.O. No. 2014-2, compiled at MCL 333.26253.

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-3 - Chapter 3 (436.1301...436.1307)Section 436.1303a - Michigan Craft Beverage Council Fund; Creation; Receipt of Money or Other Assets; Deposit; Investment; Interest and Earnings; Money Remaining at Close of Fiscal Year; Expenditure; "Michigan Craft Beverage Council" Defined.

Sec. 303a. (1) The Michigan craft beverage council fund is created within the state treasury. (2) The state treasurer may receive money or other assets from any source for deposit into the Michigan craft beverage council fund. The state treasurer shall direct the investment of the Michigan craft beverage council fund. The state treasurer shall credit to the Michigan craft beverage council fund interest and earnings from fund investments. (3) Money in the Michigan craft beverage council fund at the close of the fiscal year must remain in the fund and must not lapse to the general fund. However, for the fiscal year ending September 30, 2020, $476,500.00 of the money in the Michigan craft beverage council fund is transferred to and must be deposited into the general fund. (4) Subject to subsection (5), money from the Michigan craft beverage council fund must be expended annually, on appropriation, for the following: (a) Not more than $80,000.00 may be used by the department of agriculture and rural development to administer the grants program under section 303. (b) Not less than 50% of the money that is expended after the expenditure under subdivision (a) may be used for grants under section 303(7)(a). (c) For grants under section 303(7)(b). (d) For the Michigan craft beverage council to carry out its responsibilities under this act. (5) Notwithstanding subsection (4), if the Michigan craft beverage council receives money under section 303(9)(a), the money may be expended for the purposes and subject to the conditions for which it was received. (6) As used in this section, "Michigan craft beverage council" means the Michigan craft beverage council created in section 303. History:Add. 2018, Act 155, Eff. Oct. 1, 2018 ;-- Am. 2020, Act 200, Imd. Eff. Oct. 15, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-3 - Chapter 3 (436.1301...436.1307)Section 436.1305 - Wine and Mixed Spirit Drink Industry; Purpose of Section; Reasons for Regulation; Definitions; Prohibited Conduct; Servicing Impacted Sales Territory; Termination, Cancellation, Nonrenewal, or Discontinuance of Agreement; Burden; Notice; Test Marketing; Sales and Distribution; Transfer of Wholesaler's Business; Compensation for Diminished Value of Wholesaler's Business; Arbitration; Costs; Default; Waiver; Good Faith Dispute Settlement; Agreement Binding on Successor to Supplier; Agreements to Which Section Applicable; Civil Action for Actual Damages; Liability; Action for Declaratory Judgment; Exemplary Damages; Injunctive Relief; Procedure for Resolving Violations.

Sec. 305. (1) The purpose of this section is to provide a structure for the business relations between a wholesaler of wine or mixed spirit drink and a supplier of wine of mixed spirit drink. Regulation in this area is considered necessary for the following reasons: (a) To maintain stability and healthy competition in the wine and mixed spirit drink industry in this state. (b) To promote and maintain a sound, stable, and viable 3-tier distribution system of wine and mixed spirit drink to the public. (c) To recognize the marketing distinctions between beer, wine, and mixed spirit drink. (d) To promote the public health, safety, and welfare. (2) As used in this section, unless the context requires otherwise: (a) "Agreement" means any agreement between a wholesaler and a supplier, whether oral or written, whereby a wholesaler is granted the right to offer and sell a brand or brands of wine or mixed spirit drink sold by a supplier. (b) "Ancillary business" means a business owned by a wholesaler, a stockholder of a wholesaler, or a partner of a wholesaler the primary purpose of which is directly related to the transporting, storing, or marketing of the brand or brands of wine or mixed spirit drink of a supplier with whom the wholesaler has an agreement; or a business owned by a wholesaler, a stockholder of a wholesaler, or a partner of a wholesaler that recycles empty returnable beverage containers. (c) "Designated member" means the spouse, child, grandchild, parent, brother, or sister of a deceased individual who owned an interest in a wholesaler, who is entitled to inherit the deceased individual's ownership interest in the wholesaler under the terms of the deceased individual's will, or who has otherwise been designated in writing by the deceased individual to succeed the deceased individual in the wholesaler's business, or is entitled to inherit that ownership interest under the laws of intestate succession of this state. With respect to an incapacitated individual owning an ownership interest in a wholesaler, the term means the person appointed by a court as the conservator of that individual's property. The term also includes the appointed and qualified personal representative and the testamentary trustee of a deceased individual owning an ownership interest in a wholesaler. (d) "Good faith" means honesty in fact and the observance of

reasonable commercial standards of fair dealing in the trade, as defined and interpreted under section 1201 of the uniform commercial code, 1962 PA 174, MCL 440.1201. (e) "Master distributor" means a wholesaler that acts in the same or similar capacity as a wine maker, mixed spirit drink manufacturer, an outstate seller of wine, or an outstate seller of mixed spirit drink for a brand or brands of wine or mixed spirit drink to other wholesalers on a regular basis in the normal course of business. (f) "Reasonable qualifications" means the average standard of the criteria used by the respective supplier for wholesalers that entered into or renewed an agreement with the suppliers during a period of 24 months before the proposed transfer of the wholesaler's business. (g) "Retaliatory action" means action that includes, but is not limited to, the refusal to continue an agreement, or a material reduction in the quality of service or quantity of products available to a wholesaler under an agreement, which refusal or reduction is not made in good faith. (h) "Sales territory" means an area of sales responsibility for the brand or brands of wine or mixed spirit drink sold by a supplier as designated by an agreement. (i) "Successor" means a supplier that obtains, in any manner from any person, including a person that is not a supplier, the distribution rights of 1 or more brands of wine or mixed spirit drink that a licensed Michigan wholesaler has distributed in this state under an agreement with another supplier, that previously had the distribution rights for the brand or brands. (j) "Supplier" means a wine maker, mixed spirit drink manufacturer, an outstate seller of wine, an outstate seller of mixed spirit drink, or a master distributor. (k) "Transfer of a wholesaler's business" means the voluntary sale, assignment, or other transfer of the business or control of the business of the wholesaler, including the sale or other transfer of stock or assets by merger, consolidation, or dissolution. (3) A supplier shall not do any of the following: (a) Coerce, or attempt to coerce, a wholesaler to accept delivery of any wine, mixed spirit drink, or other commodity that has not been ordered by the wholesaler. However, a supplier may impose reasonable inventory requirements on a wholesaler if the requirements are made in good faith and are generally applied to other wholesalers having an agreement with the supplier. (b) Coerce, or attempt to coerce, a wholesaler to accept delivery of any wine, mixed spirit drink, or other commodity ordered by a wholesaler if the order was properly canceled by the wholesaler in accordance with the procedures agreed on by the supplier and wholesaler. (c) Coerce, or attempt to coerce, a wholesaler to do any illegal act by threatening to amend, cancel, terminate, or refuse to renew any agreement existing between the supplier and wholesaler. (d) Require a wholesaler to assent to any condition, stipulation, or provision limiting the wholesaler's right to sell the brand or brands of wine or mixed spirit drink of any other supplier anywhere in this state unless the acquisition of the brand or brands of another supplier would materially impair the quality of service of the brand or brands of the supplier presently being sold by the wholesaler. (e) Require a wholesaler to purchase 1 or more brands of wine or mixed spirit drink in order for the wholesaler to purchase another brand or brands of wine or mixed spirit drink for any reason. However, a wholesaler that has agreed to distribute a brand or brands before June 26, 1984 shall continue to distribute the brand or brands in conformance with this section. (f) Request a wholesaler to submit profit and loss statements, balance sheets, or financial records as a requirement for renewing or retaining an agreement. (g) Withhold delivery of wine or mixed spirit drink ordered by a wholesaler, or change a wholesaler's quota of a brand or brands if the withholding or change is not made in good faith. (h) Require a wholesaler by any means to participate in or contribute to any local or national advertising fund controlled directly or indirectly by a supplier. (i) Fail to provide each wholesaler of the supplier's brand or brands with a written agreement that contains in total the supplier's agreement with each wholesaler, and designates a specific sales territory. (j) Fix, maintain, or establish the price at which a wholesaler shall sell any wine or mixed spirit drink. (k) Take any retaliatory action against a wholesaler that files a complaint regarding an alleged violation by the supplier of state or federal law or an administrative rule. (l) Require or prohibit any change in the manager or successor manager of any wholesaler that has been approved by the supplier as of June 26, 1984. If, after June 26, 1984, a supplier requires a manager or successor manager be appointed, or if a wholesaler changes an approved manager or successor manager, a supplier shall not interfere with or prohibit the appointment unless the person fails to meet the reasonable written standards for Michigan wholesalers of the supplier that have been provided to the wholesaler. (m) Require by a provision of any agreement or other instrument in connection with the agreement that any dispute arising out of or in connection with that agreement be determined through the application of any other state's laws. Any supplier or wholesaler aggrieved by any dispute arising out of or in connection with an agreement governed by this act has the right to file an appropriate action consistent with this act in any court in this state having venue. (4) A wholesaler shall not sell or deliver wine or mixed spirit drink to a retail licensee located outside the sales territory designated by the supplier of a particular brand or brands of wine or mixed spirit drink. However, during periods of temporary service interruptions impacting a particular sales territory, a wholesaler that normally services the impacted sales territory shall file with the commission a written notice designating the specific wholesaler or wholesalers that will service the sales territory during the period of temporary service interruption and the approximate length of time of the service interruption. When the temporary service interruption is over, the wholesaler that normally services the sales territory shall notify in writing the commission and the wholesaler, or wholesalers, which is servicing the sales territory on a temporary basis of this fact and any wholesaler servicing the sales territory on a temporary basis shall cease servicing the sales territory upon receipt of the notice. A wholesaler that is designated to service the impacted sales territory during the period of temporary service is not in violation of this subsection. A wholesaler that has been designated to service the impacted sales territory during the period of temporary service interruption does not have any of the rights provided under subsections (6) to (12). (5) A supplier or wholesaler shall not directly or indirectly restrict or inhibit the right of free association among suppliers or wholesalers for any lawful purpose. (6) Notwithstanding the terms, provisions, or conditions of any agreement, a supplier shall not amend any agreement unless the supplier is acting in good faith in making the amendment. (7) Notwithstanding any agreement and except as otherwise provided for in this section, a supplier shall not cause a wholesaler to resign from an agreement; or cancel, terminate, fail to renew, or refuse to continue under an agreement unless the supplier has complied with all of the following: (a) Has satisfied the applicable notice requirements of subsection (10). (b) Has

acted in good faith. (c) Has good cause for the cancellation, termination, nonrenewal, discontinuance, or forced resignation. (8) Notwithstanding any agreement, good cause shall exist for the purposes of a termination, cancellation, nonrenewal, or discontinuance under subsection (7)(c) when all of the following occur: (a) The wholesaler fails to comply with a provision of the agreement that is both reasonable and of material significance to the business relationship between the wholesaler and the supplier. (b) The supplier first acquired knowledge of the failure described in subdivision (a) not more than 2 years before the date notification was given under subsection (7). (c) The wholesaler was given written notice by the supplier of failure to comply with the agreement. (d) The wholesaler was afforded a reasonable opportunity to assert good faith efforts to comply with the agreement within the time limits as provided for in subdivision (e). (e) The wholesaler has been afforded 25 days in which to submit a plan of corrective action to comply with the agreement and an additional 75 days to cure the noncompliance in accordance with the plan. (9) A supplier or wholesaler who terminates, cancels, nonrenews, or discontinues an agreement has the burden of showing that it has acted in good faith, complied with the applicable notice requirements under this section, and that there was good cause for the termination, cancellation, nonrenewal, or discontinuance. (10) Notwithstanding any agreement and except as otherwise provided in this section, a supplier shall furnish written notice of a termination, cancellation, nonrenewal, or discontinuance of an agreement to the wholesaler not less than 15 days before the effective date of the termination, cancellation, nonrenewal, or discontinuance. The notice must be by certified mail and must contain all of the following: (a) A statement of intention to terminate, cancel, not renew, or discontinue the agreement. (b) A statement of the reason for the termination, cancellation, nonrenewal, or discontinuance. (c) The effective date of the termination, cancellation, nonrenewal, or discontinuance. (11) Notwithstanding subsections (7) and (10), a supplier may immediately terminate, cancel, not renew, or discontinue an agreement on written notice given in the manner and containing the information required by subsection (10) if any of the following occur: (a) Insolvency of the wholesaler, the filing of any petition by or against the wholesaler under any bankruptcy or receivership law, or the dissolution or liquidation of the wholesaler that materially affects the wholesaler's ability to remain in business. (b) The commission revokes the wholesaler's license whereby the wholesaler cannot service the wholesaler's sales territory for more than 60 days. (c) The wholesaler, or an individual who owns more than 10% of the stock of a corporate wholesaler, is convicted of a felony. However, an existing approved stockholder has the right to purchase the stock of the offending stockholder before the conviction of the offending stockholder, and if the sale is completed before conviction, this subdivision does not apply. As used in this subdivision, "felony" means a felony under the United States code or the Michigan Compiled Laws. (12) Notwithstanding subsections (7), (10), and (11), on not less than 15 days' prior written notice given in the manner and containing the information required by subsection (10), a supplier may terminate, cancel, not renew, or discontinue an agreement if any of the following events occur: (a) There was fraudulent conduct on the part of the wholesaler in dealings with the supplier. (b) The wholesaler failed to confine its sales of a brand or brands to the assigned sales territory. This subdivision does not apply if there is a dispute between 2 or more wholesalers as to the boundaries of the assigned territory, and the boundaries cannot be determined by a reading of the description contained in the agreements between the supplier and the wholesalers. (c) The sale by the wholesaler of any brand or brands sold by the supplier to the wholesaler that the wholesaler knew were ineligible for sale before the actual sale to the retailer. The supplier shall repurchase the ineligible product from the wholesaler when the ineligibility is caused by the supplier. The supplier must give the wholesaler written notice specifying the ineligible product. (13) Notwithstanding subsections (7), (10), (11), and (12), a supplier may terminate, cancel, not renew, or discontinue an agreement upon not less than 30 days' prior written notice if the supplier discontinues production or discontinues distribution in this state of all the brands sold by the supplier to the wholesaler. Nothing in this section prohibits a supplier upon not less than 30 days' notice to discontinue the distribution of any particular brand or package of wine or mixed spirit drink. This subsection does not prohibit a supplier from conducting test marketing of a new brand of wine or mixed spirit drink or from conducting the test marketing of a brand of wine or mixed spirit drink that is not currently being sold in this state if the supplier has notified the commission in writing of its plans to test market. The notice must describe the market area in which the test must be conducted; the name or names of the wholesaler or wholesalers who will be selling the wine or mixed spirit drink; the name or names of the brand of wine or mixed spirit drink being tested; and the period of time during which the testing will take place. A market testing period must not exceed 18 months. (14) A wholesaler shall devote reasonable efforts and resources to sales and distribution of all the supplier's products that the wholesaler has been granted the right to sell and distribute and shall maintain reasonable sales levels. (15) A supplier shall not withhold consent to any transfer of a wholesaler's business if the proposed transferee meets the material and reasonable qualifications and standards required by the supplier. A wholesaler shall give the supplier written notice of intent to transfer the wholesaler's business. A supplier shall not unreasonably delay a response to a request for a proposed transfer of a wholesaler's business. However, a transfer of a wholesaler's business that is not approved by the supplier is void. A supplier shall not interfere with, or prevent, the transfer of the wholesaler's business if the proposed transferee is a designated member. (16) A supplier as part of the written agreement required by this section may, subject to the provisions of subsection (3)(l), require a wholesaler to designate a successor manager who shall be subject to prior approval by the supplier. If the designated successor manager fails to assume the role of approved manager or for any reason does not continue to manage the wholesaler's business, after assuming that responsibility, then any successor shall be subject to the prior approval of the supplier, subject to the provisions of subsection (3)(l), notwithstanding the transferee's interest as a designated member. (17) A supplier that has amended, canceled, terminated, or refused to renew any agreement; has caused a wholesaler to resign from an agreement; or has withheld consent to any assignment or transfer of a wholesaler's business, except as provided for in this section, shall pay the wholesaler reasonable compensation for the diminished value of the wholesaler's business or of any ancillary business which has been negatively affected by the act of the supplier, or both. The value of the wholesaler's business or ancillary business must

include, but not be limited to, its goodwill. (18) A supplier or wholesaler may, at any time, determine that mutual agreement on the amount of reasonable compensation cannot be reached. If such a determination is made, the supplier or the wholesaler shall send written notice to the other party declaring their intention to proceed with arbitration. Arbitration may proceed only by mutual agreement of both parties. (19) The supplier and wholesaler may, by agreement, submit the matter of determining the amount of compensation under arbitration to a 5-member arbitration panel consisting of 2 representatives selected by the supplier but unassociated with the affected supplier, 2 wholesaler representatives selected by the wholesaler but unassociated with the wholesaler, and an impartial arbitrator. (20) Not more than 10 days after the notice to enter into arbitration has been sent, the supplier and wholesaler shall request, in writing, a list of 5 arbitrators from the American arbitration association. Not more than 10 days after the supplier and wholesaler receive of the list of 5 choices, the wholesaler arbitrators and the supplier arbitrators may strike and disqualify up to 2 names each from the list. If the supplier or wholesaler fails to respond within the 10 days or if more than 1 name remains, the American arbitration association shall select the impartial arbitrator. (21) Not more than 30 days after the supplier and wholesaler receive the list of arbitrators, the wholesaler and supplier shall exchange in writing the names of their respective arbitration panel representatives. (22) Not more than 30 days after the final selection of the arbitration panel is made, the arbitration panel shall convene to decide the dispute. The panel shall render a decision by majority vote of the participants within 20 days after the arbitration concludes. (23) The cost of the impartial arbitrator, the stenographer, and the meeting site must be equally divided between the wholesaler and the supplier. All other costs must be paid by the party incurring them. The award of the arbitration panel is final and binding on the parties. (24) If the supplier or wholesaler fails to abide by the time limitations as prescribed in subsections (20), (21), and (22), or fails or refuses to select any arbitrators, or fails to participate in the arbitration hearings, the other party shall make the selection of their arbitrators and proceed to arbitration. The party who has failed or refused to comply as prescribed in this subsection is considered to be in default. Any party considered to be in default under this subsection waives any rights the party would have had in the arbitration and is considered to have consented to the determination of the arbitration panel. (25) A wholesaler shall not waive any of the rights granted in this section. This section does not limit or prohibit a good faith dispute settlement voluntarily entered into by the parties. (26) A successor to a supplier that continues in business as a wine maker, mixed spirit drink manufacturer, an outstate seller of wine, outstate seller of mixed spirit drink, or master distributor is bound by all terms and conditions of each agreement of the supplier with a wholesaler licensed in this state that were in effect on the date on which the successor received the distribution rights of the previous supplier. (27) This section applies to agreements in existence on June 26, 1984, as well as agreements entered into or renewed after that date. (28) If a supplier engages in conduct prohibited under this section, a wholesaler with which the supplier has an agreement may maintain a civil action against the supplier to recover actual damages reasonably incurred as the result of the prohibited conduct. If a wholesaler engages in conduct prohibited under this section, a supplier with which the wholesaler has an agreement may maintain a civil action against the wholesaler to recover actual damages reasonably incurred as the result of the prohibited conduct. (29) A supplier that violates this section is liable for all actual damages and all court costs and reasonable attorney fees incurred by a wholesaler as a result of that violation. A wholesaler that violates this section is liable for all actual damages and all court costs and reasonable attorney fees incurred by the supplier as a result of that violation. (30) A supplier or wholesaler may bring an action for declaratory judgment for determination of any controversy arising under this section. (31) Except as otherwise provided in this section, if a court finds that a supplier has not acted in good faith in amending, terminating, canceling, or not renewing any agreement; or has unreasonably withheld its consent to any assignment, transfer, or sale of a wholesaler's business, the court may award exemplary damages, as well as actual damages, court costs, and reasonable attorney fees to the wholesaler that has been damaged by the action of the supplier. (32) On proper application to a court, a supplier or wholesaler may obtain injunctive relief against any violation of this section. If the court grants injunctive relief or issues a temporary restraining order, bond is not required to be posted. (33) The procedure for resolving any violation of subsection (3)(a), (b), (c), (e), (f), (h), (i), (j), (k), (l), or (4) is the procedure prescribed by this act and the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Any other violation of or dispute regarding this section, unless the dispute is resolved pursuant to subsections (18) to (24), must only be resolved by a civil action in court as provided in this section and not by the commission. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-3 - Chapter 3 (436.1301...436.1307)Section 436.1307 - Sales Territory; Master Distributor Defined.

Sec. 307. (1) A manufacturer, an outstate seller of wine, and a master distributor shall grant to each of its wholesalers a sales territory within which the wholesaler is a distributor of the specified brand or brands of the manufacturer, outstate seller of wine, or master distributor under an agreement as required under this act. The territory is the territory agreed on between the wholesaler and manufacturer, outstate seller of wine, or master distributor. Except as provided for in subsection (9) and beginning June 1, 2010, a manufacturer, outstate seller of wine, or master distributor shall not grant the right to sell a specified brand or brands of wine in a sales territory to more than 1 wine wholesaler. A master distributor shall not itself distribute a specified brand or brands of wine in the same sales territory where that master distributor has granted the right to distribute that specified brand or brands of wine in that sales territory to another wine wholesaler. (2) Notwithstanding subsection (1), a brand extension is not a new or different brand. A manufacturer or outstate seller of wine shall assign a brand extension to the wholesaler that was granted the sales territory for the brand from which the brand extension resulted. (3) Subsection (2) does not apply if, before January 1, 1994, a manufacturer or outstate seller of wine had assigned a brand extension to a wholesaler that was not the appointed wholesaler for the brand from

which the brand extension was made. (4) Subsection (2) does not apply if, before October 1, 2019, a successor manufacturer or successor outstate seller of wine had assigned a brand extension to a wholesaler that was not the appointed wholesaler for the brand from which the extension was made. (5) A manufacturer of a mixed wine drink, mixed spirit drink manufacturer, outstate seller of a mixed wine drink, or outstate seller of mixed spirit drink shall grant to each of its wholesalers an exclusive sales territory in which the wholesaler is a distributor of the specified brand or brands of the manufacturer or outstate seller. The territory is the territory agreed on between the wholesaler and the manufacturer of a mixed wine drink, mixed spirit drink manufacturer, outstate seller of mixed wine drinks, or outstate seller of mixed spirit drink. (6) Notwithstanding subsection (5), a brand extension is not a new or different brand. A manufacturer of a mixed wine drink, mixed spirit drink manufacturer, outstate seller of a mixed wine drink, or outstate seller of mixed spirit drink shall assign a brand extension to the wholesaler that was granted the exclusive sales territory for the brand from which the brand extension resulted. (7) Subsection (6) does not apply if, before January 1, 1994, a manufacturer of a mixed wine drink, mixed spirit drink manufacturer, outstate seller of a mixed wine drink, or outstate seller of mixed spirit drink had assigned a brand extension to a wholesaler that was not the appointed wholesaler for the brand from which the brand extension was made. (8) Subsection (6) does not apply if, before October 1, 2019, a successor manufacturer or successor outstate seller of mixed wine drink or mixed spirit drink had assigned a brand extension to a wholesaler that was not the appointed wholesaler for the brand from which the brand extension was made. (9) Subsection (1) does not prohibit any of the following: (a) A manufacturer of wine, an outstate seller of wine, mixed spirit drink manufacturer, outstate seller of mixed spirit drink, or a master distributor from continuing or renewing an agreement under this act with a wholesaler for a specified brand or brands for any county or part of a county where more than 1 wholesaler has an agreement with the manufacturer of wine, outstate seller of wine, mixed spirit drink manufacturer, outstate seller of mixed spirit drink, or master distributor in effect on June 1, 2010 if the wholesaler had an agreement to distribute that specified brand or brands in that county or that part of a county and was a master distributor or was actively selling that brand or brands of wine or mixed spirit drink to a retailer in that county or that part of a county on June 1, 2010. (b) A wholesaler from selling or transferring the wholesaler's distribution rights or a manufacturer of wine, outstate seller of wine, mixed spirit drink manufacturer, outstate seller of mixed spirit drink, or master distributor from approving the sale or transfer of a wholesaler's distribution rights to a specified brand or brands of wine or mixed spirit drink for any county or part of a county to another wholesaler if the selling or transferring wholesaler, or any of its predecessors, had the right to distribute that brand or brands of wine or mixed spirit drink in that county or part of that county and was actively selling that brand or brands to a retailer in that county or that part of a county on June 1, 2010 or was acting as a master distributor for that county or part of that county on June 1, 2010. (10) As used in this section, "master distributor" means, notwithstanding section 109(4), a wholesaler that acts in the same or similar capacity as a wine maker, wine manufacturer, outstate seller of wine, mixed spirit drink manufacturer, or outstate seller of mixed spirit drink for a brand or brands of wine or mixed spirit drink to other wholesalers on a regular basis in the normal course of business. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2018, Act 406, Imd. Eff. Dec. 19, 2018 ;-- Am. 2020, Act 114, Imd. Eff. July 1, 2020 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-4 - Chapter 4 (436.1401...436.1415)Section 436.1401 - Wholesalers to Be Granted Exclusive Sales Territory by Manufacturer and Outstate Seller of Beer and Malt Beverages.

Sec. 401. (1) A manufacturer and outstate seller of beer and malt beverages shall grant to each of its wholesalers an exclusive sales territory, as agreed on between the wholesaler and manufacturer or outstate seller of beer, within which the wholesaler is the exclusive distributor of the specified brand or brands of the manufacturer or outstate seller of beer. (2) If the manufacturer or outstate seller manufactures or supplies more than 1 brand of beer or malt beverage, the manufacturer or outstate seller may grant exclusive sales territories to different wholesalers for the sale of the different brand or brands. (3) Notwithstanding subsection (2), a brand extension is not considered a new or different brand. A manufacturer or outstate seller of beer or malt beverages shall assign a brand extension to the wholesaler that was granted the exclusive sales territory to the brand from which the brand extension resulted. (4) Subsection (3) does not apply if, before January 1, 1994, a manufacturer or outstate seller of beer or malt beverages had assigned a brand extension to a wholesaler that was not the appointed wholesaler for the brand from which the brand extension was made. (5) Subsection (3) does not apply if, before October 1, 2019, a successor manufacturer or successor outstate seller of beer or malt beverages had assigned a brand extension to a wholesaler that was not the appointed wholesaler for the brand from which the brand extension was made. (6) The sales territory under this section is the territory agreed on between the wholesaler and manufacturer or outstate seller of beer. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2020, Act 113, Imd. Eff. July 1, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-4 - Chapter 4 (436.1401...436.1415)Section 436.1403 - Beer Industry; Purpose of Section; Reasons for Regulation; Definitions; Prohibited Conduct; Termination, Cancellation, Nonrenewal, or Discontinuance of Agreement; Burden; Notice; Test Marketing; Sales and Distribution; Additional Agreement Prohibited; Transfer of Wholesaler's Business; Compensation for Diminished Value of Wholesaler's Business; Arbitration; Costs; Default; Waiver; Good Faith Dispute Settlement; Agreement Binding on Successor to Supplier; Agreements to Which Section Applicable; Civil Action for Actual Damages; Liability; Action for Declaratory Judgment; Exemplary Damages; Injunctive Relief; Procedure for Resolving Violations.

Sec. 403. (1) The purpose of this section is to provide a structure for the business relations between a wholesaler of beer and a

supplier of beer. Regulation in this area is considered necessary for the following reasons: (a) To maintain stability and healthy competition in the beer industry in this state. (b) To promote and maintain a sound, stable, and viable 3-tier system of distribution of beer to the public. (c) To promote the public health, safety, and welfare. (2) As used in this section, unless the context requires otherwise: (a) "Agreement" means any agreement between a wholesaler and a supplier, whether oral or written, whereby a wholesaler is granted the right to offer and sell a brand or brands of beer sold by a supplier. (b) "Ancillary business" means a business owned by a wholesaler, a stockholder of a wholesaler, or a partner of a wholesaler the primary purpose of which is directly related to the transporting, storing, or marketing of the brand or brands of beer of a supplier with whom the wholesaler has an agreement; or a business owned by a wholesaler, a stockholder of a wholesaler, or a partner of a wholesaler which recycles empty returnable beverage containers. (c) "Designated member" means the spouse, child, grandchild, parent, brother, or sister of a deceased individual who owned an interest in a wholesaler, who is entitled to inherit the deceased individual's ownership interest in the wholesaler under the terms of the deceased individual's will, or who has otherwise been designated in writing by the deceased individual to succeed the deceased individual in the wholesaler's business, or is entitled to inherit such ownership interest under the laws of intestate succession of this state. With respect to an incapacitated individual owning an ownership interest in a wholesaler, the term means the person appointed by a court as the conservator of such individual's property. The term also includes the appointed and qualified personal representative and the testamentary trustee of a deceased individual owning an ownership interest in a wholesaler. (d) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade, as defined and interpreted under section 2103 of the uniform commercial code, 1962 PA 174, MCL 440.2103. (e) "Master distributor" means a wholesaler who acts in the same or similar capacity as a brewer or outstate seller of beer for a brand or brands of beer to other wholesalers on a regular basis in the normal course of business. (f) "Reasonable qualifications" means the average standard of the criteria used by the respective supplier for wholesalers that entered into or renewed an agreement with the supplier during a period of 24 months prior to the proposed transfer of the wholesaler's business. (g) "Retaliatory action" means action which includes, but is not limited to, the refusal to continue an agreement, or a material reduction in the quality of service or quantity of products available to a wholesaler under an agreement, which refusal or reduction is not made in good faith. (h) "Sales territory" means an area of exclusive sales responsibility for the brand or brands of beer sold by a supplier as designated by an agreement. (i) "Successor" means a supplier who obtains, in any manner from any person, including a person who is not a supplier, the distribution rights of 1 or more brands of beer which a licensed Michigan wholesaler has distributed in this state pursuant to an agreement with another supplier who previously had the distribution rights for the brand or brands. (j) "Supplier" means a brewer, an outstate seller of beer, or a master distributor. (k) "Transfer of a wholesaler's business" means the voluntary sale, assignment, or other transfer of the business or control of the business of the wholesaler, including the sale or other transfer of stock or assets by merger, consolidation, or dissolution. (3) A supplier shall not do any of the following: (a) Coerce, or attempt to coerce, any wholesaler to accept delivery of any beer or other commodity which has not been ordered by the wholesaler. However, a supplier may impose reasonable inventory requirements upon a wholesaler if the requirements are made in good faith and are generally applied to other wholesalers having an agreement with the supplier. (b) Coerce, or attempt to coerce, any wholesaler to accept delivery of any beer or other commodity ordered by a wholesaler if the order was properly canceled by the wholesaler in accordance with the procedures agreed upon by the supplier and wholesaler. (c) Coerce, or attempt to coerce, any wholesaler to do any illegal act by threatening to amend, cancel, terminate, or refuse to renew any agreement existing between the supplier and wholesaler. (d) Require a wholesaler to assent to any condition, stipulation, or provision limiting the wholesaler's right to sell the brand or brands of beer of any other supplier anywhere in this state unless the acquisition of the brand or brands of another supplier would materially impair the quality of service of the brand or brands of the supplier presently being sold by the wholesaler. (e) Require a wholesaler to purchase 1 or more brands of beer in order for the wholesaler to purchase another brand or brands of beer for any reason. However, a wholesaler that has agreed to distribute a brand or brands before June 26, 1984 shall continue to distribute the brand or brands in conformance with this section. (f) Request a wholesaler to submit profit and loss statements, balance sheets, or financial records as a requirement for renewing or retaining an agreement. (g) Withhold delivery of beer ordered by a wholesaler, or change a wholesaler's quota of a brand or brands if the withholding or change is not made in good faith. (h) Require a wholesaler by any means to participate in or contribute to any local or national advertising fund controlled directly or indirectly by a supplier. (i) Fail to provide each wholesaler of the supplier's brand or brands with a written agreement which contains, in total, the supplier's agreement with each wholesaler and which designates a specific sales territory. Any agreement which is in existence on June 26, 1984 shall be renewed consistent with this section, except that this section may be incorporated by reference in the agreement. (j) Fix, maintain, or establish the price at which a wholesaler shall sell any beer. (k) Take any retaliatory action against a wholesaler that files a complaint regarding an alleged violation by the supplier of state or federal law or an administrative rule. (l) Require or prohibit any change in the manager or successor manager of any wholesaler who has been approved by the supplier as of June 26, 1984. Should a wholesaler change an approved manager or successor manager, a supplier shall not require or prohibit the change unless the person fails to meet the reasonable written standards for Michigan wholesalers of the supplier which standards have been provided to the wholesaler. (m) Require by a provision of any agreement or other instrument in connection with the agreement that any dispute arising out of or in connection with that agreement be determined through the application of any other state's laws, be determined in federal court sitting in a state other than Michigan, or be determined in a state court of a state other than the state of Michigan. A provision contained in any agreement or other instrument in connection with the agreement which contravenes this subdivision shall be null and void. (4) A wholesaler shall not sell or deliver beer to a retail licensee located outside the sales territory designated by the supplier of a particular brand or brands of beer. However, during periods of temporary service interruptions impacting a particular sales territory,

a wholesaler who normally services the impacted sales territory shall file with the commission a written notice designating the specific wholesaler or wholesalers who will service the sales territory during the period of temporary service interruption and the approximate length of time of the service interruption. When the temporary service interruption is over, the wholesaler who normally services the sales territory shall notify in writing the commission and the wholesaler, or wholesalers, which is servicing the sales territory on a temporary basis of this fact and any wholesaler servicing the sales territory on a temporary basis shall cease servicing the sales territory upon receipt of the notice. A wholesaler who is designated to service the impacted sales territory during the period of temporary service shall not be in violation of this subsection. A wholesaler who has been designated to service the impacted sales territory during the period of temporary service interruption shall not have any of the rights provided under subsections (6) to (12). (5) A supplier or wholesaler shall not restrict or inhibit, directly or indirectly, the right of free association among suppliers or wholesalers for any lawful purpose. (6) Notwithstanding the terms, provisions, or conditions of any agreement, a supplier shall not amend any agreement unless the supplier is acting in good faith in making the amendment. (7) Notwithstanding any agreement and except as otherwise provided for in this section, a supplier shall not cause a wholesaler to resign from an agreement; or cancel, terminate, fail to renew, or refuse to continue under an agreement unless the supplier has complied with all of the following: (a) Has satisfied the applicable notice requirements of subsection (10). (b) Has acted in good faith. (c) Has good cause for the cancellation, termination, nonrenewal, discontinuance, or forced resignation. (8) Notwithstanding any agreement, good cause shall exist for the purposes of a termination, cancellation, nonrenewal, or discontinuance under subsection (7)(c) when all of the following occur: (a) There is a failure by the wholesaler to comply with a provision of the agreement which is both reasonable and of material significance to the business relationship between the wholesaler and the supplier. (b) The supplier first acquired knowledge of the failure described in subdivision (a) not more than 2 years before the date notification was given pursuant to subsection (7). (c) The wholesaler was given written notice by the supplier of failure to comply with the agreement. (d) The wholesaler was afforded a reasonable opportunity to assert good faith efforts to comply with the agreement within the time limits as provided for in subdivision (e). (e) The wholesaler has been afforded 30 days in which to submit a plan of corrective action to comply with the agreement and an additional 90 days to cure such noncompliance in accordance with the plan. (9) For each termination, cancellation, nonrenewal, or discontinuance, the supplier shall have the burden of showing that it has acted in good faith, that the notice requirements under this section have been complied with, and that there was good cause for the termination, cancellation, nonrenewal, or discontinuance. (10) Notwithstanding any agreement and except as otherwise provided in this section, the supplier shall furnish written notice of the termination, cancellation, nonrenewal, or discontinuance of an agreement to the wholesaler not less than 15 days before the effective date of the termination, cancellation, nonrenewal, or discontinuance. The notice shall be by certified mail and shall contain all of the following: (a) A statement of intention to terminate, cancel, not renew, or discontinue the agreement. (b) A statement of the reason for the termination, cancellation, nonrenewal, or discontinuance. (c) The date on which the termination, cancellation, nonrenewal, or discontinuance takes effect. (11) Notwithstanding subsections (7) and (10), a supplier may terminate, cancel, fail to renew, or discontinue an agreement upon written notice given in the manner and containing the information required by subsection (10) if any of the following occur: (a) Insolvency of the wholesaler, the filing of any petition by or against the wholesaler under any bankruptcy or receivership law, or the dissolution or liquidation of the wholesaler which materially affects the wholesaler's ability to remain in business. (b) Revocation of the wholesaler's license by the commission whereby the wholesaler cannot service the wholesaler's sales territory for more than 60 days. (c) The wholesaler, or an individual who owns more than 10% of the stock of a corporate wholesaler, has been convicted of a felony. As used in this subdivision, "felony" means a felony under the United States Code or the Michigan Compiled Laws. However, an existing approved stockholder or stockholders shall have the right to purchase the stock of the offending stockholder prior to the conviction of the offending stockholder and, if the sale is completed prior to conviction, the provisions of this subdivision shall not apply. (12) Notwithstanding subsections (7), (10), and (11), upon not less than 15 days' prior written notice given in the manner and containing the information required by subsection (10), a supplier may terminate, cancel, fail to renew, or discontinue an agreement if any of the following events occur: (a) There was fraudulent conduct on the part of the wholesaler in dealings with the supplier. (b) The wholesaler failed to confine its sales of a brand or brands to the assigned sales territory. This subdivision does not apply if there is a dispute between 2 or more wholesalers as to the boundaries of the assigned territory, and the boundaries cannot be determined by a reading of the description contained in the agreements between the supplier and the wholesalers. (c) The sale by the wholesaler of any brand or brands sold by the supplier to the wholesaler and known by the wholesaler to be ineligible for sale prior to the actual sale to the retailer. The supplier shall repurchase the ineligible product from the wholesaler when the ineligibility is caused by the supplier. The supplier must give the wholesaler written notice specifying the ineligible product. This subdivision does not apply when a supplier ships a brand or brands to a wholesaler that must be removed within 60 days of the deadline for retail sale of the product. This 60-day period shall commence upon receipt of the product by the wholesaler. (13) Notwithstanding subsections (7), (10), (11), and (12), a supplier may terminate, cancel, not renew, or discontinue an agreement upon not less than 30 days' prior written notice if the supplier discontinues production or discontinues distribution in this state of all the brands sold by the supplier to the wholesaler. Nothing in this section shall prohibit a supplier upon not less than 30 days' notice to discontinue the distribution of any particular brand or package of beer. This subsection does not prohibit a supplier from conducting test marketing of a new brand of beer or from conducting the test marketing of a brand of beer which is not currently being sold in this state provided that the supplier has notified the commission in writing of its plans to test market. The notice shall describe the market area in which the test shall be conducted; the name or names of the wholesaler or wholesalers who will be selling the beer; the name or names of the brand of beer being tested; and the period of time during which the testing will take place. A market testing period shall not exceed 18

months. (14) The wholesaler shall devote reasonable efforts and resources to sales and distribution of all the supplier's products which the wholesaler has been granted the right to sell and distribute and shall maintain reasonable sales levels. (15) A brewer, an outstate seller of beer, or a master distributor that has designated a sales territory for a wholesaler shall not enter into an additional agreement with any other wholesaler for the same brand or brands of beer in the same territory or any portion of that territory. (16) A supplier shall not withhold consent to any transfer of a wholesaler's business if the proposed transferee meets the material and reasonable qualifications and standards required by the supplier. A wholesaler shall give the supplier written notice of intent to transfer the wholesaler's business. A supplier shall not unreasonably delay a response to a request for a proposed transfer of a wholesaler's business. However, a transfer of a wholesaler's business which is not approved by the supplier shall be null and void. A supplier shall not interfere with, or prevent, the transfer of the wholesaler's business if the proposed transferee is a designated member. (17) A supplier that has amended, canceled, terminated, or refused to renew any agreement; has caused a wholesaler to resign from an agreement; or has withheld consent to any assignment or transfer of a wholesaler's business, except as provided for in this section, shall pay the wholesaler reasonable compensation for the diminished value of the wholesaler's business or of any ancillary business which has been negatively affected by the act of the supplier, or both. The value of the wholesaler's business or ancillary business shall include, but not be limited to, its good will. (18) Either party may, at any time, determine that mutual agreement on the amount of reasonable compensation cannot be reached. Should such a determination be made, the supplier or the wholesaler shall send written notice to the other party declaring their intention to proceed with arbitration. Arbitration shall proceed only by mutual agreement of both parties. (19) The matter of determining the amount of compensation under arbitration may, by agreement of the parties, be submitted to a 5-member arbitration panel consisting of 2 representatives selected by the supplier but unassociated with the affected supplier, 2 wholesaler representatives selected by the wholesaler but unassociated with the wholesaler, and an impartial arbitrator. (20) Not more than 10 days after the notice to enter into arbitration has been sent, each party shall request, in writing, a list of 5 arbitrators from the American arbitration association. Not more than 10 days after the receipt of the list of 5 choices, the wholesaler arbitrators and the supplier arbitrators may strike and disqualify up to 2 names each from the list. Should either party fail to respond within the 10 days or should more than 1 name remain, the American arbitration association shall make the selection of the impartial arbitrator. (21) Not more than 30 days after the list of arbitrators is received, the wholesaler and supplier shall exchange in writing the names of their respective arbitration panel representatives. (22) Not more than 30 days after the final selection of the arbitration panel is made, the arbitration panel shall convene to decide the dispute. The panel shall render a decision by majority vote of the participants within 20 days from the conclusion of the arbitration. (23) The cost of the impartial arbitrator, the stenographer, and the meeting site shall be equally divided between the wholesaler and the supplier. All other costs shall be paid by the party incurring them. The award of the arbitration panel shall be final and binding on the parties. (24) After both parties have agreed to arbitrate should either party fail to abide by the time limitations as prescribed in subsections (20), (21), and (22), or fail or refuse to make the selection of any arbitrators, or fail to participate in the arbitration hearings, the other party shall make the selection of their arbitrators and proceed to arbitration. The party who has failed or refused to comply as prescribed in this subsection shall be considered to be in default. Any party considered to be in default pursuant to this subsection shall have waived any and all rights the party would have had in the arbitration and shall be considered to have consented to the determination of the arbitration panel. (25) A wholesaler shall not waive any of the rights granted in any provision of this section. Nothing in this section shall be construed to limit or prohibit good faith dispute settlements voluntarily entered into by the parties. (26) A successor to a supplier that continues in business as a brewer, an outstate seller of beer, or a master distributor shall be bound by all terms and conditions of each agreement of the supplier with a wholesaler licensed in this state that were in effect on the date on which the successor received the distribution rights of the previous supplier. (27) This section shall apply to agreements in existence on June 26, 1984, as well as agreements entered into or renewed after that date. (28) If a supplier engages in conduct prohibited under this section, a wholesaler with which the supplier has an agreement may maintain a civil action against the supplier to recover actual damages reasonably incurred as the result of the prohibited conduct. If a wholesaler engages in conduct prohibited under this section, a supplier with which the wholesaler has an agreement may maintain a civil action against the wholesaler to recover actual damages reasonably incurred as the result of the prohibited conduct. (29) A supplier that violates any provision of this section is liable for all actual damages and all court costs and reasonable attorney fees incurred by a wholesaler as a result of that violation. A wholesaler that violates any provision of this section is liable for all actual damages and all court costs and reasonable attorney fees incurred by the supplier as a result of that violation. (30) A supplier or wholesaler may bring an action for declaratory judgment for determination of any controversy arising pursuant to this section. (31) Except as otherwise provided in this section, if a court finds that a supplier has not acted in good faith in effecting an amendment, termination, cancellation, or nonrenewal of any agreement; or has unreasonably withheld its consent to any assignment, transfer, or sale of a wholesaler's business, it may award exemplary damages, as well as actual damages, court costs, and reasonable attorney fees to the wholesaler who has been damaged by the action of the supplier. (32) Upon proper application to the court, a supplier or wholesaler may obtain injunctive relief against any violation of this section. If the court grants injunctive relief or issues a temporary restraining order, bond shall not be required to be posted. (33) The procedure for resolving any violation of subsection (3)(a), (b), (c), (e), (f), (h), (i), (j), (k), (l), or (4) shall be the procedure prescribed by this act and the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Any other violation of or dispute regarding this section, unless the dispute is resolved pursuant to subsections (18) to (24), shall only be resolved by a civil action in court as provided in this section and not by the commission. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

(436.1101 - 436.2303)58-1998-4 - Chapter 4 (436.1401...436.1415)Section 436.1405 - Brewpub License; Requirements for Issuance.

Sec. 405. (1) Subject to section 407, the commission shall issue a brewpub license to a person that is licensed as a food service establishment under the food law, 2000 PA 92, MCL 289.1101 to 289.8111, and that at the time of application for the brewpub license is licensed and continues to be licensed as 1 or more of the following: (a) Class C. (b) Tavern. (c) Class A hotel. (d) Class B hotel. (2) A brewpub shall possess the necessary equipment for a satisfactory operation that must be maintained in good working order and in a sanitary condition. (3) Agricultural products processed by a manufacturer must comply with state law and with rules of the United States Department of Agriculture. (4) Each location of a brewpub must have a manufacturing operation on the licensed premises that complies with subsection (5). A brewpub shall apply for and obtain a license for each location of the brewpub. In determining the 18,000-barrel threshold, all brands and labels of the brewpub produced in this state must be combined. (5) Beer must be manufactured under federal malt beverage regulations published in 27 CFR 25.1 to 25.301, which are hereby adopted by reference. (6) Each brewpub shall submit to the commission, on forms acceptable to the commission and postmarked not later than January 15, April 15, July 15, and October 15 of each year, a beer tax report of all beer sold under its brewpub license during the preceding quarter. Each brewpub shall also submit, with the beer tax report, the payment of the required beer excise tax due under section 409. (7) A brewpub must be the holder of a "brewers notice" as issued by the United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau in accordance with 27 CFR 25.61 to 25.85. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2014, Act 353, Imd. Eff. Oct. 17, 2014 ;-- Am. 2020, Act 118, Imd. Eff. July 1, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-4 - Chapter 4 (436.1401...436.1415)Section 436.1407 - Brewpub License; Additional Requirements; Renewal and Revocation of License.

Sec. 407. (1) The commission shall grant a brewpub license to a person that, in addition to complying with section 405, does all of the following: (a) Pays the fee as prescribed in section 525. (b) Provides evidence to the commission that not less than 25% of the gross sales of the restaurant during the 1-year licensure period are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises. (c) Complies with section 405(3) to (7). (2) The commission shall renew a brewpub license of a person who does all of the following: (a) Pays the fee as prescribed in section 525. (b) Provides evidence to the commission that not less than 25% of the gross sales of the restaurant during the 1-year licensure period are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises. (c) Complies with section 405(3) to (7). (3) The commission shall revoke a brewpub license if, during the 1-year licensure period, less than 25% of the gross sales of the restaurant are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2020, Act 105, Imd. Eff. July 1, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-4 - Chapter 4 (436.1401...436.1415)Section 436.1409 - Beer; Taxation; Payment of Tax by Wholesaler; Designation; Tax Collection and Reporting Requirements by Rule; Exemptions; Rebate; Barrel as Containing 31 Gallons; Rule Prohibiting Licensees From Purchasing, Receiving, Possessing, or Selling Beer Manufactured in Designated States; Judicial Review; Tax Credit or Refund; “Eligible Brewer” Defined.

Sec. 409. (1) Except as provided in this section, the commission shall levy and collect a tax on all beer manufactured or sold in this state at the rate of $6.30 per barrel if the beer is sold in bulk or in different quantities. Before February 1, 2015, the tax must be paid by the brewer or brewpub if manufactured in this state or by the wholesaler or the person from whom purchased if manufactured outside this state, whichever is designated by the commission. (2) Beginning on and after February 1, 2015, the tax under this section must be paid by the brewer or brewpub if the beer is manufactured in this state or if the beer is manufactured outside this state the tax must be paid by the wholesaler assigned to distribute that beer and the tax must be levied and collected on the number of barrels the wholesaler actually sold to licensed retailers in this state. A brewer may designate a wholesaler to pay the tax on behalf of the brewer. If a brewer designates a wholesaler to pay the tax on its behalf, the brewer shall notify the commission of the designation and provide the commission with a copy of its brewer's report of operations that it filed with the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury for each calendar year. (3) The commission shall establish by rule a method for the collection of the tax levied under subsection (1) and reporting requirements for wholesalers, brewers, brewpubs, and outstate sellers of beer to verify the remission of taxes to this state. Except as otherwise provided in this subsection, the commission shall not require that the tax be paid in less than monthly intervals. Beginning March 15, 2020, the commission shall not require that the tax be paid in less than quarterly intervals. The rules under this section must be promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (4) The tax levied under subsection (1) must not be collected on beer that is consumed on the premises of the manufacturer or is damaged in the process of brewing, packaging, storage, and distribution and is not offered for sale, except that beer sold by a brewpub for consumption on the premises or beer produced and consumed on the premises of a micro brewer is subject to the tax levied under subsection (1). (5) The tax levied under subsection (1) must be rebated to the person that paid the tax if the person provides satisfactory proof to the commission that the beer was shipped outside of this state for sale and consumption outside this state. (6) For the purposes of the tax levied under subsection (1), a barrel of beer contains 31 gallons. (7) The commission may promulgate a rule that designates the states or the laws

or the rules of other states that require a licensed wholesaler of beer to pay an additional fee for the right to purchase, import, or sell beer manufactured in this state; that denies the issuance of a license authorizing the importation of beer to any wholesaler of beer in that state who applies for the license; that prohibits wholesalers of beer in that state from possessing or selling beer purchased in this state, unless the person from whom the beer was purchased has secured a license and paid a fee in that state, if the seller does not transport the beer into the state and does not sell the beer in the state; or that imposes any higher taxes or inspection fees on beer manufactured in this state when transporting the beer into or selling the beer in that state than taxes or fees imposed on beer manufactured and sold within that state. A rule promulgated under this subsection must prohibit all licensees from purchasing, receiving, possessing, or selling any beer manufactured in any state designated in the rule. A rule promulgated under this subsection becomes effective as provided in section 47 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.247. Any licensee or person adversely affected by a rule promulgated under this subsection is entitled to review by leave to a court of competent jurisdiction regarding the question as to whether the commission acted illegally or in excess of its authority in making its finding under this subsection with respect to any state. (8) Regardless of whether the tax was remitted to this state by the eligible brewer or a designated wholesaler, an eligible brewer may claim a credit or request a refund, in a manner as determined by the commission, against the tax levied under subsection (1) in the amount of $2.00 per barrel for the first 30,000 barrels. As used in this subsection, "eligible brewer" means a brewer, whether or not located in this state, or brewpub that manufactures not more than 60,000 barrels of beer during the tax year for which the credit is claimed. In determining the number of barrels for purposes of the credit, all brands and labels of a brewer must be combined and all facilities for the production of beer that are owned or controlled by the same person is treated as a single facility. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2000, Act 395, Imd. Eff. Jan. 8, 2001 ;-- Am. 2014, Act 48, Imd. Eff. Mar. 25, 2014 ;-- Am. 2020, Act 109, Imd. Eff. July 1, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-4 - Chapter 4 (436.1401...436.1415)Section 436.1411 - Brewer Not Licensed as Micro Brewer; Sale of Beer for On-Premises Consumption on Licensed Brewery Premises; Limitations; "Engages in the Production of Beer" Defined.

Sec. 411. (1) Subject to the requirements of this section and section 537, a brewer or micro brewer may sell beer it manufactured for consumption on or off the premises at an approved tasting room under section 536 if the tasting room is located on licensed brewery premises where the brewer or micro brewer manufactures. (2) The sale of beer under subsection (1) is subject to all of the following limitations: (a) A brewer that is not licensed as a micro brewer and that produces in total 120,000 barrels of beer or more per year may sell its beer for on-premises consumption at not more than 2 approved tasting rooms in this state. (b) A brewer that is not licensed as a micro brewer and that produces in total fewer than 120,000 barrels of beer per year may sell its beer for on-premises consumption at not more than 3 approved tasting rooms in this state. (c) A licensed micro brewer that produces in total fewer than 30,000 barrels of beer per year may sell its beer for on-premises consumption at any of its approved tasting rooms in this state. (d) A licensed micro brewer that produces in total 30,000 barrels of beer or more per year may sell its beer for on-premises consumption at not more than 3 approved tasting rooms in this state. (3) Subject to the limitations in subsection (2), if a brewer or micro brewer has more than 1 licensed brewery premises, that brewer or micro brewer may sell beer that it has produced at 1 licensed brewery premises at an approved tasting room located on any of its other licensed brewery premises if 1 of the following requirements is met: (a) The licensed brewery premises that receives the beer, on which the approved tasting room is located, has an installed and functional multivessel system capable of producing and fermenting at least 3 barrels of wort in a single batch. (b) The licensed brewery premises that receives the beer, on which the approved tasting room is located, produces a volume of beer equivalent to 50% of the volume of beer sold to consumers at that tasting room. (c) The licensed brewery premises that receives the beer, on which the approved tasting room is located, submitted an application for licensure at that location before October 1, 2018. (d) The licensed brewery premises that receives the beer, on which the approved tasting room is located, is a location that was approved by the commission as a wine tasting room under section 537 before October 1, 2018 for which an application was received after October 1, 2018 to transfer the wine tasting room to the same person who is applying for a micro brewer license at this location. The application for licensure as a micro brewer at this location must have been submitted before January 30, 2019 and the wine tasting room location must be actively operated at the time the micro brewer license is issued. History:Add. 2000, Act 395, Imd. Eff. Jan. 8, 2001 ;-- Am. 2011, Act 298, Imd. Eff. Dec. 22, 2011 ;-- Am. 2014, Act 44, Imd. Eff. Mar. 25, 2014 ;-- Am. 2018, Act 403, Imd. Eff. Dec. 19, 2018 ;-- Am. 2020, Act 219, Imd. Eff. Oct. 16, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-4 - Chapter 4 (436.1401...436.1415)Section 436.1413 - Participation in Beer Festival; Direct Sale by Licensed Brewpub to Holder of Special License.

Sec. 413. Notwithstanding any provision of this act or rule promulgated under this act, a licensed brewpub may directly sell to a holder of a special license issued under section 526, for the purpose of conducting a beer festival, a quantity of beer determined appropriate by the commission for the purpose of participating in a beer festival. History:Add. 2008, Act 259, Imd. Eff. Aug. 4, 2008

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-4 - Chapter 4 (436.1401...436.1415)Section 436.1415 - Issuance of Farmer's Market Permit to

Qualified Small Wine Maker.

Sec. 415. (1) Subject to the limitations provided under this section, the commission may issue a farmer's market permit to a qualified small wine maker. Regardless of the location of the qualified small wine maker, the commission shall only issue 1 farmer's market permit in a county where the farmer's market is located for each 1,500 of population or fraction of 1,500 in that county as determined by the last federal decennial census, by a special census pursuant to section 6 of the home rule city act, 1909 PA 279, MCL 117.6, or section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, or by the latest census and corrections published by the United States department of commerce, bureau of the census, whichever is later. The holder of a farmer's market permit may conduct tastings and sell, at retail at a farmer's market, the wine produced by that qualified small wine maker. (2) The commission shall charge a fee for a farmer's market permit of $25.00 for each farmer's market location. A farmer's market permit issued under this section is nontransferable. Notwithstanding the quota provision under subsection (1), the commission shall not limit the number of permits a qualified small wine maker obtains under this section, but an application for a farmer's market permit shall only contain up to 5 separate locations at 1 time. Section 503 does not apply to the application or issuance of a permit under this section or to the location of a farmer's market where the holder of a farmer's market permit intends to participate under this section. (3) The commission shall not issue a farmer's market permit under this section unless the applicant provides documentation, in a manner prescribed by the commission, that the local police agency where the farmer's market is located and the farmer's market manager at that location have approved the proposed activity. (4) The tastings and sales performed under a farmer's market permit shall be limited to an exclusive area that is well defined and clearly marked, in a manner prescribed by the commission, that is under the control of the holder of the farmer's market permit, as verified by the farmer's market manager. (5) The tastings and sales performed under a farmer's market permit shall be conducted by employees of the holder of the farmer's market permit who have completed a server training program as provided for in section 906 and the rules promulgated by the commission. (6) The wine sold or used for tastings shall be furnished from the stock of the holder of the farmer's market permit and removed from the farmer's market premises immediately after the farmer's market has concluded. (7) Tasting samples provided to a customer shall not exceed 3 servings of not more than 2 ounces of wine in a 24-hour period of time. (8) The commission shall develop an application for an annual farmer's market permit allowing for licensed activities under this section. A farmer's market manager shall verify on the application that the location listed on the application qualifies as a farmer's market under this section. (9) A wholesaler shall not conduct or participate in any event allowed by this section. (10) A holder of a farmer's market permit is considered a manufacturer as provided under section 603(15)(a). (11) Two years after the enactment date of the amendatory act that added this section, the commission shall submit a report to the standing committees of the senate and house of representatives concerned with issues involving liquor control and the house and senate fiscal agencies assessing the continued issuance of farmer's market permits to qualified small wine makers. The report shall include, at a minimum, all of the following: (a) The number of applications received each year for a farmer's market permit. (b) The number of farmer's market permit applications approved each year. (c) The number of farmer's market permit applications approved in each county. (12) As used in this section: (a) "Farmer's market" means a group of farmers or their designees or a variety of vendors, as determined by the farmer's market manager or his or her designee, who assembles on a recurring basis at a defined community sponsored or municipally sponsored location for the purposes of selling, directly to a consumer, food and products produced by those farmers or their representatives. (b) "Farmer's market manager" means the person responsible for enforcing the market policy and for the daily operation and management of the farmer's market. (c) "Farmer's market permit" means an annual permit issued as part of an approved license to a qualified small wine maker allowing that person to conduct tastings and sell at retail, for consumption off the licensed premises, at a farmer's market, wine produced by the qualified small wine maker. (d) "Qualified small wine maker" means a small wine maker, or an out-of-state entity that is the substantial equivalent of a small wine maker, that manufactures or bottles not more than 5,000 gallons of wine in 1 calendar year. History:Add. 2013, Act 100, Eff. Aug. 31, 2013

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1501 - Licenses; Issuance; Fees; Liability Insurance; Expiration of Full-Year License; License as Contract; Operation of Establishment Upon Death of Licensee; Approval of Receiver or Trustee; Part-Year License; Transfer of License; Approval of Application; Request for Revocation of License or Permit by Local Legislative Body; Hotels; Zones and Anniversary Dates for Renewal of Licenses; Rules; Nontransferable Tavern Licenses for Concessionaires at State Fairgrounds; Notice Contained in Application.

Sec. 501. (1) The commission may issue licenses as provided in this act on the payment of the fees provided in section 525 and the filing of liability insurance as provided in section 803. The commission shall provide a notification of the ability of the purchaser or transferee to obtain a tax clearance certificate, as provided in subsection (6). Subject to section 906(2) and (3), the commission shall not issue a new on premises license or transfer more than 50% interest in an existing on premises license unless the applicant or transferee offers proof acceptable to the commission that he or she has employed or has present on the licensed premises, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served who have successfully completed a server training program described in section 906. The commission may consider an individual enrolled and actively participating in a server training program as having successfully completed the program for the time the individual is participating. The commission may allow an applicant or a conditionally approved licensee at least 180 days, or more on a showing of good cause, to meet the minimum personnel training requirements of this subsection. The commission may suspend the license of a conditionally

approved licensee if that licensee does not comply with this subsection. The commission may waive the server training requirements of this subsection on the basis of either of the following circumstances: (a) The licensee's responsible operating experience or training. (b) The person's demonstration of an acceptable level of responsible operation either as a licensee during the preceding 3 years or as a manager with substantial experience in serving alcoholic liquor. (2) A full-year license issued by the commission expires on April 30 following the date of issuance or the date fixed by the commission. A license issued under this act is a contract between the commission and the licensee and shall be signed by both parties. If a licensee dies, the commission may approve a personal representative or independent personal representative appointed by a court of competent jurisdiction to operate the establishment, pending the settlement of the estate of the deceased licensee. The commission may approve a receiver or trustee appointed by a court of competent jurisdiction to operate the licensed establishment of a licensee. The commission may grant a part-year license for a proportionate part of the license fee specified in section 525. In a resort area the commission shall grant a license for a period of time as short as 3 months. A license may be transferred with the consent of the commission. A class C or specially designated distributor license obtained in a manner other than by transfer must not be transferred within 3 years after it is issued except under circumstances where the licensee clearly and convincingly demonstrates that unusual hardship will result if the transfer does not receive the consent of the commission. An application for a license to sell alcoholic liquor for consumption on the premises, except in a city having a population of 600,000 or more, must be approved by the local legislative body in which the applicant's place of business is located before the license is granted by the commission, except that for an application for renewal of an existing license, if an objection to a renewal has not been filed with the commission by the local legislative body not less than 30 days before the date of expiration of the license, the approval of the local legislative body is not required. The commission shall provide the local legislative body and the local chief of police with the name, home and business addresses, and home and business phone numbers to accomplish the local legislative reviews of new and transferred license applications required by this subsection. On request of the local legislative body after due notice and proper hearing by the local legislative body and the commission, the commission shall revoke the license of a licensee granted a license to sell alcoholic liquor for consumption on the premises or any permit held in conjunction with that license. (3) A local legislative body, by resolution, may request that the commission revoke the license of a licensee granted a license to sell alcoholic liquor for consumption off the premises whose place of business is located within the local legislative body's jurisdiction and that has been determined in commission violation hearings to have sold or furnished alcoholic liquor, on at least 3 separate occasions in a consecutive 12-month period, to a minor if those violations did not involve the use of falsified or fraudulent identification by the minor. If the commission verifies that the licensee who is the subject of the resolution has been found to have committed the violations as prescribed in this subsection, the commission may suspend or revoke the licensee's license and any permit held in conjunction with that license. (4) This act does not prohibit a hotel that is or was the holder of a license authorizing the retail sale of alcoholic liquor for consumption on the premises from applying for and receiving under this act any other and different type of license authorizing the retail sale of alcoholic liquor for consumption on the premises. The application for the license is not considered a new application for a license if the total number of public licenses for consumption on the premises does not exceed the authorized total established in this act and the sale of alcoholic liquor is approved by the electors. The commission may divide the state into 3 zones and establish for each zone an anniversary date for renewal of full-year retail licenses in the licensing year. The commission shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the effective administration of the renewal of licenses. (5) The commission, with the written approval of the department of agriculture and rural development for the Michigan state fairgrounds and the Upper Peninsula state fairgrounds, may issue without regard to the quota provision of section 531 a tavern license to a person as concessionaire leasing or renting a portion of either the Upper Peninsula state fairgrounds or the state fairgrounds, or both, to service the licensed area in use for recreational or exhibition purposes other than at the time of the annual Upper Peninsula state fair under section 2 of 1927 PA 89, MCL 285.142. A license issued under this subsection is not transferable. (6) The application for initial licensure or for a transfer of a license shall contain a notice in substantial compliance with the following:When purchasing a license, a buyer can be held liable for tax debts incurred by the previous owner. Prior to committing to the purchase of any license or establishment, the buyer should request a tax clearance certificate from the seller that indicates that all taxes have been paid up to the date of issuance. Obtaining sound professional assistance from an attorney or accountant can be helpful to identify and avoid any pitfalls and hidden liabilities when buying even a portion of a business.Sellers can make a request for the tax clearance certificate through the Michigan department of treasury. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998 ;-- Am. 2000, Act 431, Imd. Eff. Jan. 9, 2001 ;-- Am. 2006, Act 547, Imd. Eff. Dec. 29, 2006 ;-- Am. 2012, Act 82, Imd. Eff. Apr. 11, 2012 ;-- Am. 2019, Act 131, Imd. Eff. Nov. 21, 2019

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1502 - Salesperson License; Issuance; Expiration; Renewal; Fee; Conduct Not Requiring License; Accreditation Program; Curriculum; Administrator; Definitions.

Sec. 502. (1) Subject to subsection (3), the commission shall issue a salesperson license to an individual who is a designated employee of any of the following persons: (a) A manufacturer of beer. (b) A manufacturer of wine. (c) A manufacturer of mixed spirit drink. (d) An outstate seller of beer. (e) An outstate seller of wine. (f) An outstate seller of mixed spirit drink. (g) A wholesaler. (h) A broker that represents 1 or more persons described in subdivisions (a) to (g). (i) A broker described in subdivision (h) that also represents 1 or more of the following persons: (i) A vendor of spirits. (ii) A manufacturer of spirits. (j) A vendor of

spirits. (k) A manufacturer of spirits. (l) A broker that represents only 1 or more of the following: (i) A vendor of spirits. (ii) A manufacturer of spirits. (2) A salesperson license issued under this section after April 15, 2018 but before April 30, 2020 expires on April 30, 2020. A salesperson license issued under this section is renewable every 3 years with the first triennial renewal cycle beginning May 1, 2020. The commission may charge a reasonable initial license fee and triennial renewal fee. The commission shall establish a fee under this section by written order. The nonrefundable inspection fee under section 529(4) is not required for an application for a new salesperson license or transfer of a salesperson license. A salesperson license issued or renewed under R 436.1853 of the Michigan Administrative Code expires on the earlier of the following dates: (a) Three years after the date of the issuance or renewal. (b) April 30, 2020. (3) The commission shall not impose any other requirement or consider any other factor beyond the accreditation required in this section for issuance or renewal of a salesperson license. Except as otherwise provided in this subsection, the commission shall not issue a salesperson license under this section unless the applicant submits with his or her application written documentation that the applicant has successfully completed a salesperson accreditation program. Except as otherwise provided in this subsection, the commission shall not renew a salesperson license issued under this section or under R 436.1853 of the Michigan Administrative Code unless the licensee submits with his or her application proof acceptable to the commission that the licensee has successfully completed a salesperson accreditation program no more than 120 days before the date the licensee submits his or her renewal application. An applicant's completion of a salesperson accreditation program is not a condition for issuance or renewal of a salesperson license for any of the following applicants: (a) A designated employee of a manufacturer of spirits. (b) A designated employee of a vendor of spirits. (c) A designated employee of a broker described in subsection (1)(l). (4) Except as provided in subsection (5), an individual shall not sell, deliver, promote, or otherwise assist in the sale of alcoholic liquor in any manner to a retailer in this state unless licensed under this section or under R 436.1853 of the Michigan Administrative Code. An individual licensed as a salesperson under R 436.1853 of the Michigan Administrative Code before April 15, 2018 shall comply with the requirements of this section on renewal of his or her salesperson license, application for a subsequent salesperson license under a different employer, or a request to transfer his or her salesperson license to a different employer. (5) This section does not require an individual who is at least 16 years of age and who only does any of the following to be licensed as a salesperson: (a) Builds a display of those brands that are represented or sold by the individual's employer for an off-premises retailer. (b) Marks the price on those brands that are represented or sold by the individual's employer for an off-premises retailer. (c) Rotates brands that are represented or sold by the individual's employer for an off-premises retailer. (d) Places brands that are represented or sold by the individual's employer on shelves for an off-premises retailer. (e) For an individual who holds a Michigan commercial driver license or chauffeur's license, transports, in a vehicle licensed by the commission under section 525, and delivers alcoholic liquor to a retailer. (6) The commission shall approve a salesperson license accreditation program designed for salesperson licensees if the commission determines that the program's curriculum includes an understanding of all of the following: (a) Section 609. (b) Section 609a. (c) Section 609b. (d) Section 610d. (e) The provisions of section 1013 that require the sale or purchase of alcoholic liquor by a licensee for cash only. (f) R 436.1315 of the Michigan Administrative Code. (g) R 436.1726 of the Michigan Administrative Code. (h) The commission's order for on-premises brand promotions issued October 27, 1999. (i) Product adjustments as provided for in this act. (7) A person described in subsection (1)(a) to (g) or a qualified trade association may apply to the commission for qualification as an administrator for the offering of a salesperson accreditation program. (8) On approval of a salesperson accreditation program under subsection (6), the commission shall appoint the person or qualified trade association sponsoring the salesperson accreditation program as administrator of that program. (9) As used in this section: (a) "Administrator" means a person described in subsection (1)(a) to (g) or a qualified trade association authorized by the commission to offer salesperson accreditation programs. (b) "Broker" means that term as defined in R 436.1001 of the Michigan Administrative Code. (c) "Designated employee" means an individual who sells, delivers, promotes, or otherwise assists in the sale of alcoholic liquor. (d) "Qualified trade association" means a trade association that represents a person described in subsection (1)(a) to (g) that employs individuals to act as salespersons. (e) "Salesperson accreditation program" means a program that the commission approves under subsection (6) and that is offered by an administrator. History:Add. 2017, Act 129, Eff. Apr. 15, 2018 ;-- Am. 2020, Act 112, Imd. Eff. July 1, 2020 ;-- Am. 2022, Act 122, Imd. Eff. June 29, 2022Compiler's Notes:Enacting section 1 of Act 112 of 2020 provides:"Enacting section 1. R 436.1319 of the Michigan Administrative Code is rescinded."

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1503 - License; Proximity of Contemplated Location to Church or School Building; Measurement of Distance; Exceptions; Presumption of Validity; Waiver; Objection; Hearing; Transfer to Location Farther From Church or School.

Sec. 503. (1) The commission shall deny a new application for a license to sell alcoholic beverages at retail or a request to transfer location of an existing license if the contemplated location is within 500 feet of a church or a school building. The distance between the church or school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building. (2) This section does not apply to specially designated merchants not in conjunction with on the premises licenses. (3) This section does not apply to an outstanding license issued before March 1, 2017, for a location within the distance described in subsection (1) or to the renewal or transfer of the outstanding license at the location. A license issued, renewed, or transferred as described in this subsection is conclusively presumed to be valid for purposes of this section only. (4) The commission

may waive this section for all classes of licenses. If an objection is not filed by the church or school, the commission may issue the license under this act. If an objection is filed, the commission shall hold a hearing under rules established by the commission before making a decision on issuing the license. (5) This section does not prevent the transfer of a license to a location farther from a church or school, if the license to be transferred is within the 500-foot radius described in subsection (1). History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2017, Act 66, Imd. Eff. June 30, 2017Admin Rule:R 436.1951 et seq. and R 436.1963 of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1504 - Limited Production Manufacturer License; Fees; Conditional Sales and Purchases; Restrictions and Prohibitions; Registration and Federal Brewer's Notice Required; Definitions.

Sec. 504. (1) The commission may issue a limited production manufacturer license to a person that purchases beer from another brewer, micro brewer, or out-of-state equivalent of a brewer or micro brewer for purposes of taking ownership of the beer and performing any of the manufacturing process as described in section 109(1). (2) The commission shall charge an initial and renewal license fee for a license under this section of $1,000.00. (3) Notwithstanding section 204, a brewer, micro brewer, or out-of-state equivalent of a brewer or micro brewer may sell beer to a limited production manufacturer and a limited production manufacturer may buy beer from a brewer, micro brewer, or an out-of-state equivalent of a brewer or micro brewer if all of the following conditions are met: (a) The brewer, micro brewer, or out-of-state equivalent of a brewer or micro brewer relinquishes ownership of the beer to the purchasing limited production manufacturer. (b) The limited production manufacturer modifies the beer by performing all or part of the manufacturing process as described in section 109(1). (c) The brewer, micro brewer, or out-of-state equivalent of a brewer or micro brewer notifies the commission in writing of the sale and the amount of beer being sold to a purchasing limited production manufacturer before each sale. The notification must be in the form required by the commission. (d) The brewer, micro brewer, or out-of-state equivalent of a brewer or micro brewer and the limited production manufacturer maintain records of the sale, in the manner required by the commission, for 3 years. (4) A limited production manufacturer may only sell beer to a wholesaler or a person located outside of this state regardless of whether the person is licensed under this act. Notwithstanding section 109(10) or R 436.1609(2) of the Michigan Administrative Code, beer sold by a limited production manufacturer to a person located outside of this state that holds an outstate seller of beer license may be sold to a wholesaler in this state by the outstate seller of beer. (5) A limited production manufacturer must not be licensed as or hold a financial interest in another licensed supplier except for purposes of purchasing beer in the manner allowed in this section. (6) A limited production manufacturer shall not hold a license in the wholesaler tier or retailer tier as provided in section 603(13). (7) Except as otherwise provided in this section, a limited production manufacturer shall comply with all provisions of this act that apply to the activities of a brewer, including, but not limited to, sections 401, 403, 409, 603, and 609. (8) A limited production manufacturer shall not self-distribute. (9) Before selling beer in this state to a wholesaler, a limited production manufacturer shall register the beer and receive a registration number of approval under R 436.1611 of the Michigan Administrative Code. (10) A limited production manufacturer must be the holder of a federal brewer's notice issued by the United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau in accordance with 27 CFR 25.61 to 25.85. (11) As used in this section: (a) "Limited production manufacturer" means a person licensed under this section. (b) "Supplier" means that term as defined in section 603. History:Add. 2020, Act 80, Imd. Eff. Apr. 2, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1505 - Class “C” or Class “B” Hotel License; State-Owned Airport; Nontransferable.

Sec. 505. Notwithstanding section 501, the commission, with the approval of the bureau of aeronautics, may issue without regard to the quota provision of section 531, not more than 1 class C or class B hotel license for each state-owned airport serviced by scheduled commercial passenger airlines. Such license shall not be transferable. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1507 - Liquor Licenses; Publicly Owned Airports; Issuance.

Sec. 507. The commission may issue, without regard to the quota provisions of section 531, licenses to the owner or lessee, or both, to sell alcoholic beverages for consumption on the premises of buildings in the passenger terminal complex of each publicly owned airport that is served by scheduled commercial passenger airlines certificated to enplane and deplane passengers on a scheduled basis by the federal aviation agency or the civil aeronautics board. A license issued under this section is not transferable. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1509 - Liquor Licenses; Municipal Civic Center or Civic Auditorium; Conditions and Limitations.

Sec. 509. (1) The commission may issue, without regard to the quota provisions of section 531, licenses to a commission, board, or authority governing or operating a municipal civic center or civic auditorium or to 1 or more of its concessionaires, or to both, if all of the following apply: (a) The center or auditorium is within a city or township having a population of not less than 5,500. (b) The center or auditorium is owned and operated as a municipal enterprise. (c) The legislative body of the municipality first authorizes the operating authority of the civic center or civic auditorium or its concessionaire to apply to the commission for a license. (2) Licenses issued under this section are not transferable, must not be issued to an educational institution or for a facility operated in connection with an educational institution, and must authorize the sale of alcoholic liquor only in connection with a scheduled event at the licensed premises. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2018, Act 37, Imd. Eff. Feb. 21, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1511 - Class “C” or Class “B” Hotel License for Hotel Located Within Mackinac Island State Park; Class “C” License for Certain Concessionaire; License for Sale of Alcoholic Liquor at Presque Isle Harbor Marina; Nontransferability of License.

Sec. 511. (1) Notwithstanding section 501, the commission may issue the following licenses without regard to the quota provisions of section 531: (a) With the approval of the Mackinac Island state park commission, not more than 1 class C or class B hotel license for each hotel which is located within the Mackinac Island state park and is owned by the Mackinac Island state park commission and not more than 1 class C license to a concessionaire of the Mackinac Island state park commission who operates a restaurant located within Fort Mackinac. (b) A license for the sale of alcoholic liquor for consumption on or off the premises at the Presque Isle harbor marina. (2) A license issued under this section is not transferable as to ownership or location. History:1998, Act 58, Imd. Eff. Apr. 14, 1998Compiler's Notes:For transfer of Mackinac Island state park commission from department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1513 - Licenses; Issuance to Governing Board of College or University; Restrictions and Prohibition; Sale of Alcoholic Liquor on Hotel or Restaurant Premises Located on Land Owned by Central Michigan University, Wayne State University, Western Michigan University, Northern Michigan University, Eastern Michigan University, Oakland University, or Lake Superior State University; Conditions; Golf Course Clubhouse; Baseball Stadium; Restaurant; Nontransferability; Fee; "College," "University," and "Conference Center" Defined.

Sec. 513. (1) The commission may issue to the governing board of a college or university, without regard to the quota provisions of section 531, a license to sell alcoholic liquor for consumption on the premises of a conference center operated by the governing board. Licenses granted under this subsection may be used only for the sale of alcoholic liquor at regularly scheduled conference center activities. The sale of alcoholic liquor to unscheduled patrons or at unscheduled events is prohibited under this subsection. (2) Subject to section 531, the commission may issue a license to a private entity for the sale of alcoholic liquor for consumption on the premises of a hotel located on land owned by Central Michigan University if both of the following circumstances exist: (a) The land is leased or subleased at fair market value to a private entity that owns, leases, or subleases the hotel building and its fixtures. (b) The hotel and land are located within an industrial, research, or commercial development park established by the governing board of Central Michigan University. (3) Subject to section 531, the commission may issue a license to a private entity for the sale of alcoholic liquor for consumption on the licensed premises of a restaurant located on land owned by Wayne State University if both of the following circumstances exist: (a) The land is leased or subleased at fair market value to a private entity that owns, leases, or subleases the licensed premises for the operation of a restaurant. (b) The restaurant is located within an area designated for industrial, research, or commercial development by the governing board of Wayne State University. (4) Subject to section 531, the commission may issue a license to a private entity for the sale of alcoholic liquor for consumption on the licensed premises of a restaurant located on land owned by Western Michigan University if both of the following circumstances exist: (a) The land is leased or subleased at fair market value to a private entity that owns, leases, or subleases the licensed premises for the operation of a restaurant. (b) The restaurant is located within an area designated industrial, research, or commercial development by the governing board of Western Michigan University. (5) Subject to section 531, the commission may issue to the governing board of Northern Michigan University a license for the sale of alcoholic liquor for consumption on the licensed premises of a restaurant located on land owned and operated by Northern Michigan University if both of the following apply: (a) The license was originally acquired on the open market at fair market value. (b) The restaurant is located within an area designated for community development or conference activities by the governing board of Northern Michigan University. (6) Subject to section 531, the commission may issue a license to a golf course clubhouse and any adjacent outdoor service area owned or operated by a college or university for the sale of alcoholic liquor for consumption on the premises of the golf course clubhouse and any adjacent outdoor service area. (7) Subject to section 531, the commission may issue a license to a private entity for the sale of alcoholic liquor for consumption on the premises of a baseball stadium located on land owned by Eastern Michigan University if the baseball stadium and adjacent outdoor service area is leased or subleased at fair market value during the summer period between the end of the university's spring term and the beginning of its fall term. (8) Subject to section 531, the commission may issue a license to a private entity for the sale of alcoholic liquor for consumption on the licensed premises of a restaurant located on land owned by Eastern Michigan University if all of the following circumstances exist: (a) The land is leased or subleased at fair market value to a private entity that owns, leases,

or subleases the licensed premises for the operation of a restaurant. (b) The restaurant is located within an area designated for industrial, research, or commercial development by the governing board of Eastern Michigan University. (c) The license was originally acquired on the open market at fair market value. (9) Subject to section 531, the commission may issue a license to a private entity for the sale of alcoholic liquor for consumption on the premises of a baseball stadium located on land owned by Oakland University if the baseball stadium and adjacent outdoor service area is leased or subleased at fair market value during the summer period between the end of the university's spring term and the beginning of its fall term. (10) Subject to section 531, the commission may issue to the governing board of Lake Superior State University a license for the sale of alcoholic liquor for consumption on licensed premises that is located on land owned and operated by Lake Superior State University if both of the following apply: (a) The license was originally acquired on the open market at fair market value. (b) The land is located within an area designated for community development or conference activities by the governing board of Lake Superior State University. (11) Licenses issued under this section are nontransferable, and the licensee shall pay the fee required under section 525. (12) As used in this section: (a) "College" or "university" means a 2-year or 4-year state supported institution of higher education. (b) "Conference center" means either of the following: (i) A building or portion of a building, other than a student residence hall or student center, that has meeting rooms, banquet areas, social halls, overnight accommodations, and related facilities for special activities scheduled by the college or university, and that, in the judgment of the commission, has been regularly used for conferences and lodging of guests. (ii) Any of the following: (A) The George Gervin GameAbove Center, the corporate education center, Pease Auditorium, the student center, and McKenny Hall at Eastern Michigan University. (B) The Kirkhof and Eberhard Centers at Grand Valley State University. (C) The student center with the name designated by the governing board of Western Michigan University and Heritage Hall Alumni Center at Western Michigan University. (D) The Wadsworth Center at Michigan Technological University. (E) The West Complex, Fredericks Sculpture Museum, and Alumni Building at Saginaw Valley State University. (F) The Woodbridge N. Ferris Building at Grand Rapids and the David L. Eisler Center at Big Rapids of Ferris State University. (G) The Waterman Campus Center at Schoolcraft College. (H) The Mendel Center at Lake Michigan Community College. (I) The McGregor Memorial Conference Center at Wayne State University. (J) The Michigan State University Management Educational Center. (K) The Superior Dome at Northern Michigan University. (L) The Walker Cisler Center, the James Norris Events Center, and the Richard and Theresa Barch Center for Freshwater Research and Education at Lake Superior State University. (M) The Marie Prahl College Center at Mott Community College. (N) The West Hall Innovation Center, the Gerald and Frances Oleson Center, the Dennos Museum Center, and the Great Lakes Campus at Northwestern Michigan College. (O) The Farmhouse at Delta College. (P) The Oakland Community College Culinary Studies Institute. (Q) The Performing Arts and Cultural Center Complex at Macomb Community College. (R) Meadow Brook Hall, Golf Pavilion, Oakland Center, O'Rena, and Shotwell-Gustafson Pavilion at Oakland University. (S) The John G. Kulhavi Events Center at Central Michigan University. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 1998, Act 400, Imd. Eff. Dec. 21, 1998 ;-- Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998 ;-- Am. 2000, Act 344, Imd. Eff. Dec. 27, 2000 ;-- Am. 2002, Act 725, Imd. Eff. Dec. 30, 2002 ;-- Am. 2004, Act 141, Imd. Eff. June 15, 2004 ;-- Am. 2007, Act 11, Imd. Eff. May 24, 2007 ;-- Am. 2009, Act 48, Imd. Eff. June 18, 2009 ;-- Am. 2018, Act 479, Imd. Eff. Dec. 27, 2018 ;-- Am. 2020, Act 39, Imd. Eff. Mar. 3, 2020 ;-- Am. 2020, Act 121, Imd. Eff. July 1, 2020 ;-- Am. 2021, Act 116, Imd. Eff. Nov. 22, 2021 ;-- Am. 2022, Act 216, Imd. Eff. Oct. 14, 2022 ;-- Am. 2024, Act 115, Imd. Eff. July 23, 2024

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1513a - Sale of Alcoholic Liquor for Consumption at Community College's or University's Culinary or Hospitality Program's Location; License; Prohibition; Submission of Documents; Cancellation of License; Use; License to Private Entity; Catering Permit; Definitions.

Sec. 513a. (1) Beginning October 1, 2011, the commission may issue to the governing board of a community college or university that is accredited by a nationally recognized accrediting agency as determined by the United States secretary of education under 20 USC 1099b and that operates an accredited culinary or hospitality program, without regard to the quota provisions of section 531, a license to sell alcoholic liquor for consumption at the community college's or university's culinary or hospitality program's location for activities that further the community college's or university's community or academic mission. (2) Except as otherwise provided in subsection (7), the sale of alcoholic liquor to patrons at a location other than the community college's or university's culinary or hospitality program's location or at activities that do not further the community college's or university's community or academic mission, including, but not limited to, public and private gatherings or meetings that do not have a direct correlation to the community college's or university's community or academic mission, is prohibited under this section. (3) To obtain a license under this section, a community college or university shall submit both of the following to the commission: (a) Documentation verifying that the community college or university is accredited by a nationally recognized accrediting agency as determined by the United States secretary of education under 20 USC 1099b. (b) Either of the following: (i) Documentation verifying that the community college's or university's culinary or hospitality program is accredited by a regionally recognized accrediting body. (ii) Within 180 days after the effective date of the amendatory act that added this section, a copy of the community college's or university's application to a regionally recognized accrediting body for accreditation of its culinary or hospitality program. (4) The commission shall cancel a license issued under this section if, within 2 years of applying for a license under this section, the community college's or university's culinary or hospitality program is not accredited by a regionally recognized accrediting body, unless the community college or university demonstrates good cause for an extension of time to obtain accreditation by a regionally recognized accrediting body. (5) Except as otherwise provided in subsection (7), a liquor license issued under this section shall be granted and registered to

the community college's or university's culinary or hospitality program's location. (6) Except as otherwise provided in subsection (7), a liquor license issued under this section shall be used by the community college or university and not by a private entity. (7) Subject to section 531, the commission may issue a license to a private entity for the sale of alcoholic liquor for consumption on the premises of an outdoor stadium located on land owned by Lake Michigan college and leased to a private entity. The prohibition in section 531(7) on licenses at outdoor stadiums does not apply to a license issued under this subsection. (8) A community college or university that holds a liquor license under this section shall not obtain a catering permit under section 547. (9) As used in this section: (a) "Community college" means a community college established under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195. (b) "University" means a public university described in section 4, 5, or 6 of article VIII of the state constitution of 1963. History:Add. 2011, Act 249, Imd. Eff. Dec. 8, 2011

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1514 - Hotel and Conference Center Owned and Operated by University; Issuance of Class B Hotel License; Conditions; Limitation; “Hospitality Program” Defined.

Sec. 514. (1) Notwithstanding section 501 and subject to the quota system under this act, the commission may issue a class B hotel license to a hotel and conference center owned and operated by a university meeting at least all of the following: (a) Contains a hotel with at least 150 guest rooms. (b) Has a restaurant seating at least 125 guests that serves a full-menu breakfast, lunch, and dinner. (c) Has over 30,000 square feet of flexible meeting space. (d) Is open year-round to provide services to the public and to serve the mission of the hospitality program. (e) Has a hospitality program providing at least all of the following at the site of the hotel and conference center as part of that program: (i) Student education classrooms. (ii) A working hospitality laboratory setting. (iii) Utilization of rotational interns each semester or equivalent time period. (2) In public areas of the hotel and conference center, the sale and consumption of alcoholic liquor is limited to table service only unless the public areas are reserved for private functions. (3) As used in this section, "hospitality program" means a course of academic study that, at a minimum, is a nationally accredited program at baccalaureate and graduate levels in the hospitality business that requires at least 120 semester credits or the equivalent for completion of the baccalaureate degree and that has a teaching and research staff predominated by individuals with at least doctoral degrees. History:Add. 2000, Act 166, Imd. Eff. June 20, 2000

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1514a - Hotel and Conference Center Owned and Operated by University; Issuance of Class B Hotel License; Conditions; Limitation; “Hospitality Program” Defined.

Sec. 514a. (1) Notwithstanding section 501 and subject to the quota system under this act, the commission may issue a class B hotel license to a hotel and conference center owned and operated by a university that holds a class B hotel license issued under section 514 and meets at least all of the following: (a) Contains a hotel with at least 45 guest rooms. (b) Has a restaurant seating at least 90 guests that serves a full-menu breakfast, lunch, and dinner. (c) Has over 13,000 square feet of flexible meeting space. (d) Is open year-round to provide services to the public and to serve the mission of the hospitality program. (e) Has a hospitality program providing at least 2 of the following at the site of the hotel and conference center as part of that program: (i) Student education classrooms. (ii) A working hospitality laboratory setting. (iii) Utilization of rotational interns each semester or during the summer. (2) In public areas of the hotel and conference center, the sale and consumption of alcoholic liquor is limited to table service only unless the public areas are reserved for private functions. (3) As used in this section, "hospitality program" means a course of academic study that, at a minimum, is a nationally accredited program at baccalaureate and graduate levels in the hospitality business that requires at least 120 semester credits or the equivalent for completion of the baccalaureate degree and that has a teaching and research staff predominated by individuals with at least doctoral degrees. History:Add. 2004, Act 194, Imd. Eff. July 8, 2004

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1515 - Class “C” License or Tavern License for Certain Golf Courses; Transfer of License to Another Location Prohibited; Surrender of License.

Sec. 515. (1) The commission may issue in a county with a population of 1,000,000 or more, without regard to the quota provisions of section 531, a class C license for a golf course that is owned by a county, city, village, or township and is open to the public. (2) The commission may issue in a county with a population of between 500,000 and 700,000, without regard to the quota provisions of section 531, 1 tavern license for a golf course that is owned by a city with a population of over 190,000 but under 300,000 and is open to the public. (3) The commission shall not transfer a license issued under this section to another location. If a licensee who receives a license under this section goes out of business, the license issued under this section shall be surrendered to the commission. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2004, Act 192, Imd. Eff. July 8, 2004

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1517 - International Sporting Event Licenses; Issuance in Connection With International Golf Tournament; Circumstances; Duration; Limitation; List; Recommendation by Governing Body; Certification of Compliance; Fee.

Sec. 517. (1) The commission may issue international sporting event licenses for the sale of alcoholic liquor for consumption on the premises in connection with an international golf tournament conducted during calendar year 2004 if all of the following circumstances are found by the commission to exist: (a) The local governmental unit in which the international sporting event is to be conducted is the host governmental unit for that event. (b) The premises to be licensed are located in a theme area or theme areas designated by the governing body of the host governmental unit in connection with the international sporting event or are operated in conjunction with that event. (c) The commission determines that the international sporting event will attract a substantial number of tourists from outside this state. (d) The international sporting event is conducted under the auspices of a national or international sanctioning body. (e) The applicant is any of the following: (i) A Michigan licensee for the sale of alcoholic liquor for consumption on the premises. (ii) The promoter of the international sporting event or an affiliate of the promoter. (iii) A person who has entered into a written concession or catering agreement with the promoter of the international sporting event or its affiliate, which agreement has been approved by the commission. (iv) An organization qualified for licensure as a special licensee under section 111(13) and the rules of the commission. (2) Licenses issued under this section must be for a period of not more than 30 consecutive days and are not transferable as to ownership or location. The license must be for specific designated time periods that include the international sporting event and activities associated with the event. (3) Not more than 40 licenses shall be issued under this section for use at the same time in a theme area or theme areas. (4) The governing body of a host governmental unit described in subsection (1) shall supply to the commission for the commission's review a list containing the names of applicants and the locations of the premises to be licensed under this section. The governing body of the host governmental unit shall recommend the number of licenses to be issued pursuant to this section in the theme area or theme areas. The commission shall not issue any licenses pursuant to this section that are not recommended by the governing body of the host governmental unit. (5) The governing body of the host governmental unit shall provide, in conjunction with the list described in subsection (4), written certification to the commission that all premises to be licensed under this section comply with applicable state and local building, safety, and health laws, rules, and regulations. (6) A license issued pursuant to this section is not subject to section 503. (7) An applicant for a license under this section shall pay to the commission a license fee of $1,000.00 at the time of application. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2004, Act 169, Imd. Eff. June 24, 2004 ;-- Am. 2018, Act 412, Imd. Eff. Dec. 19, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1517a - National Sporting Event License; Issuance; Circumstances; Duration; Limitation on Number of Licenses Issued; Recommendation of Governing Body of Host Governmental Unit; Certification of Compliance With Applicable Laws, Rules, and Regulations; Fee; "National Sporting Event" Defined.

Sec. 517a. (1) The commission may issue national sporting event licenses for the sale of alcoholic liquor for consumption on the premises concerning a national sporting event, if the commission determines that all of the following circumstances exist: (a) The local governmental unit in which the national sporting event is to be conducted is the host governmental unit for the national sporting event. (b) The premises to be licensed are located in a theme area or theme areas designated by the governing body of the host governmental unit in connection with the national sporting event or are operated in conjunction with the national sporting event. (c) The national sporting event will attract a substantial number of tourists from outside this state. (d) The national sporting event is conducted under the auspices of a national sanctioning body. (e) The applicant is any of the following: (i) A Michigan licensee for the sale of alcoholic liquor for consumption on the premises. (ii) The promoter of the national sporting event or an affiliate of the promoter. (iii) A person who has entered into a written concession or catering agreement with the promoter of the national sporting event or its affiliate, which agreement has been approved by the commission. (iv) An organization qualified for licensure as a special licensee under section 111(13) and the rules of the commission. (2) A license issued under this section must be for a period of not more than 30 consecutive days and is not transferable as to ownership or location. The license must be for specific designated time periods that include the national sporting event and activities associated with the national sporting event. (3) The commission shall not issue more than 40 licenses under this section for use at the same time in a theme area or theme areas. (4) The governing body of a host governmental unit described in subsection (1) shall supply to the commission for the commission's review a list containing the names of applicants and the locations of the premises to be licensed under this section. The governing body of the host governmental unit shall recommend the number of licenses to be issued under this section in the theme area or theme areas. The commission shall not issue a license under this section that is not recommended by the governing body of the host governmental unit. (5) The governing body of the host governmental unit shall provide, in conjunction with the list described in subsection (4), written certification to the commission that all premises to be licensed under this section comply with applicable state and local building, safety, and health laws, rules, and regulations. (6) A license issued under this section is not subject to section 503. (7) An applicant for a license under this section shall pay to the commission a license fee of $1,000.00 at the time of application. (8) As used in this section, "national sporting event" means a sports related event considered of national prominence and includes only the following: (a) The Major League Baseball All-Star Game during calendar year 2005. (b) The National Football League Super Bowl during calendar year 2006. (c) The Professional Golfers' Association Championship during calendar year 2008. (d) The National Collegiate Athletic Association Final Four games during calendar year 2009. (e) The United States Golf Association Amateur Championship during calendar year 2016. (f) The Professional Golfers' Association Tour Champions Tournament. (g) The Ladies Professional Golf Association Tour Champions Tournament during the following calendar years: (i) 2019. (ii) 2020. (iii) 2021. (iv) 2022. (v) 2023. History:Add. 2004, Act 170, Imd. Eff. June 24, 2004 ;-- Am. 2016, Act 180, Imd.

Eff. June 14, 2016 ;-- Am. 2018, Act 110, Imd. Eff. Apr. 24, 2018 ;-- Am. 2018, Act 411, Imd. Eff. Dec. 19, 2018 ;-- Am. 2018, Act 472, Imd. Eff. Dec. 27, 2018 ;-- Am. 2020, Act 319, Eff. Mar. 24, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1518 - Definitions; Issuance of Motorsports Event Licenses; Consumption and Possession of Beer and Wine in Motorsports Entertainment Complex; Civil Liability.

Sec. 518. (1) As used in this section: (a) "Motorsports entertainment complex" means a closed-course motorsports facility and its ancillary grounds that comply with all of the following: (i) Has at least 1,500 fixed seats for race patrons. (ii) Has at least 2 scheduled days of motorsports events each calendar year. (iii) Serves food and beverages at the facility during sanctioned motorsports events each calendar year through concession outlets, which may be staffed by individuals who represent or are members of 1 or more nonprofit civic or charitable organizations that directly financially benefit from the concession outlets' sales. (iv) Engages in tourism promotion. (b) "Motorsports event" means a motorsports race and its ancillary activities that have been sanctioned by a sanctioning body. (c) "Owner" means a person that owns and operates a motorsports entertainment complex. (d) "Sanctioning body" means the American Motorcycle Association (AMA); Auto Racing Club of America (ARCA); IndyCar; International Motor Sports Association (IMSA); National Association for Stock Car Auto Racing (NASCAR); National Hot Rod Association (NHRA); Sports Car Club of America (SCCA); United States Auto Club (USAC); Michigan State Promoters Association; or any successor organization or any other nationally or internationally recognized governing body of motorsports that establishes an annual schedule of motorsports events and grants rights to conduct the events, that has established and administers rules and regulations governing all participants involved in the events and all persons conducting the events, and that requires certain liability assurances, including insurance. (2) Notwithstanding the quota provisions of section 531, the commission may issue motorsports event licenses for the sale of beer and wine or beer, wine, mixed spirit drink, and spirits for consumption on the premises to the owner of a motorsports entertainment complex for use during sanctioned motorsports events only. The sale of beer, wine, mixed spirit drink, and spirits at concession outlets or additional locations within the motorsports entertainment complex during motorsports sanctioned events are not considered additional bars for the purpose of determining a license fee under section 525(1)(o). An applicant for a license under this section that elects to sell beer and wine only shall pay to the commission a license fee of $250.00. An applicant for a license under this section that elects to sell beer, wine, mixed spirit drink, and spirits shall pay to the commission a license fee of $600.00. (3) For a period of time not to exceed 7 consecutive days during which public access is permitted to a motorsports entertainment complex in connection with a motorsports event, members of the general public at least 21 years or older may bring beer and wine not purchased at the licensed motorsports entertainment complex into the motorsports entertainment complex and possess and consume that beer and wine. Possession and consumption of beer and wine under this section are allowed only in portions of the motorsports entertainment complex open to the general public that are also part of the licensed premises of a retail licensee under both of the following circumstances: (a) The licensed premises are located within the motorsports entertainment complex. (b) The retail licensee holds a license for consumption on the licensed premises of the motorsports entertainment complex. (4) A person holding a license for the sale of alcoholic liquor for consumption on the premises at a motorsports entertainment complex is subject to the civil liability provisions of section 801 if the civil action is brought by or on behalf of an individual who suffers damage or is personally injured by a minor or visibly intoxicated person by reason of the unlawful consumption of alcoholic liquor on the licensed premises by that minor or visibly intoxicated person if the unlawful consumption is proven to be a proximate cause of the damage, injury, or death of the individual, whether the alcoholic liquor was sold or furnished by the licensee or was brought onto the licensed premises under subsection (3). History:Add. 2002, Act 725, Imd. Eff. Dec. 30, 2002 ;-- Am. 2005, Act 166, Imd. Eff. Oct. 6, 2005 ;-- Am. 2010, Act 279, Imd. Eff. Dec. 16, 2010 ;-- Am. 2021, Act 29, Eff. (sine die) ;-- Am. 2021, Act 64, Imd. Eff. July 13, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1519 - Property or Establishment Situated in or on State Owned Land.

Sec. 519. (1) Except as otherwise provided in this act, the commission shall not issue a license to sell alcoholic liquor, either on or off the premises, if the property or establishment to be covered by the license is situated in or on state owned land. (2) Subsection (1) does not apply to a special license that has been approved by the governing authority of that state owned land. (3) Subsection (1) does not apply to any of the following: (a) The Michigan state fairgrounds. (b) The Upper Peninsula state fairgrounds. (c) Armories, air bases, and naval installations owned or leased by this state or provided by the federal government by either lease, license, or use permit and used by outside parties of a nonmilitary or nonstate governmental nature. (d) Land that was under lease to a person licensed in the calendar year 1954 and on which a licensed establishment is presently located. (e) Land located in the Upper Peninsula that was owned or leased by the federal government, used as a military installation, and transferred to this state before December 31, 2000 under 1978 PA 151, MCL 3.551 to 3.561, or 1993 PA 159, MCL 3.571 to 3.580. The commission may issue 2 additional licenses under this subdivision for establishments located on this state land without regard to or without an effect on the quota provisions of section 531 in the local governmental unit in which the license will be issued subject to the recommendation of the authority established under 1978 PA 151, MCL 3.551 to 3.561, or 1993 PA 159, MCL 3.571 to 3.580. A person issued a license under this subdivision may renew the license and transfer ownership of the license, without regard to or without an effect on the quota provisions of section 531, if title to the property covered by the license is transferred from this state to another person or to

another governmental unit. The commission shall not transfer a license issued under this subdivision to another location. Before the issuance of a license, and annually thereafter before the issuance of a license for a new licensing period, the applicant for a license shall submit to the commission a certificate from the department or agency charged with control of the land setting forth that the issuance of a license is not incompatible with the objects and purposes entrusted to that department or agency under the law establishing control of the land in the department or agency. This subsection does not prohibit the issuance of a license under section 513. (f) Property owned by the Michigan state waterways commission and leased to persons under part 791 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.79101 to 324.79118. The commission may issue a license under this subdivision to a lessee without regard to the quota provisions of section 531. However, the commission shall not issue a license under this subdivision without the written approval of the Michigan state waterways commission or its designee. A license issued under this subdivision is not transferable as to ownership or location, and, if the licensee goes out of business, the license must be surrendered to the commission. (g) Property owned by the state treasurer of this state when acting in the capacity of custodian of the assets of the state retirement systems created by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437; the state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69; the state police retirement act of 1986, 1986 PA 182, MCL 38.1601 to 38.1675; and the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670. (h) A building to which all of the following apply: (i) The building is owned by this state. (ii) The land on which the building is located is owned by this state. (iii) The building is more than 1,000,000 square feet. (iv) Space within the building is leased to a private entity to which both of the following apply: (A) In the building, the private entity provides services to the general public. (B) The private entity holds a license to sell alcoholic liquor as provided by this act. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2018, Act 158, Imd. Eff. May 23, 2018 ;-- Am. 2018, Act 683, Imd. Eff. Dec. 28, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1521 - Limitation on Tavern or Class C Licenses; Renewal of License; Conditions; Revocation; Transfer of License; "Development District" Defined.

Sec. 521. (1) Beginning December 29, 2006, the commission shall not issue a tavern or class C licenses under this section. However, those licenses issued under this section before December 29, 2006 remain valid and may be renewed if in compliance with this section. The commission shall renew licenses issued under this section before December 29, 2006 for persons who operate businesses that meet all of the following conditions: (a) The business is a full service restaurant, is open to the public, and prepares food on the premises. (b) The business is open for food service not less than 10 hours per day, 5 days a week. (c) At least 50% of the gross receipts of the business are derived from the sale of food for consumption on the premises. For purposes of this subdivision, food does not include beer and wine. (d) The business has dining facilities to seat not less than 25 persons. (e) The business is located in a development district with a population of not more than 50,000, in which the district, after a public hearing, has found that the issuance of the license would prevent further deterioration within the development district and promote economic growth within the development district. (2) If in any licensing year the sale of food for consumption on the premises of the business represents less than 50% of the gross receipts for the business, the commission, after due notice and proper hearing, shall revoke the license issued under subsection (1). (3) A license issued under this section is transferable as to ownership or location only within the development district. (4) As used in this section, "development district" means any of the following: (a) An authority district established under part 3 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4301 to 125.4329. (b) An authority district established under part 4 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4401 to 125.4420. (c) A downtown district established under part 2 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4201 to 125.4230. (d) A principal shopping district established under 1961 PA 120, MCL 125.981 to 125.990n, before January 1, 1996. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 1998, Act 282, Imd. Eff. July 27, 1998 ;-- Am. 2006, Act 502, Imd. Eff. Dec. 29, 2006 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1521a - Public On-Premises Licenses; Issuance to Businesses; Conditions; Commercial Investment in Redevelopment Project Area; Time Period; Total Investment; Number of Licenses; Requirements; Fee; Transfer of License Prohibited; Attempt to Secure On-Premises Escrowed License or Quota License; Definitions.

Sec. 521a. (1) In order to allow cities, villages, and townships to enhance the quality of life for their residents and visitors to their communities, the commission may issue public on-premises licenses in addition to those quota licenses allowed in cities, villages, and townships under section 531(1). The commission may issue a license under this section to a business that meets either of the following conditions: (a) Is located in a redevelopment project area meeting the criteria described in subsections (3) and (4) and is engaged in activities determined by the commission to be related to dining, entertainment, or recreation. (b) Is located in a development district or area that is any of the following: (i) An authority district established under part 3 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4301 to 125.4329. (ii) A development area established under part 6 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4602 to 125.4629. (iii) A downtown district established under part 2 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4201 to 125.4230. (iv) A principal shopping district established under 1961 PA 120, MCL 125.981 to 125.990n. (2) The commission shall not issue a license under subsection (1)(a) unless the applicant fulfills the following in relation to the licensed premises: (a) Provides the activity described in subsection (1)(a) not less than 5 days

per week. (b) Is open to the public not less than 10 hours per day, 5 days per week. (c) Presents verification of redevelopment project area status to the commission that includes the following: (i) A resolution of the governing body of the city, village, or township establishing its status as a redevelopment project area. (ii) An affidavit from the assessor, as certified by the clerk of the city, village, or township, stating the total amount of investment in real and personal property within the redevelopment project area of the city, village, or township during the preceding 3 years. (iii) An affidavit from the assessor, as certified by the clerk of the city, village, or township, separately stating the amount of investment money expended for manufacturing, industrial, residential, and commercial development within the redevelopment project area of the city, village, or township during the preceding 3 years. (3) Relative to the licenses issued under subsection (1)(a), the amount of commercial investment in the redevelopment project area within the city, village, or township must constitute not less than 25% of the total investment in real and personal property in that redevelopment project area as evidenced by an affidavit of the assessor of the city, village, or township. This subsection does not prevent the city, village, or township from realigning the redevelopment project area in the presentment of verification provided for under subsection (2)(c). (4) In relation to a license issued under subsection (1)(a), an applicant must be located in a city, village, or township that meets at least 1 of the investment requirements of subsection (1)(a) during the 3 years preceding the submission of its application. The total investment in real and personal property in the redevelopment project area within the city, village, or township over the appropriate time period described in this subsection must be at least 1 of the following: (a) Not less than $50,000,000.00 in cities, villages, or townships having a population of 50,000 or more. (b) Not less than an amount reflecting $1,000,000.00 per 1,000 people in cities, villages, or townships having a population of less than 50,000. (5) The commission may issue a license under subsection (1)(a) for each monetary threshold described in subsection (4)(a) and (b), and, after reaching the initial threshold, 1 additional license for each major fraction of the monetary threshold above that original threshold. (6) The following apply to a license issued under subsection (1)(b): (a) The amount expended for new construction, or to rehabilitate or restore the building that housed the licensed premises, must be not less than $75,000.00 over a period of the preceding 5 years or a commitment for a capital investment of at least that amount in the building that houses or will house the licensed premises, that must be expended before the issuance of the license. (b) The total amount of public and private investment in real and personal property within the development district or area must not be less than $200,000.00 over a period of the preceding 5 years as verified to the commission by means of an affidavit from the assessor, as certified by the clerk of the city, village, or township. (c) The licensed business is engaged in dining, entertainment, or recreation, is open to the general public, and has a seating capacity of not less than 25 persons. (7) The commission may issue 1 license under subsection (1)(b) for each monetary threshold described in subsections (6)(a) and (6)(b), or for each major fraction of the monetary threshold. The initial enhanced license fee for a license issued under this section is $20,000.00. (8) The commission shall not transfer a license issued under this section to another location. If the licensee goes out of business, the licensee shall surrender the license to the commission. The governing body of the city, village, or township may approve another applicant within a redevelopment project area described in subsection (1)(a) or development district or area described in subsection (1)(b) to replace a licensee who has surrendered the license issued under this section provided the new applicant's business meets the requirements of this section but without regard to subsections (2)(c), (3), and (4) or subsection (6)(b). (9) The individual signing the application for the license shall state and demonstrate that the applicant attempted to secure an appropriate on-premises escrowed license or quota license issued under section 531 and that, to the best of his or her knowledge, an on-premises escrowed license or quota license issued under section 531 is not readily available within the county in which the applicant proposes to operate. (10) As used in this section: (a) "Escrowed license" means a license in which the rights of the licensee in the license or to the renewal of the license are still in existence and are subject to renewal and activation in the manner provided for in R 436.1107 of the Michigan Administrative Code. (b) "Readily available" means available under a standard of economic feasibility, as applied to the specific circumstances of the applicant, that includes, but is not limited to, the following: (i) The fair market value of the license based on where the applicant will be located, if determinable. (ii) The size and scope of the proposed operation. (iii) The existence of mandatory contractual restrictions or inclusions attached to the sale of the license. History:Add. 2006, Act 501, Imd. Eff. Dec. 29, 2006 ;-- Am. 2010, Act 369, Imd. Eff. Dec. 22, 2010 ;-- Am. 2014, Act 270, Imd. Eff. July 2, 2014 ;-- Am. 2022, Act 16, Imd. Eff. Feb. 23, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1522 - Banquet Facility Permits.

Sec. 522. (1) The commission may issue 1 banquet facility permit to an on-premise licensee, as an extension of that on-premise license, for the serving of alcoholic liquor only on the permitted premises. This section does not limit the number of banquet facility permits that the commission may issue within any local unit of government. The banquet facility shall be used only for scheduled functions and events, shall not have regular meal service, and shall not be generally open to the public. The applicant shall provide documentation that demonstrates a preexisting ownership or lease interest in the banquet facility. (2) The commission shall charge an initial permit issuance fee and, upon renewal of the permit, a permit renewal fee sufficient to cover the cost of administering the issuance and renewal of the permit. The fees shall be $600.00. (3) The banquet facility permit expires on the same date as the on-premise license and may be renewed in conjunction with that license. The commission shall issue the permit only to a licensee to which the following apply: (a) The licensee does not have a record of any prior offenses or violations that the commission considers to be of such a nature as to pose a threat to the general public if a permit is issued. (b) The licensee has demonstrated to the commission that at least 50% of the gross receipts of the on-premise license are derived from the sale of food and nonalcoholic beverages prepared for consumption on the licensed premises. (4) The licensee shall apply on forms provided by the commission

and provide information considered necessary by the commission to protect the public interest and welfare including, but not limited to, a diagram of the premises and evidence that the premises meets local safety, building, and health codes. (5) The commission shall not issue a banquet facility permit unless issuance is approved through adoption of a resolution of the legislative body of the local unit of government within which the permitted facility is located. History:Add. 1998, Act 282, Imd. Eff. July 27, 1998 ;-- Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998Admin Rule:R 436.1501 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1523 - Liquor Licenses; Ineligibility of Law Enforcement Officers; Exception; "Law Enforcement Personnel" Defined.

Sec. 523. (1) A person who holds or whose spouse holds, either by appointment or election, a public office which involves the duty to enforce any of the penal laws of the United States, or the penal laws of this state, or a penal ordinance or resolution of any municipal subdivision of the state, except civil defense volunteer police, mayors or council members of cities, or village presidents, or mayors of home rule cities whose law enforcement authority under the city charter is restricted to emergency situations, or the state treasurer of this state when acting in the capacity of custodian of the assets of the state retirement systems created by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437; the state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69; the state police retirement act of 1986, 1986 PA 182, MCL 38.1601 to 38.1675; and the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, and members of these state retirement systems only if the state treasurer makes an investment in the name of the respective retirement system to which the members belong, must not be issued a license, or have an interest, directly or indirectly, in a license if the activity regulated by the license occurs in the same local unit of government within which the person enforces those state or local penal laws unless the official is contractually prohibited from enforcing this act. This subsection does not apply to a spouse of an appointed or elected official holding an office which involves the duty to enforce a penal law described in this subsection if the spouse held a license or an interest in a license for not less than 3 years before marrying the appointed or elected official or if the spouse has voting rights in a public or private club holding the license, which voting rights are derived from ownership of shares to the club, and the spouse participates as a member in good standing of the public or private club or of an advisory board but does not participate in the day-to-day operation of the club. For a licensee excepted from the general prohibition under this section, the commission may periodically review all circumstances of the licensee and his or her spouse regarding the exception. The commission may review and monitor any complaints it receives regarding inappropriate enforcement of this act by or against a person excepted from this section. However, a nonprofit fraternal organization incorporated under the laws of this state, whose membership is not totally composed of law enforcement personnel or public officeholders charged with the duty of enforcing any penal laws or ordinances of a governmental body, may be issued a club liquor license if the organization is otherwise qualified. (2) As used in this section, "law enforcement personnel" does not include the mayor of a city or the state treasurer of this state when acting in the capacity of custodian of the assets of the state retirement systems created by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, the state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69, the state police retirement act of 1986, 1986 PA 182, MCL 38.1601 to 38.1675, and the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, and members of these state retirement systems only if the state treasurer makes an investment in the name of the respective retirement system to which the members belong. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2018, Act 683, Imd. Eff. Dec. 28, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1525 - License Fees; Fingerprints; Criminal History Check; Filing Completed Application; Issuance of License Within Certain Period of Time; Conditional License; Report; "Completed Application" Defined.

Sec. 525. (1) Except as otherwise provided in this section, the following license fees must be paid at the time of filing applications or as otherwise provided in this act and are subject to allocation under section 543: (a) Manufacturers of spirits, not including makers, blenders, and rectifiers of wines containing 21% or less alcohol by volume, $1,000.00. (b) Manufacturers of beer, $50.00 per 1,000 barrels, or fraction of a barrel, production annually with a maximum fee of $1,000.00, and in addition $50.00 for each motor vehicle used in delivery to retail licensees. A fee increase does not apply to a manufacturer of less than 15,000 barrels production per year. (c) Outstate seller of beer, delivering or selling beer in this state, $1,000.00. (d) Wine makers, blenders, and rectifiers of wine, including makers, blenders, and rectifiers of wines containing 21% or less alcohol by volume, $100.00. The small wine maker license fee is $25.00. A small wine maker must pay $50.00 for each motor vehicle used for delivery of wine to a retailer. (e) Outstate seller of wine, delivering or selling wine in this state, $300.00. (f) Outstate seller of mixed spirit drink, delivering or selling mixed spirit drink in this state, $300.00. (g) Dining cars or other railroad or Pullman cars selling alcoholic liquor, $100.00 per train. (h) Wholesale vendors other than manufacturers of beer, $300.00 for the first motor vehicle used in delivery to retail licensees and $50.00 for each additional motor vehicle used in delivery to retail licensees. (i) Watercraft, licensed to carry passengers, selling alcoholic liquor, a minimum fee of $100.00 and a maximum fee of $500.00 per year computed on the basis of $1.00 per person per passenger capacity. (j) Specially designated merchants, for selling beer, wine, or mixed spirit drink for consumption off the premises only but not at wholesale, $100.00 for each location regardless of whether the location is part of a system or chain of merchandising. (k) Specially designated distributors licensed by the commission to distribute spirits in the original package for the commission for consumption off the premises, $150.00 per year, and an additional fee of $3.00 for each

$1,000.00 or major fraction of that amount in excess of $25,000.00 of the total retail value of merchandise purchased under each license from the commission during the previous calendar year. (l) Hotels of class A selling beer, wine, and mixed spirit drink, a minimum fee of $250.00 and $1.00 for each bedroom in excess of 20, but not more than $500.00 total. (m) Hotels of class B selling beer, wine, mixed spirit drink, and spirits, a minimum fee of $600.00 and $3.00 for each bedroom in excess of 20. If a hotel of class B sells beer, wine, mixed spirit drink, and spirits in more than 1 public bar, a fee of $350.00 must be paid for each additional public bar, other than a bedroom. (n) Taverns, selling beer, wine, and mixed spirit drink, $250.00. (o) Class C license selling beer, wine, mixed spirit drink, and spirits, $600.00. Subject to section 518(2), if a class C licensee sells beer, wine, mixed spirit drink, and spirits in more than 1 bar, a fee of $350.00 must be paid for each additional bar. In municipally owned or supported facilities in which nonprofit organizations operate concession stands, a fee of $100.00 must be paid for each additional bar. (p) Clubs selling beer, wine, mixed spirit drink, and spirits, $300.00 for clubs having 150 or fewer accredited members and $1.00 for each member in excess of 150. Clubs shall submit a list of members by an affidavit 30 days before the closing of the license year. The affidavit must be used only for determining the license fees to be paid under this subdivision. This subdivision does not prevent the commission from checking a membership list and making its own determination from the list or otherwise. The list of members and additional members is not required of a club paying the maximum fee. The maximum fee must not exceed $750.00 for any 1 club. (q) Warehousers, to be fixed by the commission with a minimum fee for each warehouse of $50.00. (r) Special licenses, a fee of $50.00 per day, except that the fee for the license or permit issued to a bona fide nonprofit association, organized and in continuous existence for 1 year before the filing of its application, is $25.00. The commission shall not grant more than 12 special licenses to any organization, including an auxiliary of the organization, in a calendar year. (s) Airlines licensed to carry passengers in this state that sell, offer for sale, provide, or transport alcoholic liquor, $600.00. (t) Brandy manufacturer, $100.00. (u) Mixed spirit drink manufacturer, $100.00. A mixed spirit drink manufacturer must pay $50.00 for each motor vehicle used for delivery of mixed spirit drink to retailers under section 203b. (v) Brewpub, $100.00. (w) Class G-1, $1,000.00. (x) Class G-2, $500.00. (y) Motorsports event license, the amount as described and determined under section 518(2). (z) Small distiller, $100.00. A qualified small distiller must pay $50.00 for each motor vehicle used for delivery to retailers under section 203(20). (aa) Wine auction license, $50,000.00. (bb) Nonpublic continuing care retirement center license, $600.00. (cc) Conditional license approved under subsection (6) and issued under subsection (7), $300.00. (dd) Outstate self-distributor license, $300.00. An outstate self-distributor must pay $50.00 for each motor vehicle used for delivery of alcoholic liquor to retailers under sections 203(20), 203a, or 203b. (2) The fees provided in this act for the various types of licenses must not be prorated for a portion of the effective period of the license. Notwithstanding subsection (1), the initial license fee for a license issued under section 531(3) or (4) is $20,000.00. The renewal license fee is the amount described in subsection (1). However, the commission shall not impose the $20,000.00 initial license fee for applicants whose license eligibility was already approved on July 20, 2005. (3) If the commission requires an applicant to submit fingerprints, the applicant shall have the fingerprints taken by a local law enforcement agency, the department of state police, or any other person qualified to take fingerprints as determined by the department of state police. The applicant shall submit the fingerprints and the appropriate state and federal fees, which shall be borne by the applicant, to the department of state police and the Federal Bureau of Investigation for a criminal history check. After conducting the criminal history check, the department of state police shall provide the commission with a report of the criminal history check. The report must include criminal history record information concerning the person who is the subject of the criminal history check that is maintained by the department of state police. If a criminal arrest fingerprint card is subsequently submitted to the department of state police and matches against a fingerprint that was submitted under this act and stored in its automated fingerprint identification system (AFIS) database, the department of state police shall notify the commission. (4) Except for a resort or resort economic development license issued under section 531(2), (3), (4), or (5) or a license issued under section 521a, the commission shall issue an initial or renewal license not later than 90 days after the applicant files a completed application. The application is considered to be received the date the application is received by an agency or department of this state. If the commission determines that an application is incomplete, the commission shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The determination of the completeness of an application is not an approval of the application for the license and does not confer eligibility on an applicant determined otherwise ineligible for issuance of a license. The 90-day period is tolled for the following periods under any of the following circumstances: (a) If notice is sent by the commission of a deficiency in the application, until the date all of the requested information is received by the commission. (b) For the time required to complete actions required by a person, other than the applicant or the commission, including, but not limited to, completion of construction or renovation of the licensed premises; mandated inspections by the commission or by any state, local, or federal agency; approval by the legislative body of a local unit of government; criminal history or criminal record checks; financial or court record checks; or other actions mandated by this act or rule or as otherwise mandated by law or local ordinance. (5) If the commission fails to issue or deny a license within the time required by this section, the commission shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license within the time required under this section does not allow the commission to otherwise delay the processing of the application, and the application, on completion, must be placed in sequence with other completed applications received at that same time. The commission shall not discriminate against an applicant in the processing of the application because the license fee was refunded or discounted under this subsection. (6) If, in addition to a completed application under this section, an applicant submits a separate form requesting a conditional license with an acceptable proof of financial responsibility form under section 803, an executed property document, and, for an application to transfer the location of an existing retailer license other than specially designated distributor license, a church or

school proximity affidavit on a form prescribed by the commission attesting that the proposed location is not within 500 feet of a church or school building using the method of measurement required under section 503, the commission shall, after considering the arrest and conviction records or previous violation history in the management, operation, or ownership of a licensed business, approve or deny a conditional license. A conditional license issued under subsection (7) must only include any existing permits and approvals held in connection with the license, other than permits or approvals for which the conditional applicant does not meet the requirements in this act or rules promulgated under this act, or permits or approvals that the conditional applicant has requested to cancel as part of the application that serves as the basis for the conditional license. The commission shall not issue a new permit with a conditional license issued under subsection (7). The following applicants may request a conditional license: (a) An applicant seeking to transfer ownership of an existing retailer license at the same location to sell alcoholic liquor for consumption on or off the premises. (b) An applicant seeking to transfer the ownership and location of an existing retailer license, other than a specially designated distributor license, to sell alcoholic liquor for consumption on or off the premises. (c) An applicant seeking a new specially designated merchant license, other than a specially designated merchant license issued under section 533(6), not to be held in conjunction with a license for the sale of alcoholic liquor for consumption on the premises. (7) The commission shall issue a conditional license to applicants approved under subsection (6) within 20 business days after receipt of a completed application and a completed conditional license request form and documentation for a conditional license at a single location. The commission may take up to 30 business days to issue conditional licenses to approved applicants seeking conditional licenses at multiple locations. However, for an applicant described under this subsection that is seeking a specially designated merchant license under section 533(7), the commission may take up to 45 business days to issue a conditional license. Notwithstanding the applicant's submission of a church or school proximity affidavit under subsection (6), if the commission determines that a conditional license in conjunction with an application to transfer the location of an existing retailer license has been issued under this subsection at a proposed location that is within 500 feet of a church or school building, the commission shall suspend the conditional license and notify the church or school of the proposed location under the rules promulgated under this act. If the commission issues a conditional license under this subsection based on a church or school proximity affidavit under subsection (6) without knowledge that the representations included in the affidavit are incorrect, this state is not liable to any person for the commission's issuance of the conditional license. The commission may assume without inquiry the existence of the facts contained in the affidavit. (8) A conditional license approved under subsection (6) and issued under subsection (7) is nontransferable and nonrenewable. A conditional licensee is required to comply with the server training requirements in section 501(1) beginning on the date a conditional license is issued under subsection (7) regardless of whether the conditional licensee is actively operating under the conditional license. (9) A conditional license approved under subsection (6) and issued under subsection (7) expires when the first of the following occurs: (a) The commission issues an order of denial of the license application that serves as the basis for the conditional license and all administrative remedies before the commission have been exhausted. (b) The commission issues the license under subsection (4) for which the applicant submitted the license application that serves as the basis for the conditional license. (c) The licensee or conditional licensee notifies the commission in writing that the initial or conditional application should be canceled. (d) One year passes after the date the conditional license was issued, notwithstanding any suspension of the conditional license by the commission. (10) If a conditional licensee fails to maintain acceptable proof of its financial responsibility as required under section 803, the commission shall summarily suspend the conditional license under section 92(2) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292, until the conditional licensee files an acceptable proof of financial responsibility form under section 803. If a conditional license is revoked, the conditional licensee shall not recover from this state or a unit of local government any compensation for property, future income, or future economic loss because of the revocation. (11) On issuing a conditional license under subsection (7), the commission shall, until the conditional license expires under subsection (9), place the existing license under subsection (4) for which the applicant submitted the application that serves as the basis for the conditional license in escrow in compliance with R 436.1107 of the Michigan Administrative Code. If the conditional license expires under subsection (9), an existing licensee may do 1 of the following: (a) Request that the commission release the license from escrow. (b) Keep the license in escrow. The escrow date for compliance with R 436.1107 of the Michigan Administrative Code is the date the conditional license expires. (12) The chair of the commission shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with liquor license issues. The chair of the commission shall include all of the following information in the report concerning the preceding fiscal year: (a) The number of initial and renewal applications the commission received and completed within the 90-day time period described in subsection (4). (b) The number of applications denied. (c) The number of applicants not issued a license within the 90-day time period and the amount of money returned to licensees under subsection (5). (13) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing fees as well as any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of this state. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2002, Act 76, Imd. Eff. Mar. 15, 2002 ;-- Am. 2004, Act 266, Imd. Eff. July 23, 2004 ;-- Am. 2005, Act 97, Imd. Eff. July 20, 2005 ;-- Am. 2005, Act 166, Imd. Eff. Oct. 6, 2005 ;-- Am. 2006, Act 539, Imd. Eff. Dec. 29, 2006 ;-- Am. 2008, Act 218, Imd. Eff. July 16, 2008 ;-- Am. 2010, Act 175, Imd. Eff. Sept. 30, 2010 ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2010, Act 279, Imd. Eff. Dec. 16, 2010 ;-- Am. 2013, Act 236, Eff. May 22, 2014 ;-- Am. 2014, Act 353, Imd. Eff. Oct. 17, 2014 ;-- Am. 2016, Act 315, Eff. Feb. 1, 2017 ;-- Am. 2016, Act 434, Imd. Eff. Jan. 4, 2017 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021Constitutionality:In Granholm v Heald, 544 US 460 (2005), the United States Supreme Court held that Michigan laws regulating direct shipment of alcohol to

in-state consumers discriminated against interstate commerce in violation of clause 3 of section 8 of article 1 of the United States Constitution, and that the powers granted to states under the 21st Amendment to the United States Constitution do not authorize violation of other constitutional provisions.

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1526 - Beer Festival; Issuance of Special License; Limitation; Buying Directly From Licensed Brewpub; Showcasing Beer; Serving Age Requirement; "Beer Festival" Defined.

Sec. 526. (1) The commission may issue a special license under this section to an organization conducting a beer festival. The application must conform to the following: (a) Be submitted by a nonprofit entity composed primarily of brewers, micro brewers, and brewpubs, as determined by the commission. (b) Involve an event having for its primary purpose the showcasing of beer and its production. (c) Be accompanied by a fee of $25.00 per day of the event. (2) The special license must not allow more than 6 events per calendar year conforming to the requirements of subsection (1). For purposes of this subsection, a beer festival that spans 2 or more consecutive days is considered 1 event. (3) A holder of a special license issued under this section may buy a quantity of beer directly from any licensed brewpub or wholesaler or directly from a micro brewer eligible to self-distribute to the beer festival for consumption only at the licensed event. (4) Beer that is dispensed to consumers for showcasing beer at a beer festival is considered a sample. A holder of a special license issued under this section may offer beer described in this subsection without consideration. (5) A member, who is 18 years of age or older, of an organization that holds a special license issued under this section may serve beer at the event. (6) As used in this section and section 413, "beer festival" means an event at which the various types and kinds of beer and the production of that beer are showcased to the general public and at which the general public can purchase and sample the beer being showcased for consumption on the licensed premises. History:Add. 2008, Act 258, Imd. Eff. Aug. 4, 2008 ;-- Am. 2020, Act 111, Imd. Eff. July 1, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1527 - Special License for Nonprofit Charitable Organization; Issuance; Nontransferable; Fee; Auction.

Sec. 527. (1) The commission may issue a special license to a nonprofit charitable organization that is exempt from the payment of taxes under the internal revenue code for the purpose of allowing the organization to sell, at auction, wine donated to the organization. (2) A special license issued pursuant to subsection (1) is not transferable. The organization applying for the special license shall pay the fee required under section 525(1)(r). (3) An auction permitted under subsection (1) may occur upon premises which are otherwise licensed under this act to allow the sale of alcoholic liquor for consumption on the licensed premises. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1529 - Transfer of License or Interest in License; Notice of Transfer of Stock in Licensed Corporation or Licensed Limited Partnership; Investigation to Ensure Compliance; Approval; Transfer Fee; Inspection Fee.

Sec. 529. (1) A license or an interest in a license shall not be transferred from 1 person to another without the prior approval of the commission. For purposes of this section, the transfer in the aggregate to another person during any single licensing year of more than 10% of the outstanding stock of a licensed corporation or more than 10% of the total interest in a licensed limited partnership shall be considered to be a transfer requiring the prior approval of the commission. (2) Not later than July 1 of each year, each privately held licensed corporation and each licensed limited partnership shall notify the commission as to whether any of the shares of stock in the corporation, or interest in the limited partnership, have been transferred during the preceding licensing year. The commission may investigate the transfer of any number of shares of stock in a licensed corporation, or any amount of interest in a licensed limited partnership, for the purpose of ensuring compliance with this act and the rules promulgated under this act. (3) Except as otherwise provided in subdivisions (a) through (f), upon approval by the commission of a transfer subject to subsection (1), there shall be paid to the commission a transfer fee equal to the fee provided in this act for the class of license being transferred. A transfer fee shall not be prorated for a portion of the effective period of the license. If a person holding more than 1 license or more than 1 interest in a license at more than 1 location, but in the name of a single legal entity, transfers all of the licenses or interests in licenses simultaneously to another single legal entity, the transfers shall be considered 1 transfer for purposes of determining a transfer fee, payable in an amount equal to the highest license fee provided in this act for any of the licenses, or interests in licenses, being transferred. A transfer fee shall not be required in regard to any of the following: (a) The transfer, in the aggregate, of less than 50% of the outstanding shares of stock in a licensed corporation or less than 50% of the total interest in a licensed limited partnership during any licensing year. (b) The exchange of the assets of a licensed sole proprietorship, licensed general partnership, or licensed limited partnership for all outstanding shares of stock in a corporation in which either the sole proprietor, all members of the general partnership, or all members of the limited partnership are the only stockholders of that corporation. An exchange under this subdivision shall not be considered an application for a license for the purposes of section 501. (c) The transfer of the interest in a licensed business of a deceased licensee, a deceased stockholder, or a deceased member of a general or limited partnership to the deceased person's spouse or children. (d) The removal of a member of a firm, a stockholder, a

member of a general partnership or limited partnership, or association of licensees from a license. (e) The addition to a license of the spouse, son, daughter, or parent of any of the following: (i) A licensed sole proprietor. (ii) A stockholder in a licensed corporation. (iii) A member of a licensed general partnership, licensed limited partnership, or other licensed association. (f) The occurrence of any of the following events: (i) A corporate stock split of a licensed corporation. (ii) The issuance to a stockholder of a licensed corporation of previously unissued stock as compensation for services performed. (iii) The redemption by a licensed corporation of its own stock. (4) A nonrefundable inspection fee of $70.00 shall be paid to the commission by an applicant or licensee at the time of filing any of the following: (a) An application for a new license or permit. (b) A request for approval of a transfer of ownership or location of a license. (c) A request for approval to increase or decrease the size of the licensed premises, or to add a bar. (d) A request for approval of the transfer in any licensing year of any of the shares of stock in a licensed corporation from 1 person to another, or any part of the total interest in a licensed limited partnership from 1 person to another. (5) An inspection fee shall be returned to the person by whom it was paid if the purpose of the inspection was to inspect the physical premises of the licensee, and the inspection was not actually conducted. An inspection fee shall not be required for any of the following: (a) The issuance or transfer of a special license, salesperson license, limited alcohol buyer license, corporate salesperson license, hospital permit, military permit, or Sunday sale of spirits permit. (b) The issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license. (c) The issuance of authorized but previously unissued corporate stock to an existing stockholder of a licensed corporation. (d) The transfer from a corporation to an existing stockholder of any of the corporation's stock that is owned by the corporation itself. (6) All inspection fees collected under this section shall be deposited in the special fund in section 543 for carrying out of the licensing and enforcement provisions of this act. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1531 - Public License and Resort License; On-Premises Escrowed License; Limitations and Quotas; Additional Licenses for Certain Establishments; License for Certain Events at Public University; Outdoor Stadium; Economic Development Factors; Exceptions as to Certain Veterans and Airports; Special State Census of Local Governmental Unit; Rules; Availability of Transferable Licenses Held in Escrow; On-Premises Escrowed or Quota License; Issuance of Available Licenses; Report; Hotels; Escrowed Specially Designated Distributor License; Transfer; Applicability of Administrative Rule; Definitions.

Sec. 531. (1) The commission shall not issue a public license for the sale of alcoholic liquor for consumption on the premises if the issuance would result in more than 1 license for each 1,500 of population or major fraction of 1,500 population. An on-premises escrowed license issued under this subsection may be transferred, subject to local legislative approval under section 501(2), to an applicant whose proposed operation is located within any local governmental unit in a county in which the escrowed license was located. If the local governmental unit within which the former licensee's premises were located spans more than 1 county, an escrowed license may be transferred, subject to local legislative approval under section 501(2), to an applicant whose proposed operation is located within any local governmental unit in either county. If an escrowed license is activated within a local governmental unit other than that local governmental unit within which the escrowed license was originally issued, the commission shall count that activated license against the local governmental unit originally issuing the license. The quota under this subsection does not bar the right of an existing licensee to renew a license or transfer the license and does not bar the right of an on-premises licensee of any class to reclassify to another class of on-premises license in a manner not in violation of law or this act, subject to the consent of the commission. The upgrading of a license resulting from a request under this subsection is subject to approval by the local governmental unit having jurisdiction. (2) In a resort area, the commission may issue no more than 550 licenses for a period not to exceed 12 months without regard to a limitation because of population and with respect to the resort license the commission, by rule, shall define and classify resort seasons by months and may issue 1 or more licenses for resort seasons without regard to the calendar year or licensing year. (3) In addition to the resort licenses authorized in subsection (2), the commission may issue not more than 5 additional licenses per year to establishments whose business and operation, as determined by the commission, is designed to attract and accommodate tourists and visitors to the resort area, whose primary purpose is not for the sale of alcoholic liquor, and whose capital investment in real property, leasehold improvement, and fixtures for the premises to be licensed is $75,000.00 or more. Further, the commission shall issue 1 license under this subsection per year to an applicant located in a rural area that has a poverty rate, as defined by the latest decennial census, greater than the statewide average, or that is located in a rural area that has an unemployment rate higher than the statewide average for 3 of the 5 preceding years. In counties having a population of less than 50,000, as determined by the last federal decennial census or as determined under subsection (15) and subject to subsection (20) for a class A hotel or a class B hotel, the commission shall not require the establishments to have dining facilities to seat more than 50 persons. The commission may cancel the license if the resort is no longer active or no longer qualifies for the license. Before January 16 of each year the commission shall transmit to the legislature a report giving details as to all of the following: (a) The number of applications received under this subsection. (b) The number of licenses granted and to whom. (c) The number of applications rejected and the reasons they were rejected. (d) The number of the licenses revoked, suspended, or as to which other disciplinary action was taken, the names of the licensees, and the grounds for revocation, suspension, or disciplinary action. (4) In addition to any licenses for the sale of alcoholic liquor for consumption on the premises that may be available in the local governmental unit under subsection (1) and the resort licenses authorized in subsections (2) and (3), the commission may issue not more than 15 resort economic development licenses per year. A person is eligible to apply for a resort economic development

license under this subsection on submitting an application to the commission and demonstrating all of the following: (a) The establishment's business and operation, as determined by the commission, is designed to attract and accommodate tourists and visitors to the resort area. (b) The establishment's primary business is not the sale of alcoholic liquor. (c) The capital investment in real property, leasehold improvement, fixtures, and inventory for the premises to be licensed is in excess of $1,500,000.00. (d) The establishment does not allow or permit casino gambling on the premises. (5) In governmental units having a population of 50,000 or less, as determined by the last federal decennial census or as determined under subsection (15), in which the quota of specially designated distributor licenses, as provided by section 533, has been exhausted, the commission may issue not more than a total of 15 additional specially designated distributor licenses per year to established merchants whose business and operation, as determined by the commission, is designed to attract and accommodate tourists and visitors to the resort area. A specially designated distributor license issued under this subsection may be issued at a location within 2,640 feet of existing specially designated distributor license locations. A specially designated distributor license issued under this subsection does not bar another specially designated distributor licensee from transferring location to within 2,640 feet of that licensed location. A specially designated distributor license issued under section 533 may be located within 2,640 feet of a specially designated distributor license issued under this subsection. The person signing the application for a specially designated distributor license under this subsection shall state that the person attempted to secure an escrowed specially designated distributor license or quota license and that, to the best of the person's knowledge, an escrowed specially designated distributor license or quota license is not readily available within the county in which the applicant for the specially designated distributor license under this subsection proposes to operate. (6) In addition to any licenses for the sale of alcoholic liquor for consumption on the premises that may be available in the local governmental unit under subsection (1), and the resort or resort economic development licenses authorized in subsections (2), (3), and (4), and notwithstanding section 519, the commission may issue not more than 5 additional special purpose licenses in any calendar year for the sale of beer and wine for consumption on the premises. The commission may issue a special purpose license under this subsection only for events that are to be held from May 1 to September 30, are artistic in nature, and that are to be held on the campus of a public university with an enrollment of 30,000 or more students. A special purpose license is valid for 30 days or for the duration of the event for which it is issued, whichever is less. The fee for a special purpose license is $50.00. A special purpose license may be issued only to a corporation that meets all of the following requirements: (a) The corporation is a nonprofit corporation organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192. (b) The corporation has a board of directors constituted of members of whom half are elected by the public university at which the event is scheduled and half are elected by the local governmental unit. (c) The corporation has been in continuous existence for not less than 6 years. (7) Notwithstanding the local legislative body approval requirement of section 501(2) and notwithstanding section 519, the commission may issue, without regard to the quota requirement of subsection (1) and with the approval of the governing board of the university, either a tavern or class C license that may be used only for regularly scheduled events at a public university's established outdoor program or festival at a facility on the campus of a public university having a head count enrollment of 10,000 students or more. The commission may issue a license under this subsection only to the governing board of a public university, a person that is the lessee or concessionaire of the governing board of the university, or both. A license issued under this subsection is not transferable as to ownership or location. Except as otherwise provided in this subsection, a license issued under this subsection may not be issued at an outdoor stadium customarily used for intercollegiate athletic events. A license may be issued at an outdoor stadium customarily used for intercollegiate athletic events for not more than 30 consecutive days to a concessionaire of an entity granted exclusive use of a public university's property in conjunction with a hockey game sanctioned by an unincorporated not-for-profit association that operates a major professional ice hockey league consisting of teams located in Canada and in the United States or in conjunction with a professional international soccer match between 2 international soccer clubs as part of a tournament sanctioned by a not-for-profit association that is the governing body for soccer in the United States and organized and promoted by a match agent that is licensed by the international governing body for soccer if the concessionaire has entered into an agreement granting it control of the licensed premises for the purposes of complying with this act and rules promulgated under this act regarding the sale of alcoholic liquor. A nationally televised game between 2 professional hockey teams or 2 professional international soccer clubs played outdoors is considered an established outdoor program for the purposes of this subsection. Notwithstanding any provision of this act or any rule promulgated under this act, a concessionaire obtaining a license under this subsection may share the profits generated from that license with an unincorporated not-for-profit association that operates a major professional ice hockey league consisting of teams located in Canada and in the United States or an affiliated entity under a written contract reviewed by the commission or with a licensed match agent and a promoter that organizes and promotes international soccer matches under a written contract reviewed by the commission. If the established outdoor program is a nationally televised game between 2 professional hockey teams or 2 professional international soccer clubs, the commission may allow the promotion and advertising of alcoholic liquor brands on the campus of a public university where a concessionaire has been issued a license under this subsection for the duration of the license. (8) Notwithstanding the local legislative body approval requirement of section 501(2) and notwithstanding section 519, and subject to subsection (10), the commission may issue to the governing board of a public university, without regard to the quota requirement of subsection (1) and with the approval of the governing board of the university, not more than 5 tavern licenses, 5 class C licenses, or any combination of tavern or class C licenses, not to exceed 5 licenses total, which are not transferrable, that may be used for scheduled events within the public area of a facility on university property that is customarily used for intercollegiate athletic events if all of the following conditions are met: (a) The sales and service of alcoholic liquor conducted under the licenses are conducted by individuals who have successfully completed a server training program as provided

for in section 906 and who are not volunteers for an organization working during an event as part of a fund-raising activity for the organization. (b) Subject to sections 1114 and 1115, the sales and service of alcoholic liquor are limited to 1 hour before the event and while the event is occurring. Consumption of alcoholic liquor purchased on the licensed premises is limited to 1 hour before the event, while the event is occurring, and 30 minutes after the event has ended. (c) The commission issues a separate license for each facility on university property that is customarily used for intercollegiate athletic events. (d) The licensee provides in writing to the commission a list of the dates and times of events for which each license issued will be used at least 2 weeks before the start of the events, subject to the following: (i) The licenses issued under this subsection must not be used for more than 100 days per calendar year in aggregate for all licenses combined for intercollegiate athletic scheduled events. (ii) The licenses issued under this subsection is not used for more than 5 days per calendar year in aggregate for all licenses combined for other scheduled events. (e) The sales and service of alcoholic liquor are conducted only at fixed locations within the licensed premises. (f) Dispensing machines described in section 552 are prohibited on the premises of a license issued under this subsection. (9) The holder of a special license issued by the commission may sell and serve alcoholic liquor on the premises of a license issued under subsection (8) on dates and times other than the dates and times provided to the commission as required in subsection (8)(d). A licensee that has been issued a catering permit under section 547 may deliver and serve alcoholic liquor at a private event on the premises of a license issued under subsection (8) on dates and times other than the dates and times provided the commission as required in subsection (8)(d). (10) If applicable, the commission may issue only the following permits, permissions, or approvals to be held in conjunction with a license issued under subsection (8): (a) If the license is a class C license, additional bars under section 525(1)(o). (b) Dance permit. (c) Direct connection. (d) Entertainment permit. (e) Extended hours permit. (f) Off-premises storage. (g) Participation permit. (h) Specific purpose permit. (i) Sunday sales permit. (11) The commission shall not approve an outdoor service area under R 436.1419 of the Michigan Administrative Code for a license issued under subsection (8). The outdoor portion of an outdoor facility on university property that is customarily used for intercollegiate athletic events issued a license under subsection (8) is not considered an outdoor service area. (12) In issuing a resort or resort economic development license under subsection (3), (4), or (5), the commission shall consider economic development factors of the area in issuing licenses to establishments designed to stimulate and promote the resort and tourist industry. The commission shall not transfer a resort or resort economic development license issued under subsection (3), (4), or (5) to another location. If the licensee goes out of business the license must be surrendered to the commission. (13) The limitations and quotas of this section are not applicable to issuing a new license to a veteran of the Armed Forces of the United States who was honorably discharged or released under honorable conditions from the Armed Forces of the United States and who had by forced sale disposed of a similar license within 90 days before or after entering or while serving in the Armed Forces of the United States, as a part of the person's preparation for that service if the application for a new license is submitted for the same governmental unit in which the previous license was issued and within 60 days after the discharge of the applicant from the Armed Forces of the United States. (14) The limitations and quotas of this section are not applicable to issuing a new license or renewing an existing license where the property or establishment to be licensed is situated in or on land on which an airport owned by a county or in which a county has an interest is situated. (15) For purposes of implementing this section a special state census of a local governmental unit may be taken at the expense of the local governmental unit by the federal Census Bureau or the secretary of state under section 6 of the home rule city act, 1909 PA 279, MCL 117.6. The special census must be initiated by resolution of the governing body of the local governmental unit involved. The secretary of state may promulgate additional rules necessary for implementing this section under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (16) Before granting an approval as required in section 501(2) for a license to be issued under subsection (2), (3), or (4), a local legislative body shall disclose the availability of transferable licenses held in escrow for more than 1 licensing year within that respective local governmental unit. The local governmental unit shall provide public notice of the meeting to consider the granting of the license by the local governmental unit 2 weeks before the meeting. (17) The person signing the application for an on-premises resort or resort economic development license shall state and verify that the person attempted to secure an on-premises escrowed license or quota license and that, to the best of the person's knowledge, an on-premises escrowed license or quota license is not readily available within the county in which the applicant for the on-premises resort or resort economic development license proposes to operate. (18) The commission shall not issue an on-premises resort or resort economic development license if the county within which the resort or resort economic development license applicant proposes to operate has not issued all on-premises licenses available under subsection (1) or if an on-premises escrowed license exists and is readily available within the local governmental unit in which the applicant for the on-premises resort or resort economic development license proposes to operate. The commission may waive the provisions of this subsection on a showing of good cause. (19) The commission shall annually report to the legislature the names of the businesses issued licenses under this section and their locations. (20) The commission shall not require a class A hotel or a class B hotel licensed under subsection (2), (3), or (4) to provide food service to registered guests or to the public. (21) Subject to the limitation and quotas in subsection (1) and to local legislative approval under section 501(2), the commission may approve the transfer of ownership and location of an on-premises escrowed license within the same county to a class G-1 or class G-2 license or may approve the reclassification of an existing on-premises license at the location to be licensed to a class G-1 license or to a class G-2 license, subject to subsection (1). Resort or economic development on-premises licenses created under subsection (3) or (4) may not be issued as, or reclassified to, a class G-1 or class G-2 license. (22) An escrowed specially designated distributor license may be transferred, with the consent of the commission, to an applicant whose proposed operation is located within any local governmental unit in a county in which the specially designated distributor license is located. If the local governmental unit within which the escrowed specially designated distributor license is located spans more than 1 county, the

license may be transferred to an applicant whose proposed operation is located within any local governmental unit in either county. If the specially designated distributor license is activated within a local governmental unit other than that local governmental unit within which the specially designated distributor license was originally issued, the commission shall count that activated license against the local governmental unit originally issuing the specially designated distributor license. (23) Subrule (8) of R 436.1135 of the Michigan Administrative Code does not apply to a transfer under subsection (22). (24) As used in this section: (a) "Escrowed license" means a license in which the rights of the licensee in the license or to the renewal of the license are still in existence and are subject to renewal and activation in the manner provided for in R 436.1107 of the Michigan Administrative Code. (b) "Readily available" means available under a standard of economic feasibility, as applied to the specific circumstances of the applicant, that includes, but is not limited to, the following: (i) The fair market value of the license, if determinable. (ii) The size and scope of the proposed operation. (iii) The existence of mandatory contractual restrictions or inclusions attached to the sale of the license. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 1998, Act 282, Imd. Eff. July 27, 1998 ;-- Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998 ;-- Am. 1999, Act 91, Imd. Eff. June 30, 1999 ;-- Am. 2000, Act 399, Imd. Eff. Jan. 8, 2001 ;-- Am. 2001, Act 223, Eff. Mar. 22, 2002 ;-- Am. 2002, Act 725, Imd. Eff. Dec. 30, 2002 ;-- Am. 2004, Act 191, Imd. Eff. July 8, 2004 ;-- Am. 2005, Act 97, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 212, Imd. Eff. June 27, 2012 ;-- Am. 2013, Act 237, Imd. Eff. Dec. 26, 2013 ;-- Am. 2014, Act 135, Imd. Eff. May 27, 2014 ;-- Am. 2023, Act 96, Imd. Eff. July 19, 2023

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1532 - "Bona Fide Member" Defined; Issuance of Club License; Public Notice; Annual Filing by Club; Conduct of Club Affairs and Management.

Sec. 532. (1) A club license allows the licensee to sell, for consumption on the licensed premises, beer, wine, mixed spirit drink, and spirits only to bona fide members of the club who have attained the age of 21 years. As used in this subsection, "bona fide member" means an individual admitted as a charter member or admitted in accordance with the bylaws of the club, who maintains current membership by the payment of annual dues, whose name and address is entered on the list of members, and who has voting rights to regularly elect the board of directors, officers, executive committee, or similar body that conducts the affairs and management of the club. For an incorporated or unincorporated nonprofit veterans' organization that is a branch or chapter of a national organization or an organization chartered by the United States Congress, a bona fide member includes a member of another branch or chapter who possesses an identification card indicating current membership in the same national or congressionally chartered veterans' organization. For a branch, chapter, lodge, aerie, or other local unit of a national fraternal nonprofit association that is exempt from federal income taxes under section 501(c)(8) or 501(c)(10) of the internal revenue code, 26 USC 501, a bona fide member includes a member of another branch, chapter, lodge, aerie, or local unit who possesses an identification card indicating current membership in the same national fraternal nonprofit association. (2) Except as otherwise provided in subsection (3), the commission shall not issue a license to a club unless the club has been in existence for a period of not less than 2 years before the application for the license. (3) A club shall give public notice of the intent of the commission to issue the club a club license by publication in a newspaper published or in general circulation within the local governmental unit at least 10 days before the commission issues the license. A club that is a chapter of a national organization that has had a license for 10 or more years may apply for a license without a waiting period. Public notice of the commission's intent to renew the club license is not required. (4) Except for a club paying a maximum fee, within 10 days after February 1 of each year the club shall file with the commission a list of names and residences of its members and make a similar filing of the name and residence with the commission within 10 days after the election of an additional member. The annual filing must also include a statement that the club's annual aggregate membership fees or dues and other income, exclusive of the proceeds from the sale of alcoholic liquor, are sufficient to defray the annual rental of its leased or rented premises or, if the premises are owned by the club, are sufficient to meet the taxes, insurance, repairs, and interest on a mortgage on the premises. (5) The affairs and management of the club must be conducted by a board of directors, executive committee, or similar body chosen by the members. A member, officer, agent, or employee of the club must not be paid, or directly or indirectly receive in the form of salary or other compensation, profits from the disposition of alcoholic liquor to the club or to the members of the club, beyond the amount of salary fixed and voted at meetings by the members or by its directors or other governing body and as reported by the club to the commission, within 3 months after the meeting. History:Add. 2001, Act 223, Eff. Mar. 22, 2002 ;-- Am. 2018, Act 104, Eff. July 4, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1533 - Specially Designated Merchant License; Specially Designated Distributor License; Issuance; Quota; Waiver; Transfer; Limitation; Owner or Operator of Motor Vehicle Fuel Pump on or Adjacent to Licensed Premises; Issuance to Marina; License Fees; Determination of Population.

Sec. 533. (1) Subject to subsection (12), the commission shall not issue a new specially designated merchant license or transfer an existing specially designated merchant license unless the applicant is an approved type of business. An applicant is not an approved type of business unless the applicant meets 1 or more of the following conditions: (a) The applicant holds and maintains a retail food establishment license issued under the food law, 2000 PA 92, MCL 289.1101 to 289.8111. As used in this subdivision, "retail food establishment" means that term as defined in section 1111 of the food law, 2000 PA 92, MCL 289.1111. (b) The applicant holds and maintains an extended retail food establishment license issued under the food law, 2000 PA 92, MCL 289.1101 to 289.8111. As used in this subdivision, "extended retail food establishment" means that term as defined in section 1107 of the food law, 2000 PA

92, MCL 289.1107. (c) The applicant holds or the commission approves the issuance of a specially designated distributor license to the applicant. (d) The applicant holds or the commission approves the issuance of a class C license to the applicant. (e) The applicant holds or the commission approves the issuance of a class A hotel license to the applicant. (f) The applicant holds or the commission approves the issuance of a class B hotel license to the applicant. (g) The applicant holds or the commission approves the issuance of a club license to the applicant. (h) The applicant holds or the commission approves the issuance of a tavern license to the applicant. (i) The applicant holds or the commission approves the issuance of a class G-1 license to the applicant. (j) The applicant holds or the commission approves the issuance of a class G-2 license to the applicant. (2) A specially designated distributor may apply for a license as a specially designated merchant. (3) A specially designated distributor license issued under subsection (4) or section 531(5) may be held in conjunction with any of the following licenses: (a) A specially designated merchant license. (b) Subject to subsection (13), a class B hotel license. (c) Subject to subsection (13), a class C license. (d) Subject to subsection (13), a combination of licenses in subdivisions (a) and (b) or (a) and (c). (4) In cities, incorporated villages, or townships, the commission shall issue only 1 specially designated distributor license for each 3,000 of population, or fraction of 3,000. The commission may waive the quota requirement under this subsection if there is no existing specially designated distributor licensee within 2 miles of the applicant, measured along the nearest traffic route. (5) Except as otherwise provided in this section, in cities, incorporated villages, or townships, the commission shall issue only 1 specially designated merchant license for each 1,000 of population, or fraction of 1,000. The quota under this subsection does not apply to any of the following: (a) An applicant for a specially designated merchant license that is an applicant for or the holder of a license listed in subsection (1)(d) to (j). (b) An applicant for or the holder of a specially designated merchant license whose licensed establishment meets 1 or more of the following conditions: (i) Meets both of the following conditions: (A) The licensed establishment is at least 20,000 square feet. (B) The licensed establishment's gross receipts derived from the sale of food are at least 20% of the total gross receipts. (ii) The licensed establishment is also a pharmacy as that term is defined in section 17707 of the public health code, 1978 PA 368, MCL 333.17707. (c) A secondary location permit issued to a specially designated merchant under section 541. (d) A specially designated merchant license issued under subsection (7). (e) A specially designated merchant license issued to a marina under section 539. (6) The commission may waive the quota under subsection (5) if there is no existing specially designated merchant within 2 miles of the applicant, measured along the nearest traffic route. (7) The commission shall waive the quota under subsection (5) if both of the following apply: (a) The applicant applies for the specially designated merchant license within 60 days after January 4, 2017. (b) The applicant is a retail dealer that holds a license issued under section 6(1) of the motor fuels quality act, 1984 PA 44, MCL 290.646. The applicant shall include a copy of the license described in this subdivision with the applicant's application under this subsection. As used in this subdivision, "retail dealer" means that term as defined in section 2 of the motor fuels quality act, 1984 PA 44, MCL 290.642. (8) A specially designated merchant license issued under this section may be transferred to an applicant whose proposed operation is located within any local governmental unit in a county in which the specially designated merchant license was located. If the local governmental unit within which the former licensee's premises were located spans more than 1 county, a specially designated merchant license may be transferred to an applicant whose proposed operation is located within any local governmental unit in either county. If a specially designated merchant license is transferred to a local governmental unit other than that local governmental unit within which the specially designated merchant license was originally issued, the commission shall count that transferred specially designated merchant license against the local governmental unit originally issuing the specially designated merchant license. (9) Except as otherwise provided in subsection (10), the quota under subsection (5) does not bar the right of an existing specially designated merchant to renew the specially designated merchant license or transfer the specially designated merchant license. This subsection applies to a specially designated merchant license issued or renewed before, on, or after January 4, 2017. (10) A specially designated merchant license issued after January 4, 2017 to a person described in subsection (5)(a) or (b) or to a specially designated merchant license issued under subsection (6) may not be transferred to another location. (11) An applicant for or the holder of a specially designated merchant license that owns or operates a motor vehicle fuel pump on or adjacent to the licensed premises is not required to meet the conditions under section 541 as that section existed before January 4, 2017. (12) For a marina that maintains motor vehicle fuel pumps on or adjacent to the licensed premises, or maintains a financial interest in any motor vehicle fuel pumps, the commission may only issue a special designated merchant license to the marina under section 539. (13) License fees for a specially designated distributor license held in conjunction with a class B hotel license or a class C license as described in subsection (3) must be calculated under section 525(1)(k) based on the total retail value of merchandise purchased from the commission under the specially designated distributor license during the previous calendar year plus the total retail value of the merchandise purchased from the commission under either the class B hotel license or the class C license. (14) For purposes of this section, population is determined by the latest federal decennial census, by a special census under section 6 of the home rule city act, 1909 PA 279, MCL 117.6, or section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, or by the latest census and corrections published by the United States Department of Commerce, Bureau of the Census, whichever is later. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998 ;-- Am. 2016, Act 137, Eff. Aug. 24, 2016 ;-- Am. 2016, Act 434, Imd. Eff. Jan. 4, 2017 ;-- Am. 2018, Act 386, Imd. Eff. Dec. 19, 2018 ;-- Am. 2020, Act 308, Eff. Mar. 24, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1534 - Small Distiller License.

Sec. 534. (1) Upon application in a manner acceptable to the commission and payment of the appropriate license fee, the commission shall issue a small distiller license to a person annually manufacturing in this state spirits in an amount not exceeding

60,000 gallons, of all brands combined. (2) A small distiller may have an approved tasting room and sell at retail in accordance with sections 536 and 537. (3) This section does not allow the sale of spirits transacted or caused to be transacted by means of any mail order, internet, telephone, computer, device, or other electronic means. History:Add. 2008, Act 218, Imd. Eff. July 16, 2008 ;-- Am. 2018, Act 410, Imd. Eff. Dec. 19, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1535 - Vendor as Authorized to Do Business.

Sec. 535. A vendor shall be a person authorized to do business under the laws of this state. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1536 - Multiple Manufacturing Licenses; Eligibility Requirements; Operating Multiple Tasting Rooms; Compliance Requirements; Limitations; Sale of Alcoholic Liquor Under Certain Circumstances; Samples; Earmark for Liquor Control Enforcement and License Investigation Revolving Fund; Local Approval Exceptions; Samples of Mixed Spirit Drink.

Sec. 536. (1) Except as provided in section 105(13), the commission shall allow a person to be licensed as more than 1 type of manufacturer in this state. (2) A person that holds more than 1 type of manufacturing license in this state shall meet all applicable provisions of this act for each type of manufacturing license the person holds. (3) Subject to the requirements of this section and section 537, the commission may approve a licensed manufacturer to operate 1 or more tasting rooms. (4) Brewers and micro brewers shall not have more approved tasting rooms than allowed in section 411. (5) A tasting room may be jointly operated by 2 or more manufacturers if either of the following conditions is met: (a) The manufacturers are owned by the same person and their manufacturing premises share the same address. (b) The manufacturers are not owned by the same person and their manufacturing premises do not share the same address. (6) A tasting room is treated as licensed premises for purposes of this act. (7) An approved tasting room located on the manufacturing premises of 1 or more manufacturers that are owned by the same person and whose manufacturing premises share the same address must comply with all of the following: (a) The commission must approve and issue an on-premises tasting room permit to the manufacturer or manufacturers. (b) The manufacturer or manufacturers must pay the $100.00 initial permit fee, which is renewable annually. (c) The manufacturer or manufacturers must be approved for the on-premises tasting room permit by the local legislative body in which the proposed licensed premises will be located, except in a city having a population of 600,000 or more or as provided in subsection (18). (d) The manufacturer or manufacturers must comply with the server training requirements of section 906. (e) The manufacturer or manufacturers must file with the commission proof of financial responsibility providing security for liability under section 801(2) of not less than $50,000.00 as provided in section 803. (f) A separate on-premises tasting room permit is not required for each license type for a person licensed by the commission under any combination of brewer, micro brewer, wine maker, small wine maker, distiller, small distiller, brandy manufacturer, or mixed spirit drink manufacturer licenses issued to that person at the same manufacturing premises. (g) The commission shall not issue to a manufacturer or manufacturers a Sunday sales permit, catering permit, dance permit, entertainment permit, specific purpose permit, extended hours permit, or authorization for outdoor service unless the commission has issued an on-premises tasting room permit to the manufacturer or manufacturers. A Sunday sales permit, catering permit, dance permit, entertainment permit, specific purpose permit, extended hours permit, or authorization for outdoor service may be issued concurrently with the issuance of an on-premises tasting room permit. (h) A brewer, micro brewer, wine maker, small wine maker, distiller, small distiller, brandy manufacturer, or mixed spirit drink manufacturer may own and operate a restaurant or allow another person to operate a restaurant as part of the on-premises tasting room on the manufacturing premises. If the brewer, micro brewer, wine maker, small wine maker, distiller, small distiller, brandy manufacturer, or mixed spirit drink manufacturer allows another person to operate a restaurant on the manufacturing premises, the brewer, micro brewer, wine maker, small wine maker, distiller, small distiller, brandy manufacturer, or mixed spirit drink manufacturer must hold a participation permit naming as a participant the other person. The other person must meet the requirements for a participant in R 436.1041(3) of the Michigan Administrative Code. (8) Subject to subsection (10), an approved tasting room located off the manufacturing premises of 1 or more manufacturers, other than a brewer, micro brewer, or mixed spirit drink manufacturer, that are owned by the same person and whose manufacturing premises share the same address must comply with all of the following: (a) The commission must approve and issue an off-premises tasting room license to the manufacturer or manufacturers. (b) The manufacturer or manufacturers must pay the $100.00 initial license fee, which is renewable annually. (c) The manufacturer or manufacturers must be approved for the off-premises tasting room license by the local legislative body in which the proposed licensed premises will be located, except in a city having a population of 600,000 or more or as provided in subsection (18). (d) The manufacturer or manufacturers must comply with the server training requirements of section 906 at the off-premises tasting room. (e) The manufacturer or manufacturers must file with the commission proof of financial responsibility providing security for liability under section 801(2) of not less than $50,000.00 as provided in section 803 for the off-premises tasting room. (f) A separate off-premises tasting room license is not required for each license type for a person licensed by the commission under any combination of wine maker, small wine maker, distiller, small distiller, or brandy manufacturer licenses issued to that person at the same manufacturing premises. (g) The commission shall not issue to a manufacturer or manufacturers a Sunday sales permit, catering permit, dance permit, entertainment permit, specific purpose permit, extended hours permit, authorization for outdoor service, or permission to maintain a direct connection to unlicensed premises unless the

commission has issued an off-premises tasting room license to the manufacturer or manufacturers. A Sunday sales permit, catering permit, dance permit, entertainment permit, specific purpose permit, extended hours permit, authorization for outdoor service, or permission to maintain a direct connection to unlicensed premises may be issued concurrently with the issuance of an off-premises tasting room license. (9) Subject to subsection (10), an approved jointly operated tasting room located off the manufacturing premises of 2 or more manufacturers, other than a brewer, micro brewer, or mixed spirit drink manufacturer, that are not owned by the same person and whose manufacturing premises do not share the same address must comply with all of the following: (a) The commission must approve and issue a joint off-premises tasting room license to each of the manufacturers. (b) Each manufacturer must pay the $100.00 initial license fee, which is renewable annually. (c) Each manufacturer must be approved for a joint off-premises tasting room license by the local legislative body in which the proposed licensed premises will be located, except in a city having a population of 600,000 or more or as provided in subsection (18). (d) Each manufacturer must comply with the server training requirements of section 906 at the jointly operated off-premises tasting room. (e) Each manufacturer must file with the commission proof of financial responsibility providing security for liability under section 801(2) of not less than $50,000.00 as provided in section 803 for the jointly operated off-premises tasting room. (f) Any management agreements with an unlicensed manager of the jointly operated off-premises tasting room must comply with the requirements of R 436.1041 of the Michigan Administrative Code and all the manufacturers must hold a participation permit naming as a participant the unlicensed manager. The unlicensed manager must meet the requirements for a participant in R 436.1041(3) of the Michigan Administrative Code. (g) A Sunday sales permit, dance permit, entertainment permit, specific purpose permit, extended hours permit, authorization for outdoor service, or permission to maintain a direct connection to unlicensed premises may be issued in conjunction with a jointly operated off-premises tasting room. All manufacturers licensed at the jointly operated off-premises tasting room location must hold the same permits, permissions, and authorizations at the location. (h) A violation of this act or the administrative rules by any manufacturer on the premises of the jointly operated off-premises tasting room is a violation by all the manufacturers licensed at the jointly operated off-premises tasting room. (10) Approved off-premises tasting rooms or jointly operated off-premises tasting rooms described in subsections (8) and (9) must comply with all of the following: (a) A wine maker, small wine maker, distiller, small distiller, or brandy manufacturer may have 1 of the following: (i) No more than 5 off-premises tasting room licenses issued under subsection (8) under which alcoholic liquor manufactured by the wine maker, small wine maker, distiller, small distiller, or brandy manufacturer may be sold by the glass for consumption on the premises or samples may be sold or given away for consumption on the premises as provided in subsection (14)(b) and (c). (ii) No more than 5 joint off-premises tasting room licenses issued under subsection (9) under which alcoholic liquor manufactured by the wine maker, small wine maker, distiller, small distiller, or brandy manufacturer may be sold by the glass for consumption on the premises or samples may be sold or given away for consumption on the premises as provided in subsection (14)(b) and (c). (iii) A combination of no more than 5 off-premises tasting room licenses issued under subsection (8) and joint off-premises tasting room licenses issued under subsection (9) under which alcoholic liquor manufactured by the wine maker, small wine maker, distiller, small distiller, or brandy manufacturer may be sold by the glass for consumption on the premises or samples may be sold or given away for consumption on the premises as provided in subsection (14)(b) and (c). (iv) No more than the equivalent number of off-premises tasting room licenses issued under subsection (8), joint off-premises tasting room licenses issued under subsection (9), or a combination of off-premises tasting room licenses issued under subsection (8) and joint off-premises tasting room licenses issued under subsection (9) that were issued before October 1, 2018 under which alcoholic liquor manufactured by the wine maker, small wine maker, distiller, small distiller, or brandy manufacturer may be sold by the glass for consumption on the premises or samples may be sold or given away for consumption on the premises as provided in subsection (14)(b) and (c). (b) Notwithstanding the limitation in subdivision (a), a wine maker, small wine maker, distiller, small distiller, or brandy manufacturer may have any number of off-premises tasting room licenses or joint off-premises tasting room licenses under which alcoholic liquor manufactured by the wine maker, small wine maker, distiller, small distiller, or brandy manufacturer may only be sold or given away as samples for consumption on the premises as provided in subsection (14)(d). (c) A wine maker, small wine maker, distiller, small distiller, or brandy manufacturer must designate at the time of application whether the tasting room location for which the off-premises tasting room license or the joint off-premises tasting room license application is being made will sell by the glass as provided in subdivision (a) or provide only samples as provided in subdivision (b). The designation made for the off-premises tasting room license or the joint off-premises tasting room license must not be changed after the license has been issued. (d) All wine makers, small wine makers, distillers, small distillers, or brandy manufacturers licensed at the same approved jointly operated off-premises tasting room must have an identical designation under subdivision (c). (e) A wine maker, small wine maker, distiller, small distiller, or brandy manufacturer that has an off-premises tasting room or jointly operated off-premises tasting room location that was approved by the commission before December 19, 2018 must submit to the commission in writing a designation as required under subdivision (c) by April 1, 2019. (11) A wine maker, small wine maker, brewer, micro brewer, distiller, small distiller, brandy manufacturer, or mixed spirit drink manufacturer may add a nonalcoholic mixing ingredient or an alcoholic mixing ingredient manufactured by the wine maker, small wine maker, brewer, micro brewer, distiller, small distiller, brandy manufacturer, or mixed spirit drink manufacturer to sampled or purchased alcoholic liquor if the sampled or purchased alcoholic liquor is consumed on the premises of the approved tasting room. (12) A manufacturer is not a retailer under this act merely because the manufacturer has a tasting room. (13) A manufacturer with an approved tasting room may sample and sell alcoholic liquor only as specifically allowed in this act. (14) A manufacturer may do all of the following: (a) Sell alcoholic liquor it manufactured for consumption off the premises in an approved tasting room under subsections (7) to (9). (b) Subject to subsection (10)(a), sell alcoholic liquor it manufactured by the glass for consumption on the premises of an approved tasting room under

subsections (7) to (9). (c) Subject to subsection (10)(a), sell or give away samples of any size of alcoholic liquor it manufactured for consumption on the premises of an approved tasting room under subsections (7) to (9). (d) Subject to subsection (10)(b), sell or give away samples of alcoholic liquor it manufactured for consumption on the premises of an approved tasting room under subsections (8) and (9) under all of the following conditions: (i) A wine maker or small wine maker may offer samples of wine that do not exceed 3 ounces per sample. (ii) A brandy manufacturer may offer samples of brandy that do not exceed 1/2 ounce per sample. (iii) A distiller or small distiller may offer samples of spirits or mixed drinks that do not exceed 1/2 ounce per sample. (15) An on-premises tasting room permit issued under subsection (7) and an off-premises tasting room license issued under subsection (8) may be held in conjunction at the same location by the same person if either of the following conditions is met: (a) The person holds the on-premises tasting room permit issued under subsection (7) in conjunction with a brewer or micro brewer license only and no other manufacturing license, and the off-premises tasting room license issued under subsection (8) at the same location. (b) Both of the following conditions are met: (i) The person holds an on-premises tasting room permit issued under subsection (7) in conjunction with a micro brewer, small distiller, or small wine maker license, or any combination of micro brewer, small distiller, or small wine maker licenses, and the off-premises tasting room license issued under subsection (8) at the same location. (ii) The commission issued to the person both the permit and applicable licenses described in subparagraph (i), or their equivalent at the time of issuance, before October 1, 2018. (16) A manufacturer issued a license before December 19, 2018 that intends to sell for consumption off its licensed premises or sell, serve, and allow consumption on its licensed premises of alcoholic liquor as allowed under this section and section 537 must comply with this section by April 1, 2019. (17) The revenue received from subsection (7) must be deposited into the liquor control enforcement and license investigation revolving fund under section 543(9). (18) Local approval under subsection (7)(c), (8)(c), or (9)(c) is not required for a tasting room that was in existence before December 19, 2018. (19) A small distiller or distiller that also holds a mixed spirit drink manufacturer license may do all of the following: (a) Sell mixed spirit drink it manufactured for consumption off the licensed premises of an approved tasting room under subsections (8) and (9). (b) Subject to subsection (10)(a), sell mixed spirit drink it manufactured for consumption on the premises of an approved tasting room under subsections (8) and (9). (c) Subject to subsection (10)(a), sell or give away samples of any size of mixed spirit drink it manufactured for consumption on the premises of an approved tasting room under subsections (8) and (9). (d) Subject to subsection (10)(b), sell or give away samples that do not exceed 3 ounces per sample of mixed spirit drink it manufactured for consumption on the premises of an approved tasting room under subsections (8) and (9). History:Add. 2018, Act 408, Imd. Eff. Dec. 19, 2018 ;-- Am. 2019, Act 131, Imd. Eff. Nov. 21, 2019 ;-- Am. 2020, Act 126, Imd. Eff. July 1, 2020 ;-- Am. 2021, Act 20, Imd. Eff. June 3, 2021Compiler's Notes:Enacting section 1 of Act 347 of 2020 provides:“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:(a) Senate Bill No. 1138.(b) Senate Bill No. 1139.(c) Senate Bill No. 1140."Senate Bill Nos. 1138, 1139, and 1140, referred to in enacting section 1, were pocket vetoed by the governor on January 5, 2021. Act 347 of 2020 does not go into effect.

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1537 - Classes of Vendors Permitted to Sell Alcoholic Liquor at Retail; Beer and Wine Drink Tastings; Filling and Selling Growlers With Beer; Sale of Nonalcoholic Beverages; Definitions.

Sec. 537. (1) The following classes of vendors may sell alcoholic liquor at retail as provided in this section: (a) Taverns, where beer, wine, and mixed spirit drink may be sold for consumption on the premises only. (b) Class C licensee, where beer, wine, mixed spirit drink, and spirits may be sold for consumption on the premises. (c) Clubs, where beer, wine, mixed spirit drink, and spirits may be sold for consumption on the premises only to bona fide members if consumption is limited to these members and their bona fide guests, who are 21 years of age or older. (d) Direct shippers, where wine may be sold and shipped directly to the consumer. (e) Hotels of class A, where beer, wine, and mixed spirit drink may be sold for consumption on the premises and in the rooms of bona fide registered guests. Hotels of class B where beer, wine, mixed spirit drink, and spirits may be sold for consumption on the premises and in the rooms of bona fide registered guests. (f) Specially designated merchants, where beer, wine, and mixed spirit drink may be sold for consumption off the premises only. (g) Specially designated distributors, where spirits may be sold for consumption off the premises only. (h) Special licensee, where beer and wine or beer, wine, mixed spirit drink, and spirits may be sold for consumption on the premises only. (i) Dining cars or other railroad or Pullman cars, watercraft, or aircraft, where alcoholic liquor may be sold for consumption on the premises only, subject to rules promulgated by the commission. (j) Brewpubs, where beer manufactured on the premises by the licensee may be sold for consumption on or off the premises by any of the following licensees: (i) Class C. (ii) Tavern. (iii) Class A hotel. (iv) Class B hotel. (k) Micro brewers and brewers, where beer manufactured by the micro brewer or brewer may be sold in an approved tasting room under section 536 to a consumer for consumption on or off the manufacturing premises. (l) Class G-1 licensee, where beer, wine, mixed spirit drink, and spirits may be sold for consumption on the premises only to members required to pay an annual membership fee and consumption is limited to these members and their bona fide guests. (m) Class G-2 licensee, where beer and wine may be sold for consumption on the premises only to members required to pay an annual membership fee and consumption is limited to these members and their bona fide guests. (n) Motorsports event licensee, where beer, wine, mixed spirit drink, and spirits may be sold for consumption on the premises during sanctioned motorsports events only. (o) Wine maker or small wine maker, where wine manufactured by the wine maker or small wine maker may be sold in any of the following ways: (i) By direct shipment as provided in section 203. (ii) At retail for consumption on or off the premises in an approved tasting room under section 536. (iii) As otherwise provided for in this act. (p) Small wine maker, where

wine bottled by the small wine maker may be sold in any of the following ways: (i) By direct shipment as provided in section 203. (ii) At retail for consumption on or off the premises in an approved tasting room under section 536. (iii) As otherwise provided for in this act. (q) Wine maker or small wine maker, where shiners may be sold in any of the following ways: (i) By direct shipment as provided in section 203. (ii) At retail for consumption on or off the premises in an approved tasting room under section 536. (iii) As otherwise provided for in this act. (r) Distiller or small distiller, where spirits manufactured by the distiller or small distiller may be sold to the consumer at retail for consumption on or off the premises in an approved tasting room under section 536. (s) Nonpublic continuing care retirement center license, where beer, wine, mixed spirit drink, mixed wine drink, and spirits may be sold at retail and served on the licensed premises to residents and bona fide guests accompanying the resident for consumption only on the licensed premises. (t) A small wine maker or an out-of-state entity that is the substantial equivalent of a small wine maker, that holds a farmer's market permit, where wine manufactured or bottled by the small wine maker and shiners may be sampled and sold at a farmers' market for consumption off the licensed premises. (u) A brandy manufacturer where brandy manufactured by the brandy manufacturer may be sold at retail for consumption on or off the premises in an approved tasting room under section 536 located on the manufacturing premises of the brandy manufacturer. (v) A mixed spirit drink manufacturer where mixed spirit drink manufactured by the mixed spirit drink manufacturer may be sold at retail for consumption on or off the premises in an approved tasting room under section 536. (2) Notwithstanding section 1025(1), an outstate seller of beer, an outstate seller of wine, a wine maker, a brewer, a micro brewer, or a specially designated merchant, or an agent of any of those persons, that does not hold a license allowing the consumption of alcoholic liquor on the premises at the same licensed address, may conduct beer and wine tastings on the licensed premises of a specially designated merchant under the following conditions: (a) A customer is not charged for the tasting of beer or wine. (b) The tasting samples provided to a customer do not exceed 3 servings at up to 3 ounces per serving of beer or 3 servings at up to 2 ounces of wine. A customer shall not be provided more than a total of 3 samples of beer or wine within a 24-hour period per licensed premises. (c) The specially designated merchant, outstate seller of beer, outstate seller of wine, wine maker, micro brewer, or brewer has first obtained an annual beer and wine tasting permit approved by the commission. (d) The commission is notified, in writing, a minimum of 10 working days before the event, regarding the date, time, and location of the event. (3) While a beer or wine tasting is conducted under subsection (2), a specially designated merchant, outstate seller of beer, outstate seller of wine, wine maker, micro brewer, or brewer, or its agent or employee who has successfully completed a server training program as provided for in section 906, shall devote full time to the beer and wine tasting activity and shall not perform other duties, including the sale of alcoholic liquor for consumption off the licensed premises. Beer and wine used for the tasting must come from the specially designated merchant's inventory, and all open bottles must be removed from the premises on the same business day or resealed and stored in a locked, separate storage compartment on the licensed premises when not being used for the activities allowed by the permit. (4) A wholesaler shall not conduct or participate in beer and wine tastings allowed under a permit issued under subsection (2). (5) A beer and wine tasting under subsection (2) may only be conducted during the legal hours for the sale of alcoholic liquor by the licensee. (6) An eligible merchant may fill and sell growlers with beer for consumption off the premises under the following conditions: (a) The premises where the filling of growlers takes place comply with the requirements for food service establishments under the food law, 2000 PA 92, MCL 289.1101 to 289.8111. (b) The growler is sealed and has a label affixed to it that includes at least the brand name of the beer, the class of the beer, the net contents of the container, and the name of the retailer filling the growler. The label conditions described in this subdivision do not apply to either of the following: (i) A brewpub described in subsection (1)(j), but only as to beer that the brewpub produces. (ii) A micro brewer or brewer described in subsection (1)(k). (c) The eligible merchant or his or her agent or employee does not fill a growler in advance of the sale. (d) The eligible merchant or his or her agent or employee only uses containers that have a capacity of 5 gallons or more to fill a growler. (e) The beer to be dispensed has received a registration number from the commission and has been approved for sale by the commission. The registration condition described in this subdivision does not apply to either of the following: (i) A brewpub described in subsection (1)(j), but only as to beer that the brewpub produces. (ii) A micro brewer or brewer described in subsection (1)(k). (f) The eligible merchant complies with all applicable rules promulgated by the commission. (7) A wine maker, brandy manufacturer, small distiller, micro brewer, brewer, or brewpub shall provide water, and may, in the sole discretion of the wine maker, brandy manufacturer, small distiller, micro brewer, brewer, or brewpub, sell or provide other nonalcoholic beverages, for consumption on or off the premises where the wine maker, brandy manufacturer, small distiller, micro brewer, brewer, or brewpub is licensed. (8) As used in this section: (a) "Eligible merchant" means a person that holds a specially designated merchant license. (b) "Growler" means any clean, refillable, resealable container that is exclusively intended, and used only, for the sale of beer for consumption off the premises and that has a liquid capacity that does not exceed 1 gallon. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2001, Act 223, Eff. Mar. 22, 2002 ;-- Am. 2005, Act 166, Imd. Eff. Oct. 6, 2005 ;-- Am. 2005, Act 269, Imd. Eff. Dec. 16, 2005 ;-- Am. 2008, Act 218, Imd. Eff. July 16, 2008 ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2011, Act 298, Imd. Eff. Dec. 22, 2011 ;-- Am. 2013, Act 101, Imd. Eff. July 2, 2013 ;-- Am. 2016, Act 514, Eff. Apr. 9, 2017 ;-- Am. 2018, Act 40, Eff. May 29, 2018 ;-- Am. 2018, Act 413, Imd. Eff. Dec. 19, 2018 ;-- Am. 2018, Act 560, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 117, Imd. Eff. July 1, 2020 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1537a - Sale of Alcoholic Liquor for Off the Premises Consumption; Requirements; Delivery of Alcoholic Liquor Within This State; Original Package Prohibited; Definitions.

Sec. 537a. (1) Notwithstanding anything in this act to the contrary, a qualified licensee may fill and sell qualified containers with alcoholic liquor for consumption off the premises under the following conditions: (a) The qualified licensee or his or her agent or employee does not fill the qualified container in advance of the sale. (b) The qualified licensee complies with all applicable rules promulgated by the commission. (c) The qualified licensee or his or her agent seals the qualified container. (2) Notwithstanding anything in this act to the contrary, a qualified licensee may deliver alcoholic liquor to a consumer in this state if all of the following conditions are met: (a) The qualified licensee complies with all laws of this state, including, but not limited to, the prohibition on sales to minors. (b) The qualified licensee stamps, prints, or labels on the outside of the qualified container "Contains Alcohol. Must be delivered to a person 21 years of age or older.". The recipient at the time of the delivery shall provide identification verifying his or her age. (c) The qualified licensee or his or her agent seals the qualified container. (d) If the qualified licensee is a retailer, the alcoholic liquor is delivered by the qualified licensee's employee or a third party facilitator service, as that term is defined in section 203. (e) If the qualified licensee is a manufacturer, the alcoholic liquor is delivered by the qualified licensee's employee. (3) Except as otherwise allowed under this act, a qualified licensee shall not sell alcoholic liquor in its original package under this section. (4) As used in this section: (a) "Consumer" means that term as defined in section 203. (b) "Qualified container" means a clean, sealable container that is for the sale of alcoholic liquor for consumption off the premises, that has a liquid capacity that does not exceed 1 gallon, and that, after it is filled, is sealed with a device or material that is used to fully close off the container securely with no perforations or straw holes. (c) "Qualified licensee" means any of the following: (i) A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises. (ii) A manufacturer with an on-premises tasting room permit issued under section 536. (iii) A manufacturer that holds an off-premises tasting room license issued under section 536. (iv) A manufacturer that holds a joint off-premises tasting room license issued under section 536. History:Add. 2020, Act 125, Imd. Eff. July 1, 2020 ;-- Am. 2021, Act 64, Imd. Eff. July 13, 2021 ;-- Am. 2023, Act 95, Imd. Eff. July 19, 2023

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1539 - Marina as Specially Designated Merchant or Specially Designated Distributor; License; Conditions.

Sec. 539. A marina that is situated on 1 of the Great Lakes, on that part of an inland waterway or tributary connected to and navigable to 1 of the Great Lakes, or on a Great Lakes connecting waterway may be issued a license as a specially designated merchant or specially designated distributor, notwithstanding the fact that the marina maintains motor vehicle fuel pumps on or adjacent to the licensed premises, or maintains a financial interest in any motor vehicle fuel pumps, if all of the following conditions are met: (a) The marina's primary business is the sale of boats or the provision of services and supplies to recreational power cruisers and sailboats of the type that typically travel on the Great Lakes. (b) The fuel pumps are used for dispensing fuel only to boats described in subdivision (a). (c) The marina is an approved type of business as provided in section 533(1). History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2016, Act 434, Imd. Eff. Jan. 4, 2017

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1541 - Motor Vehicle Fuel Pumps.

Sec. 541. (1) Except as provided in section 539 or subsections (2) to (5), the commission shall not allow an applicant for or the holder of a specially designated distributor license to own or operate motor vehicle fuel pumps on or adjacent to the licensed premises, unless both of the following conditions are met: (a) One or both of the following conditions exist: (i) The applicant or licensee is located in a neighborhood shopping center. (ii) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than $250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses. (b) The site of payment of alcoholic liquor and selection of alcoholic liquor is not less than 5 feet from that point where motor vehicle fuel is dispensed. (2) The commission shall not prohibit an applicant for or the holder of a specially designated distributor license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises, if all of the following conditions are met: (a) The applicant is located in a township with a population of 7,000 or less that is not contiguous with any other township. For purposes of this subdivision, a township is not considered contiguous by water. (b) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than $12,500.00, at cost, of those goods and services customarily marketed by approved types of businesses. (c) The applicant has the approval of the township, as evidenced by a resolution adopted by the township and submitted with the application to the commission. (3) The commission shall not prohibit an applicant for or the holder of a specially designated distributor license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises if both of the following conditions are met: (a) The applicant or licensee is located in either of the following: (i) A city, incorporated village, or township with a population of 3,500 or less and a county with a population of 31,000 or more. (ii) A city, incorporated village, or township with a population of 4,000 or less and a county with a population of less than 31,000. (b) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than $12,500.00, at cost, of those goods and services customarily marketed by approved types of businesses. (4) A person that was issued a specially designated merchant license or specially designated distributor license at a location at which another person owned, operated or maintained motor vehicle fuel pumps at the same location may have or acquire an interest in the ownership, operation or maintenance of those motor vehicle fuel pumps. (5) The commission may transfer ownership of a specially designated merchant license or specially designated distributor license to a person that owns or is acquiring an interest in motor vehicle fuel pumps already in operation at the same location at

which the license is issued. (6) The commission shall not prohibit an applicant for or the holder of a specially designated merchant license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises if the site of payment of alcoholic liquor and selection of alcoholic liquor is not less than 5 feet from that point where motor vehicle fuel is dispensed. This subsection does not apply to a specially designated merchant license issued to a marina under section 539. (7) If a specially designated merchant's licensed premises are a primary location, the commission may issue a secondary location permit to the specially designated merchant, as an extension of the specially designated merchant's license, for the sale of beer, wine, or both, at the secondary location. The commission shall issue a secondary location permit only to a specially designated merchant to which both of the following apply: (a) The holder of the specially designated merchant license for the primary location premises or a subsidiary or affiliate of the license holder owns or leases the secondary location. (b) The holder of the specially designated merchant license for the primary location or a subsidiary or affiliate of the license holder owns or operates motor vehicle fuel pumps at the secondary location. (8) An applicant for a secondary location permit shall submit an application to the commission in a format provided by the commission and accompanied by an application and initial permit fee of $100.00. The application must include a diagram of the secondary location with building dimensions and a depiction of the distance measurement described in subsection (6). The secondary location permit expires on the same date as the specially designated merchant license and may be renewed in conjunction with the specially designated merchant license. The secondary location permit holder may renew the secondary location permit by submitting a permit renewal fee of $100.00 and a completed renewal application. (9) After a specially designated merchant is issued a secondary location permit under subsection (7), if a subsidiary or affiliate of the specially designated merchant owns or operates the secondary location and the subsidiary or affiliate shares the same ultimate controlling party of the specially designated merchant, the secondary location may receive and sell beer, wine, or both under the specially designated merchant's license. (10) The holder of a secondary location permit shall prominently display the secondary location permit at the secondary location in the point-of-sale area. (11) As used in this section: (a) "Neighborhood shopping center" means 1 commercial establishment, or a group of commercial establishments organized or operated as a unit, that is related in location, size, and type of shop to the trade area that the unit serves, and consists of not less than 50,000 square feet of leasable retail space, and has access to off-street parking spaces. (b) "Primary location" means licensed premises that meets both of the following conditions: (i) One or both of the following conditions exist: (A) The applicant or licensee is located in a neighborhood shopping center. (B) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than $250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses. (ii) The site of payment of alcoholic liquor and selection of alcoholic liquor is not less than 5 feet from that point where motor vehicle fuel is dispensed. (c) "Secondary location" means a business operation of the holder of a specially designated merchant license for a primary location, or a subsidiary or affiliate of that license holder, that takes place on real property, that includes at least 1 building and 1 or more motor vehicle fuel pumps, and that is located on or adjacent to the primary location. On commission approval of the secondary location permit, the secondary location is considered licensed premises and an extension of the licensed primary location. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- 2006, Act 253, Imd. Eff. July 3, 2006 ;-- Am. 2008, Act 489, Imd. Eff. Jan. 13, 2009 ;-- Am. 2016, Act 84, Eff. July 11, 2016 ;-- Am. 2016, Act 434, Imd. Eff. Jan. 4, 2017

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1543 - Disposition and Use of License and License Renewal Fees; Liquor Control Enforcement and License Investigation Revolving Fund; "License Fee Enhancement" Defined.

Sec. 543. (1) Quarterly, on the commission's recommendation, this state shall pay pursuant to appropriation in the manner prescribed by law to the city, village, or township in which a full-time police department or full-time ordinance enforcement department is maintained or, if a police department or full-time ordinance enforcement department is not maintained, to the county, to be credited to the sheriff's department of the county in which the licensed premises are located, 55% of the amount of the proceeds of the retailers' license fees and license renewal fees collected in that jurisdiction, for the specific purpose of enforcing this act and the rules promulgated under this act. Forty-one and one-half percent of the amount of the proceeds of retailers' license and license renewal fees collected must be deposited in a special fund to be annually appropriated to the commission for carrying out the licensing and enforcement provisions of this act. Any unencumbered or uncommitted money in the special fund must revert to the general fund of this state 12 months after the end of each fiscal year in which the money was collected. The legislature shall appropriate 3-1/2% of the amount of the proceeds of retailers' license and license renewal fees collected to be credited to a special fund in the state treasury for the purposes of promoting and sustaining programs for the prevention, rehabilitation, care, and treatment of alcoholics. This subsection does not apply to retail license fees collected for railroad or Pullman cars, watercraft, aircraft, or wine auctions or to the transfer fees provided in section 529. (2) All license and license renewal fees, other than retail license and license renewal fees and wholesale vendor license and license renewal fees, must be credited to the Michigan craft beverage council fund created in section 303a. On the effective date of the 2018 amendatory act that amended this section, any money in the former grape and wine industry council account is transferred to the Michigan craft beverage council fund. (3) All retail license fees collected for railroad or Pullman cars, watercraft, or aircraft and the transfer fees provided in section 529 must be deposited in the special fund created in subsection (1) for carrying out the licensing and enforcement provisions of this act. (4) The license fee enhancement imposed for licenses issued under section 531(3) and (4) must be deposited into a special fund to be annually appropriated to the commission for enforcement and other related projects determined appropriate by the commission. The

money representing that amount of the license fees for identical licenses not issued under section 531(3) and (4) must be allocated and appropriated under subsection (1). (5) The license fee imposed on direct shipper licenses and any violation fines imposed by the commission must be deposited into the direct shipper enforcement revolving fund. The direct shipper enforcement revolving fund is created within the state treasury. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year must remain in the fund and must not lapse to the general fund. The commission shall expend money from the fund, on appropriation, only for enforcement of section 203 and related projects. (6) One hundred percent of the wine auction license fee imposed in section 525(1)(aa) must be deposited into the general fund. (7) Notwithstanding any other provision of this section, the additional $160.00 license fee imposed on a licensee selling alcoholic liquor between the hours of 7 a.m. on Sunday and 12 noon on Sunday is allocated to the general fund. (8) Wholesale vendor license fees and license renewal fees must be deposited into the liquor control enforcement and license investigation revolving fund created under subsection (9). (9) The liquor control enforcement and license investigation revolving fund is created within the state treasury. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year must remain in the fund and must not lapse to the general fund. The commission shall expend money from the fund, on appropriation, only for enforcement of this act and the rules promulgated under this act and for license investigations. The commission shall not use more than 35% of the money appropriated to the fund under this subsection to carry out the licensing provisions of this act. (10) As used in this section, "license fee enhancement" means the money representing the difference between the license fee imposed for a license under section 525(1) and the additional amount imposed for resort and resort economic development licenses under section 525(2). History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2005, Act 97, Imd. Eff. July 20, 2005 ;-- Am. 2005, Act 269, Imd. Eff. Dec. 16, 2005 ;-- Am. 2010, Act 175, Imd. Eff. Sept. 30, 2010 ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2016, Act 434, Imd. Eff. Jan. 4, 2017 ;-- Am. 2018, Act 155, Eff. Oct. 1, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1545 - "Nonpublic Continuing Care Retirement Center" Defined; License; Limitation.

Sec. 545. (1) As used in this act, "nonpublic continuing care retirement center" means a residential community that, as determined by the commission, meets both of the following conditions: (a) Provides full-time residential housing predominantly for individuals over the age of 62. (b) Meets 1 of the following conditions: (i) Is registered as a facility under former 1976 PA 440 or the continuing care community disclosure act, 2014 PA 448, MCL 554.901 to 554.993. (ii) Is a home for the aged licensed under part 213 of the public health code, 1978 PA 368, MCL 333.21301 to 333.21335. (2) The commission, on submission of a completed application, shall grant a nonpublic continuing care retirement center license to an applicant complying with this section. Subject to subsection (4), the commission shall not issue more than 25 licenses under this section. If the holder of a license issued under this section goes out of business, the license must be surrendered to the commission. The commission may allow the transfer of a surrendered license to a new business owner on transfer of the owner's interest in the business if the new business owner meets the same condition under subsection (1)(b) as the previous business owner. (3) The holder of a nonpublic continuing care retirement center license may sell at retail and serve on the licensed premises beer, wine, mixed spirit drink, mixed wine drink, and spirits, for consumption by a resident or the bona fide guests accompanying the resident, only on the licensed premises. (4) The commission shall not issue more than 20 licenses under this section to facilities described in subsection (1)(b)(i). The commission shall not issue more than 5 licenses under this section to homes for the aged described in subsection (1)(b)(ii). History:Add. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2016, Act 328, Eff. Mar. 8, 2017

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1547 - Definitions; Catering Permits.

Sec. 547. (1) As used in this section: (a) "Private event" means an event where no consideration, as defined in section 913, is paid by the guests. (b) "Catering permit" means a permit issued by the commission to a specially designated distributor, specially designated merchant, or holder of a public on-premises license for the sale of beer, wine, or spirits, or any combination thereof, that is also licensed as a food service establishment or retail food establishment under the food law of 2000, 2000 PA 92, MCL 289.1101 to 289.8111, which permit authorizes the permit holder to sell and deliver beer, wine, and spirits in the original sealed container to a person for off-premises consumption but only if the sale is not by the glass or drink and the permit holder serves the beer, wine, or spirits. The permit does not allow the permit holder to deliver, but not serve, the beer, wine, or spirits. (2) Spirits sold by a specially designated distributor, specially designated merchant, or on-premises licensee under a catering permit shall not be sold at less than the minimum retail selling price fixed by the commission, including under rules promulgated by the commission for specially designated distributors under section 229. (3) The commission may issue a catering permit to a specially designated distributor, specially designated merchant, or public on-premises licensee, as a supplement to that license, to allow the sale and delivery of beer, wine, or spirits in the original sealed container at locations other than the licensed premises and to require the catering permit holder to serve beer, wine, or spirits at the private event where the alcoholic liquor is not resold to guests. The commission shall not issue a catering permit to an applicant who delivers beer, wine, or spirits but does not serve the beer, wine, or spirits. (4) This section does not limit the number of catering permits the commission may issue within any local unit of government. (5) This section does not prevent a catering permit holder from using the catering permit at multiple locations and events during the same time period. (6)

This section does not prohibit a catering permit holder from selling beer, wine, or spirits to a person who has obtained a special license if that catering permit holder serves the beer, wine, or spirits and complies with all catering permit rules promulgated by the commission. (7) An applicant for a catering permit shall apply on a form approved and provided by the commission and pay an application and processing fee of $70.00 and a catering permit fee of $100.00 on the issuance of the catering permit. The applicant shall also pay the catering permit fee on renewal of the specially designated distributor, specially designated merchant, or on-premises licensee. (8) The person delivering the beer, wine, or spirits under a catering permit shall verify that the individual accepting delivery is at least 21 years of age. The catering permit holder may utilize a third party that provides delivery service to municipalities in this state that are surrounded by water and inaccessible by motor vehicle to deliver beer, wine, or spirits to the designated location of the private event if the delivery service is approved by the commission and agrees to verify that the individual accepting delivery of the beer, wine, or spirits is at least 21 years of age. (9) A catering permit holder providing the service, or an employee of the catering permit holder, shall successfully complete a server training program approved by the commission before providing the service. (10) A catering permit holder delivering the beer, wine, or spirits, or an employee of the catering permit holder, shall have in his or her possession while delivering the beer, wine, or spirits documentation demonstrating that the beer, wine, or spirits being delivered are for a private event being conducted under this section. (11) A catering permit holder who prepares food or drink for direct consumption through service on the premises or elsewhere shall comply with the requirements for food service establishments under the food law of 2000, 2000 PA 92, MCL 289.1101 to 289.8111. (12) A catering permit holder is subject to all sanctions, liabilities, and penalties provided under this act or under law. History:Add. 2011, Act 20, Imd. Eff. Apr. 20, 2011

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1548 - Public Swimming Pool Permit; Fees; Requirements; "Public Swimming Pool" Defined.

Sec. 548. (1) The commission may issue an on-premises public swimming pool permit to an on-premises licensee that is licensed to operate a public swimming pool under part 125 of the public health code, 1978 PA 368, MCL 333.12501 to 333.12546. The commission shall charge an initial and an annual fee for an on-premises public swimming pool permit of $350.00. An on-premises public swimming pool permit issued under this section is not transferrable by location. (2) A holder of an on-premises public swimming pool permit may sell and serve alcoholic liquor in a public swimming pool located on the licensed premises if both of the following conditions are met: (a) The sales performed under the on-premises public swimming pool permit are made within an exclusive area that is well defined, clearly marked, and not accessible to minors. As an example, and not by way of limitation, an exclusive area is well defined and clearly marked if the exclusive area is delineated by a buoy line. An individual who purchased alcoholic liquor in the exclusive area described in this subdivision may possess alcoholic liquor sold by the holder of the on-premises public swimming pool permit only in the exclusive area and the licensed premises adjacent to the exclusive area. (b) The sales are conducted by employees of the holder of the on-premises public swimming pool permit who have completed a server training program as provided for in section 906 and the rules promulgated by the commission. (3) The commission shall develop an application for an annual on-premises public swimming pool permit allowing for licensed activities under this section. (4) As used in this section, "public swimming pool" means that term as defined in section 12521 of the public health code, 1978 PA 368, MCL 333.12521. History:Add. 2022, Act 100, Imd. Eff. June 14, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1551 - Social District Permit; Local Management and Maintenance Plans; Revocation; Notice; Liquor Sale Requirements Within District; Special License; Removal of Container Requirements; Annual Permit; Fee; Definitions.

Sec. 551. (1) The governing body of a local governmental unit may designate a social district that contains a commons area that may be used by qualified licensees that obtain a social district permit. A governing body of a local governmental unit shall not designate a social district that would close a road unless the governing body receives prior approval from the road authority with jurisdiction over the road. If the governing body of a local governmental unit designates a social district that contains a commons area under this section, the governing body must define and clearly mark the commons area with signs. The governing body shall establish local management and maintenance plans, including, but not limited to, hours of operation, for a commons area and submit those plans to the commission. The governing body shall maintain the commons area in a manner that protects the health and safety of the community. Subject to this subsection, the governing body may revoke the designation if it determines that the commons area threatens the health, safety, or welfare of the public or has become a public nuisance. Before revoking the designation, the governing body must hold at least 1 public hearing on the proposed revocation. The governing body shall give notice as required under the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and place of the public hearing before the public hearing. The governing body shall file the designation or the revocation of the designation with the commission. As used in this subsection: (a) "Local road agency" means a county road commission or designated county road agency or city or village that is responsible for the construction or maintenance of public roads within this state. (b) "Road authority" means a local road agency or the state transportation department. (2) The holder of a social district permit may sell alcoholic liquor for consumption within the confines of a commons area if both of the following requirements are met: (a) The holder of the social district permit sells and serves alcoholic liquor only on the holder's licensed premises. (b) The holder of the social district permit serves alcoholic liquor to be consumed in

the commons area only in a container to which all of the following apply: (i) The container prominently displays the social district permittee's trade name or logo or some other mark that is unique to the social district permittee under the social district permittee's on-premises license. (ii) The container prominently displays a logo or some other mark that is unique to the commons area. (iii) The container is not glass. (iv) The container has a liquid capacity that does not exceed 16 ounces. (3) If the commission issues a special license to a special licensee whose event is to be held within a commons area located within a social district, for the effective period of the special license, and subject to the commission's approval, the governing body of the local unit of government shall delineate the portion of the commons area to be utilized exclusively by the special licensee and the portion of the commons area to be used exclusively by social district permittees. (4) A purchaser may remove a container of alcoholic liquor sold by a holder of a social district permit under subsection (2) from the social district permittee's licensed premises if both of the following conditions are met: (a) Except as otherwise provided in subdivision (b), the purchaser does not remove the container from the commons area. (b) While possessing the container, the purchaser does not enter the licensed premises of a social district permittee other than any of the following: (i) The social district permittee from which the purchaser purchased the container. (ii) A social district permittee whose licensed premises is a class B hotel. (5) The consumption of alcoholic liquor from a container described in subsection (2)(b) in the commons area as allowed under this section may occur only during the hours of operation under the local management and maintenance plans established by the governing body of the local unit of government under subsection (1). (6) A qualified licensee whose licensed premises is shared by and contiguous to a commons area in a social district designated by the governing body of a local governmental unit under this section may obtain from the commission an annual social district permit as provided in this section. The social district permit must be issued for the same period and may be renewed in the same manner as the license held by the applicant. The commission shall develop an application for a social district permit and shall charge a fee of $250.00 for a social district permit. An application for a social district permit must be approved by the governing body of the local governmental unit in which the applicant's place of business is located before the application is submitted to the commission and before the permit is granted by the commission. The $250.00 permit fee under this subsection must be deposited into the liquor control enforcement and license investigation revolving fund under section 543(9). (7) As used in this section: (a) "Commons area" means an area within a social district clearly designated and clearly marked by the governing body of the local governmental unit that is shared by and contiguous to the premises of at least 2 other qualified licensees. Commons area does not include the licensed premises of any qualified licensee. (b) "Local governmental unit" means a city, township, village, or charter authority. (c) "Qualified licensee" means any of the following: (i) A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises. (ii) A manufacturer with an on-premises tasting room permit issued under section 536. (iii) A manufacturer that holds an off-premises tasting room license issued under section 536. (iv) A manufacturer that holds a joint off-premises tasting room license issued under section 536. History:Add. 2020, Act 124, Imd. Eff. July 1, 2020 ;-- Am. 2021, Act 64, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 27, Imd. Eff. Mar. 10, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-5 - Chapter 5 (436.1501...436.1552)Section 436.1552 - Alcohol Dispensing Machines; Requirements and Limitations; Violations; Penalties; Rescission of R 436.1045; "On-Premises Licensee" Defined.

Sec. 552. (1) Except as otherwise provided in this section, a licensee shall not allow on the licensed premises a machine that dispenses alcoholic liquor directly to a customer. (2) Subsection (1) does not apply to a dispensing machine that is located in a bedroom or suite of a hotel of a class A or class B hotel licensee. (3) Subsection (1) does not apply to a dispensing machine that is located at an on-premises licensed establishment if all of the following conditions are met: (a) The dispensing machine is located at a customer's table or booth. (b) The dispensing machine does not dispense more than 96 ounces of beer, wine, or mixed spirit drink in a single order. (c) The dispensing machine does not dispense spirits. (d) The customer orders the beer, wine, or mixed spirit drink from a clerk, servant, agent, or employee of the licensee. (e) The on-premises licensee does not sell, offer to sell, or advertise the sale of an unlimited quantity of beer, wine, or mixed spirit drink from the dispensing machine. (f) The on-premises licensee or a clerk, servant, agent, or employee of the on-premises licensee monitors the sale, service, and consumption of beer, wine, or mixed spirit drink from the dispensing machine to ensure compliance with this act and the rules promulgated under this act. (4) Subsection (1) does not apply to a dispensing machine that is located at an on-premises licensed establishment if all of the following conditions are met: (a) The dispensing machine is not located at a customer's booth or table. (b) The customer activates the dispensing machine with a secure key card supplied by the on-premises licensee or a clerk, servant, agent, or employee of the on-premises licensee. (c) The secure key card under subdivision (b) is attached to the customer at all times, either through a necklace or bracelet, or other means of securing the key card to the customer. (d) For each serving, the dispensing machine does not dispense more than 16 ounces of beer, 12 ounces of wine, or 12 ounces of mixed spirit drink. (e) The dispensing machine does not dispense more than 32 ounces of any alcoholic liquor before the secure key card under subdivision (b) is reactivated by the on-premises licensee or a clerk, servant, agent, or employee of the on-premises licensee. (f) The dispensing machine does not dispense spirits. (g) The on-premises licensee or a clerk, servant, agent, or employee of the on-premises licensee monitors the sale, service, and consumption of beer, wine, or mixed spirit drink from the dispensing machine to ensure compliance with this act and the rules promulgated under this act. (5) An on-premises licensee or a clerk, servant, agent, or employee of the on-premises licensee that supplies a secure key card under subsection (4)(b) or reactivates a secure key card under subsection (4)(e) shall comply with section 801. (6) If an on-premises licensee has a dispensing machine described in subsection (4) located at the on-premises licensed establishment, the commission or any commissioner or authorized agent of the commission designated by the chairperson of the commission may assess a penalty of

not more than $2,000.00 on the on-premises licensee for each violation of section 801(1) instead of assessing the penalty under section 903(1) if the on-premises licensee, or clerk, servant, or employee of the on-premises licensee violates section 801(1) regardless of whether the violation is associated with the dispensing machine. If the commission, or any commissioner or authorized agent of the commission designated by the chairperson of the commission assesses a penalty under this subsection, the commission may also suspend or revoke the on-premises licensee's license under section 903(1). (7) R 436.1045 of the Michigan Administrative Code is rescinded. (8) As used in this section, "on-premises licensee" means any of the following: (a) A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises. (b) A manufacturer with an on-premises tasting room permit issued under section 536. (c) A manufacturer that holds an off-premises tasting room license issued under section 536. (d) A manufacturer that holds a joint off-premises tasting room license issued under section 536. History:Add. 2022, Act 136, Imd. Eff. July 11, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1601 - Importation, Sale, Transportation, and Delivery of Beer, Wine, Mixed Spirit Drink, and Mixed Wine Drink for Sale by Wholesaler; Requirements; Commission Authority to Inspect and Seize or Destroy.

Sec. 601. (1) Pursuant to section 2 of Amendment XXI of the Constitution of the United States, this state has an interest in ensuring the safety of beer, wine, mixed spirit drink, and mixed wine drink that is intended to be sold or is sold by wholesalers to retailers for purposes of human consumption. In order to protect the public health and safety, the commission must be able to inspect and seize beer, wine, mixed spirit drink, and mixed wine drink that is in the possession of a wholesaler being offered for sale in this state. The purpose of the inspection described in this subsection is to ensure that the beer, wine, mixed spirit drink, or mixed wine drink meets all of the following conditions: (a) The beer, wine, mixed spirit drink, or mixed wine drink has been registered for sale with the commission. (b) The beer, wine, mixed spirit drink, or mixed wine drink is not subject to a government mandated or supplier initiated recall. (c) The beer, wine, mixed spirit drink, or mixed wine drink is not counterfeit. (d) The beer, wine, mixed spirit drink, or mixed wine drink is labeled in conformance with applicable laws, rules, and regulations. (e) The beer, wine, mixed spirit drink, or mixed wine drink can be tested by the commission or an agent assigned by the commission. (f) The beer, wine, mixed spirit drink, or mixed wine drink is not prohibited by this state. (2) The commission may seize or destroy beer, wine, mixed spirit drink, and mixed wine drink that does not meet the conditions of subsection (1). (3) To enable the commission to carry out the functions described in subsections (1) and (2) and to randomly inspect records required to be maintained by a wholesaler under section 217 and R 436.1641 of the Michigan Administrative Code, a wholesaler or an applicant for a wholesaler license must have a warehouse located in this state and licensed by the commission for the storage, sale, and distribution of beer, wine, mixed spirit drink, and mixed wine drink before operating as a wholesaler in this state. This subsection does not require a wholesaler to hold a warehouser license for the wholesaler's licensed premises. (4) To ensure that all beer, wine, mixed spirit drink, and mixed wine drink sold in this state is subject to this section, the importation, sale, transportation, and delivery of all beer, wine, mixed spirit drink, and mixed wine drink offered for sale by a wholesaler must meet the requirements of section 204. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2019, Act 125, Imd. Eff. Nov. 21, 2019

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1602 - Termination, Cancellation, Nonrenewal, or Discontinuation of Agreement; Voidance.

Sec. 602. A manufacturer's termination, cancellation, nonrenewal, or discontinuation of an agreement with a wholesaler as allowed under sections 305(13) and 403(13), as applicable, is void if the manufacturer sells the brand or brands of beer or wine, as applicable, subject to the termination, cancellation, nonrenewal, or discontinuation to a wholesaler or retailer within this state before the expiration of 24 months after the effective date of the written notice provided to a wholesaler as required under section 305(13) or 403(13), as applicable. History:Add. 2020, Act 116, Imd. Eff. July 1, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1603 - Interest in Business of Other Vendor Prohibited; Placing Stock in Portfolio Under Arrangement, Trust Agreement, or Investment Trust Agreement; Issuance and Sale of Participating Shares Within State; Prohibitions; Sale of Brandy and Spirits by Manufacturer or Small Distiller; Conditions; Sale by Small Distiller; Interest of Brewpub in Other Locations; Interest in Business of Other Supplier; Approval Pursuant to R 436.1023(3); Interest of Manufacturer in Wholesaler Prohibited; Delivery of Wine by Wine Maker to Retail Licensees Prohibited; Tiers; Application of Subsection (13); Manufacturing of Private Label; Definitions.

Sec. 603. (1) Except as provided in subsections (5) to (9), subsections (14) to (16), and section 605, a supplier, warehouser, or wholesaler shall not have any direct or indirect financial interest in the establishment, maintenance, operation, or promotion of the business of any other vendor. (2) Except as provided in subsections (5) to (9), subsections (14) to (16), and section 605, a supplier, warehouser, or wholesaler or a stockholder of a supplier, warehouser, or wholesaler shall not have any direct or indirect interest by ownership in fee, leasehold, mortgage, or otherwise in the establishment, maintenance, operation, or promotion of the business of any other vendor. (3) Except as provided in subsections (5) to (9), subsections (14) to (16), and section 605, a supplier, warehouser, or wholesaler shall not have any direct or indirect interest by interlocking directors in a corporation or by interlocking stock

ownership in a corporation in the establishment, maintenance, operation, or promotion of the business of any other vendor. (4) Except as provided in subsections (5) to (9), subsections (14) to (16), and section 605, a person shall not buy the stocks of a supplier, warehouser, or wholesaler and place the stock in any portfolio under an arrangement, written trust agreement, or form of investment trust agreement, issue participating shares based on the portfolio, trust agreement, or investment trust agreement, and sell the participating shares within this state. (5) The commission may approve a brandy manufacturer or small distiller to sell brandy and spirits made by that brandy manufacturer or small distiller in a restaurant for consumption on or off the premises if the restaurant is owned by the brandy manufacturer or small distiller or operated by another person under an agreement approved by the commission and is located on premises where the brandy manufacturer or small distiller is licensed. Brandy and spirits sold for consumption off the premises under this subsection must be sold at the uniform price established by the commission. (6) The commission shall allow a small distiller to sell brands of spirits it manufactures for consumption on the licensed premises at that distillery. (7) A brewpub may have an interest in up to 5 other brewpubs if the combined production of all the locations in which the brewpub has an interest does not exceed 18,000 barrels of beer per calendar year. (8) This section does not prohibit a supplier from having any direct or indirect interest in any other supplier. (9) The commission may approve the following under R 436.1023(3) of the Michigan Administrative Code, subject to the written approval of the United States Department of Treasury Alcohol and Tobacco Tax and Trade Bureau: (a) A wine maker participating with 1 or more wine makers in an alternating proprietor operation in accordance with 27 CFR 24.136. (b) A brewer participating with 1 or more brewers in an alternating proprietor operation in accordance with 27 CFR 25.52. (10) A manufacturer shall not have any direct or indirect interest in a wholesaler. (11) A wine maker shall not collectively deliver wine, with any other wine maker, to retailers. (12) Except for a warehouser, all licensees in this state must be separated into 3 distinct and independent tiers composed of the following: (a) Supplier tier, comprising suppliers. (b) Wholesaler tier, comprising wholesalers. (c) Retailer tier, comprising retailers. (13) Except as otherwise provided in subsection (14), the commission shall not allow any of the following: (a) A retailer to hold, directly or indirectly, a license in the wholesaler or supplier tier. (b) A wholesaler to hold, directly or indirectly, a license in the retailer or supplier tier. (c) A supplier to hold, directly or indirectly, a license in the wholesaler or retailer tier. (14) Subsection (13) does not prohibit a class C, tavern, class A hotel, or class B hotel licensee from receiving a brewpub license or a micro brewer or brewer from having an on-site restaurant. (15) A person licensed in the supplier tier may manufacture a private label of beer, wine, or mixed spirit drink for a retailer if the commission determines that all the following requirements are met: (a) The supplier registers the private label with the commission as required under R 436.1611, R 436.1719, and R 436.1829 of the Michigan Administrative Code. (b) The supplier, independent of the retailer's involvement, appoints 1 or more wholesalers to distribute the private label as required under section 307 or 401, as applicable. However, if the supplier is a micro brewer, the supplier may distribute the private label in accordance with section 203a. (c) The supplier complies with and does not violate section 305 or 403, as applicable. (d) The wholesaler engages in commercially reasonable efforts to make the private label available to a retailer that places an order for the private label beer, wine, or mixed spirit drink. (e) An appointed wholesaler remains the wholesaler for the private label and any brand extensions of the private label regardless of whether the retailer switches the supplier that manufactures the private label, unless the wholesaler is terminated under section 305 or 403, as applicable. (16) The commission shall not issue a wholesaler license to a producer of nonalcoholic beverages or an entity that the producer of nonalcoholic beverages has a direct or indirect ownership or financial interest in, if the producer of nonalcoholic beverages or the entity the producer of nonalcoholic beverages has a direct or indirect ownership or financial interest in has a direct or indirect ownership or financial interest in a person licensed in the supplier tier. (17) As used in this section: (a) "Manufacturer" means, notwithstanding section 109(2), a wine maker, small wine maker, brewer, micro brewer, manufacturer of spirits, distiller, small distiller, brandy manufacturer, mixed spirit drink manufacturer, direct shipper, a licensee with an approved tasting room, or a person licensed by the commission to perform substantially similar functions. (b) "Private label" means a brand of beer, wine, or mixed spirit drink that is manufactured by a supplier on behalf of a retailer using the retailer's recipe or intellectual property. (c) "Supplier" means a manufacturer, mixed spirit drink manufacturer, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, and vendor of spirits or a person licensed by the commission to perform substantially similar functions but does not include a master distributor. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2008, Act 218, Imd. Eff. July 16, 2008 ;-- Am. 2009, Act 2, Imd. Eff. Mar. 27, 2009 ;-- Am. 2010, Act 213, Imd. Eff. Nov. 17, 2010 ;-- Am. 2011, Act 298, Imd. Eff. Dec. 22, 2011 ;-- Am. 2014, Act 43, Imd. Eff. Mar. 25, 2014 ;-- Am. 2018, Act 407, Imd. Eff. Dec. 19, 2018 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021 ;-- Am. 2022, Act 226, Imd. Eff. Oct. 14, 2022Compiler's Notes:Enacting section 1 of Act 226 of 2022 provides: "Enacting section 1. R 436.1625 and R 436.1726 of the Michigan Administrative Code are rescinded".

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1605 - Acquisition, Development, Sale, Lease, Financing, Maintenance, Operation, or Promotion of Real Property Occupied or to Be Occupied by Another Vendor; Conditions; Denial or Approval of Arrangement or Contract; Review; Denial, Revocation, or Suspension of License; Wholesaler as Party to Arrangement or Contract Prohibited; Acquisition, Development, Sale, Lease, Financing, Maintenance, Operation, or Promotion of Condominium Project or Unit; Exception.

Sec. 605. (1) A brewer, wine maker, distiller, brandy manufacturer, or the parent company, a subsidiary or an affiliate of a brewer, wine maker, distiller, or brandy manufacturer which parent company, subsidiary, or affiliate is located in this state may acquire, develop, sell, lease, finance, maintain, operate, or promote real property occupied or to be occupied by another vendor, except a wholesaler, if all of the following exist: (a) The brewer, wine maker, distiller, or brandy manufacturer has received written approval

of the commission before entering into any arrangement or contract between the parties regarding the real property. (b) The legislative body of the city, village, or township where the property is located certifies to the commission that the real property is in an urban, commercial, or community redevelopment area. (c) Any arrangement or contract entered into between the brewer, wine maker, distiller, brandy manufacturer, its parent company, subsidiary, or affiliate and another vendor shall not directly or indirectly influence or control the brand of alcoholic liquor sold or to be sold by the vendor and shall only be concerned with real property. (d) The brewer, wine maker, distiller, brandy manufacturer, its parent company, subsidiary, or affiliate has not acquired, developed, sold, leased, financed, or maintained, operated, or promoted more than 7 real properties that are occupied or to be occupied by another vendor, except a wholesaler. (2) The commission may deny or approve an arrangement or contract to be entered into under this section. In denying or approving an arrangement or contract, the commission shall consider all of the following: (a) That the arrangement or contract to be entered into is concerned only with real property. (b) That the certification required under subsection (1)(b) has been received by the commission. (c) That the arrangement or contract does not violate this act or the rules promulgated under this act. (3) The commission may review any arrangement or contract under this section at the time that 1 of the parties to the arrangement or contract applies for or renews a license. The commission may deny, revoke, or suspend the license of a party to the arrangement or contract if the commission finds that the party to the arrangement or contract has violated this act or the rules promulgated under this act. (4) Except as otherwise provided in subsection (5), a wholesaler shall not be a party to, directly or indirectly, an arrangement or contract under this section. (5) A manufacturer, mixed spirit drink manufacturer, warehouser, wholesaler, authorized distribution agent, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, or vendor of spirits may acquire, develop, sell, lease, finance, maintain, operate, or promote a condominium project or own a condominium unit as its sole property, under the condominium act, 1978 PA 59, MCL 559.101 to 559.276, if that condominium unit is not the licensed premises owned separately by a retailer and if all of the following apply: (a) Condominium assessments in the condominium project are based on the proportional area each condominium unit has to the total area. (b) A condominium unit operating as a licensed premises operates under a separate name from the condominium project except that cooperative advertising shall be permitted among owners of condominium units for the purpose of promoting the condominium project if the name of a brand or brands of an alcoholic liquor is not mentioned in the advertising. (c) Ownership of a condominium unit and participation in a condominium association under this section is not considered a financial interest, interest by ownership, or interest by interlocking directors on stock ownership prohibited by section 603. (d) A retailer separately owning a separate condominium unit as sole property does not directly purchase alcoholic liquor from the manufacturer, warehouser, wholesaler, outstate seller of mixed spirit drink, or vendor of spirits who owns, leases, maintains, finances, or operates the condominium project. (e) A wholesaler that has a direct or indirect interest in a condominium unit in which a retailer is located does not sell alcoholic liquor to any licensed retail business in which that retailer, or any person having an ownership interest in that retailer, has an ownership interest; and, a retail licensed business in which that retailer, or any person having an ownership interest in that retailer, has an ownership interest does not purchase alcoholic liquor from a wholesaler that has a direct or indirect interest in a condominium or condominium unit in which that retailer is located. (f) A retailer acquiring a separate condominium unit as sole property pays the fair market value for the unit. (6) Subsection (5) does not apply to a manufacturer, mixed spirit drink manufacturer, warehouser, wholesaler, authorized distribution agent, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, or vendor of spirits with a direct or indirect interest in a license under the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226. Subsection (5) does not prohibit a direct physical connection between a condominium unit that is the licensed premises and a condominium unit that is not the licensed premises. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2014, Act 45, Imd. Eff. Mar. 25, 2014

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1607 - Eligibility for License as Specially Designated Merchant or Specially Designated Distributor; Prohibitions; Small Distiller; Wine Maker and Small Wine Maker; Brewer as Specially Designated Merchant; Brewery Hospitality Room; Sales or Deliveries by Wholesaler.

Sec. 607. (1) Except as provided in section 536(7)(h), a warehouser, mixed spirit drink manufacturer, wholesaler, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, or vendor of spirits shall not be licensed as a specially designated merchant or a specially designated distributor. A person licensed as a small distiller is not considered to be a specially designated distributor. Beginning December 23, 2007 and in addition to the persons described in this subsection, a wine maker and a small wine maker shall also not be licensed as a specially designated merchant or a specially designated distributor. Any wine maker or small wine maker holding a specially designated merchant or specially designated distributor license on December 23, 2007 may continue to hold a specially designated merchant or specially designated distributor license. (2) A specially designated distributor or specially designated merchant or any other retailer shall not hold a mixed spirit drink manufacturer, wholesale, warehouse, outstate seller of beer, outstate seller of mixed spirit drink, or outstate seller of wine license. Beginning December 23, 2007, a specially designated distributor or specially designated merchant shall not hold a wine maker or small wine maker license in addition to being prohibited from holding any other license described in this subsection. Any specially designated distributor or specially designated merchant holding a wine maker or small wine maker license on December 23, 2007 may continue to hold a wine maker or small wine maker license. (3) A brewer, warehouser, or wholesaler shall not be licensed as a specially designated merchant. This subsection does not affect the operation of a brewery hospitality room. (4) A wholesaler may sell or deliver beer and alcoholic liquor to hospitals, military establishments, governments of federal Indian reservations, and churches requiring sacramental wines and may sell to the

wholesaler's own employees to a limit of 2 cases of 24 12-ounce units or its equivalent of malt beverage per week, or 1 case of 12 1-liter units or its equivalent of wine or mixed spirit drink per week. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2005, Act 269, Imd. Eff. Dec. 16, 2005 ;-- Am. 2008, Act 218, Imd. Eff. July 16, 2008 ;-- Am. 2018, Act 417, Imd. Eff. Dec. 19, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1608 - Distribution and Sale of Alcoholic Beverages; Prohibited Conduct by Manufacturers; Violation; Civil Fine; Financial Records.

Sec. 608. (1) The purpose of this section is to exercise this state's authority under section 2 of Amendment XXI of the Constitution of the United States to ensure an orderly market for the distribution and sale of alcoholic beverages. (2) It is the intent of this state to provide access to this state's alcoholic beverage market to all licensed manufacturers of alcoholic beverages by ensuring the independence of wholesalers to distribute the brands of beer, wine, mixed spirit drinks, and mixed wine drinks of multiple manufacturers free from the interference or control of any 1 manufacturer. (3) A manufacturer shall not do any of the following: (a) Subject to subsection (5), require a wholesaler to provide financial records directly or indirectly related to any of the following: (i) The wholesaler's distribution of the brands manufactured or sold to the wholesaler by another manufacturer. (ii) The compensation of a wholesaler's employees. (iii) The wholesaler's business operations not directly related to the distribution of the brands manufactured or sold to the wholesaler by the manufacturer. (b) Request a wholesaler to submit any of the wholesaler's financial records as a requirement for renewing or retaining an agreement. (c) Require a wholesaler to spend a set amount of resources marketing or promoting the brands manufactured or sold by the manufacturer to the wholesaler that is based on the sales revenue derived by the wholesaler's distribution of the brands manufactured or sold to the wholesaler by the manufacturer. (d) Intentionally ship beer, wine, mixed spirit drink, or mixed wine drink to a wholesaler that exceeds the order placed by the wholesaler or the forecast submitted by the wholesaler. For purposes of this subdivision, a manufacturer is considered to have intentionally taken an action described in this subdivision if the manufacturer has invoiced or initiated an electronic funds transfer for the amount shipped in excess. (e) Prohibit a wholesaler from distributing the brands the manufacturer manufactured or sold to the wholesaler in licensed vehicles that have markings or logos of brands manufactured or sold to the wholesaler by other manufacturers. (f) Prohibit a wholesaler from distributing the brands manufactured or sold to the wholesaler by another manufacturer on a licensed vehicle that has the marking or logos of brands manufactured or sold to the wholesaler by the manufacturer. (g) Require a distributor to pay for the development, installation, or use of reporting software owned or mandated by the manufacturer. This subdivision does not prohibit a manufacturer from requiring a distributor to maintain electronic information systems that are compatible with systems and standards adopted by the manufacturer. (h) Require a wholesaler to pay a fee or penalty, of any description, for noncompliance with a manufacturer requirement. This subdivision does not prohibit a wholesaler from paying damages to a supplier as provided in section 305 or 403. (i) Set or attempt to set the rates of compensation for wholesaler employees, including incentives. (j) Prohibit a wholesaler from utilizing any wholesaler-owned, leased, or controlled property or equipment to market, promote, deliver, or distribute the brands manufactured or sold by another manufacturer to the wholesaler. (4) A manufacturer that violates this section may be ordered to pay a civil fine as follows: (a) For a first violation, a civil fine of not more than $1,000.00. (b) For a second violation, a civil fine of not more than $2,000.00. (c) For a third or subsequent violation, a civil fine of not more than $5,000.00. (5) A manufacturer may request and a wholesaler may provide financial records if any of the following circumstances apply: (a) The wholesaler is attempting to purchase the manufacturer's brands from another wholesaler. (b) The wholesaler and manufacturer are entering into an initial distribution agreement. (c) The financial records are solely related to the brands sold by the manufacturer to the wholesaler. (6) As used in this section, "manufacturer" includes a brewer, micro brewer, wine maker, small wine maker, mixed spirit drink manufacturer, outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink. History:Add. 2019, Act 127, Imd. Eff. Nov. 21, 2019

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1609 - Aiding or Assisting Other Vendor Prohibited; Exception; Refunding Amount of Price Reductions; Providing Licensee With Advertising Items; Providing Licensee With Goods and Services; Approval by Commission; Sale of Brand Logoed Items; Possession and Use of Brand Logoed Barware; Conditions for Promotion of Brand Under R 436.1321(1) to (3); Unauthorized Providing or Selling of Barware; Fine; On-Premises Brand Promotional Event; Removal of Merchandise; Purchase and Sale of Brand Logoed Inventory by Retailer Holding Off-Premises License; Adding or Removing Item by Rule; Definitions.

Sec. 609. (1) Except as provided in this section and sections 605 and 1029, a manufacturer, mixed spirit drink manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, or vendor of spirits shall not aid or assist any other vendor by gift, loan of money or property of any description, or other valuable thing, or by the giving of premiums or rebates, and a vendor shall not accept the same. However, if manufacturers of spirits reduce the price of their products, the manufacturer of spirits may refund the amount of the price reductions to specially designated distributor licensees in a manner prescribed by the commission. (2) A manufacturer, mixed spirit drink manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, or vendor of spirits may, in a manner consistent with rules, regulations, and orders made by the commission, provide another licensee with an advertising item that promotes the brands and prices of alcoholic liquor produced by the manufacturer; sold by the outstate seller of beer, the outstate seller of wine, or the outstate seller of mixed spirit drink; or distributed by the wholesaler. Except as otherwise allowed under subsection (3), (4), (5), or (6), the advertising

item must not have any use or value beyond the actual advertising of brands and prices of the alcoholic liquor. (3) Except for those orders that were approved for specific sponsorships or festivals, a manufacturer, mixed spirit drink manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, or vendor of spirits may provide goods and services to another licensee that were approved by the commission under rules or orders adopted before January 1, 2014 and the following items: (a) Alcoholic liquor recipes literature. (b) Calendars and matchbooks. (c) Removable tap markers or signs. (d) Table tents. (e) Shelf talkers. (f) Bottle neckers. (g) Cooler stickers. (h) Buttons, blinking and nonblinking. (i) Menu clip-ons. (j) Mirrors. (k) Napkin holders. (l) Spirits cold shot tap machines. (m) Alcoholic liquor drink menus. (n) Keg couplers that are lent to an on-premises retailer. (o) Sporting event or entertainment tickets. (p) Suction cups. (q) Cooler door attachments. (r) Tear pad holders. (4) A wholesaler may sell brand logoed items to an off-premises licensee if those brand logoed items are contained within the packaging of an alcoholic liquor product that is to be sold to a consumer. (5) A retailer shall not use or possess, at its licensed premises, advertising items that have a use or value beyond the actual advertising of brands and prices of alcoholic liquor except for those items allowed in subsection (3), (4), or (6), or as otherwise allowed under this subsection. A retailer may possess and use brand logoed barware that advertises spirits if the items are purchased from a manufacturer of spirits, vendor of spirits, salesperson, broker, or barware retailer. A retailer may possess and use brand logoed barware that advertises beer or wine if the items are purchased from a barware retailer. A retailer shall maintain the receipts of all purchased brand logoed barware for at least 3 years and shall make those receipts available for inspection by the commission as provided in section 217. Beginning in the 2015 licensing year, a retailer shall disclose, in a manner as prescribed by the commission on the application for renewal of an existing license, if any barware was purchased by the retailer during the immediately preceding license year. (6) A manufacturer, outstate seller, or vendor of spirits may provide brand logoed merchandise to an on-premises retailer and off-premises retailer to promote the brand and price of its products under R 436.1321(1) to (3) of the Michigan Administrative Code. All of the following apply to brand logoed merchandise under this subsection: (a) Brand logoed merchandise must be used for display purposes only. (b) Brand logoed merchandise may only provide brand advertising when used in a display. (c) Brand logoed merchandise must be returned to the alcoholic beverage supplier or wholesaler on completion of the display. (d) Brand logoed merchandise must not be given to the retailer or the retailer's employee or any other person for their personal use. (e) The value of the brand logoed merchandise on display must not exceed $200.00 per item. (f) Brand logoed merchandise that a retailer could use in the daily operation of the retailer's business is prohibited. (g) Brand logoed merchandise must be unilluminated. (h) Brand logoed merchandise must not be more than 3,500 square inches in dimension. (i) Brand logoed merchandise must be owned by the manufacturer or supplier. The ownership of brand logoed merchandise may not be transferred to the retailer, the retailer's employee, or any other person. (j) A wholesaler may deliver and install a display using brand logoed merchandise provided without charge by a manufacturer, outstate seller of beer, outstate seller of wine, or outstate seller of mixed drink. (7) In addition to the penalties provided under section 903, a manufacturer of beer or wine, mixed spirit drink manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink that provides or sells barware and is not authorized to provide or sell barware is subject to a fine in an amount of up to $2,500.00 as determined by the commission. Multiple violations resulting from the same incident may be treated as a single violation for purposes of issuance of any penalty imposed under this act. (8) An on-premises retailer that hosts an on-premises brand promotional event conducted by a wholesaler or supplier has 14 days after the event to remove from the premises any brand logoed merchandise from the event to maintain compliance with this section. (9) This act and rules promulgated under this act do not prevent a retailer that holds an off-premises license only from purchasing brand logoed inventory and selling that inventory to its customers. (10) Beginning after September 25, 2015, the commission may, by rule, add an item to or remove an item from the definition of barware. The commission shall not add or remove more than 1 item per rule and shall not promulgate more than 1 rule at a time on the definition of barware. The commission shall not issue a rule that adds refrigerator systems, draft systems, or furniture to the definition of barware. A rule, regulation, or order adopted after January 1, 2014 that is not adopted in accordance with this subsection and that is not consistent with this section or is in conflict with this section is void and unenforceable. (11) As used in this section: (a) "Barware" means the following brand logoed items: (i) Trays. (ii) Coasters. (iii) Napkins. (iv) Shirts. (v) Hats. (vi) Pitchers. (vii) Drinkware that is intended to be reused. (viii) Bar mats. (ix) Buckets. (x) Bottle openers. (xi) Stir rods. (xii) Patio umbrellas. (xiii) Any packaging used to hold and deliver the alcoholic liquor purchased by the retailer. (xiv) Any other items that have been added by the commission under subsection (10). (b) "Barware retailer" means a person that offers brand logoed barware for sale to retailers, whether or not it is in their ordinary course of business, and that is not licensed as, or directly or indirectly affiliated with, a manufacturer of beer or wine, mixed spirit drink manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink. For purposes of this subdivision, a licensing agreement that authorizes use of a brand logo is not a direct or indirect affiliation. (c) "Broker" means a person, other than an individual, that is licensed by the commission and that is employed or otherwise retained by a manufacturer of spirits or a vendor of spirits to sell, promote, or otherwise assist in the sale or promotion of spirits. (d) "Indirectly affiliated" means, for purposes of this section only, that a person owns 5% or more of the voting interest of another person. (e) "Other valuable thing" means a good, service, or intangible good that is given, loaned, leased, or sold to another licensee that has value regardless of whether the value is nominal. Other valuable thing includes, but is not limited to, a good, service, or intangible good that provided a benefit, regardless of how nominal, to the licensee other than advertising the brands and prices of alcoholic liquor produced by the manufacturer; sold by the outstate seller of beer, the outstate seller of wine, or the outstate seller of mixed spirit drink; or distributed by the wholesaler, except for consumable goods and those goods, services, or intangible goods approved by rule or order of the commission before January 1, 2014. (f) "Salesperson" means, for purposes of this subsection only, a person who is employed by a vendor of spirits or a

broker and who is licensed by the commission to sell, deliver, or promote, or otherwise assist in the sale of, spirits in this state. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2010, Act 175, Imd. Eff. Sept. 30, 2010 ;-- Am. 2014, Act 47, Imd. Eff. Mar. 25, 2014 ;-- Am. 2014, Act 353, Imd. Eff. Oct. 17, 2014 ;-- Am. 2016, Act 81, Imd. Eff. Apr. 12, 2016 ;-- Am. 2021, Act 18, Eff. Aug. 23, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1609a - Filing by Manufacturer or Wholesaler; Schedule of Net Cash Prices; Beer Package Price; Sale of Beer at Quantity Discount Prohibited; Disclosure of Filing Under Subsections (1) and (2); Comparison of Filing Under Subsections (1) and (2) With Tax Filing; Inapplicability to a Brewpub; Filing of Prices; Prohibition on Quantity Discounts; Reasons for Regulation.

Sec. 609a. (1) A manufacturer or wholesaler shall file with the commission a schedule of net cash prices to the retailer for all brands of case and keg beer for its market area. If a person sells beer that has not received a registration number from the commission in violation of subrule (1)(d) of R 436.1611 of the Michigan Administrative Code and if a wholesaler files a schedule of net cash prices as required under this subsection, both of the following apply: (a) The wholesaler is not considered to have violated subrule (1)(d) of R 436.1611 of the Michigan Administrative Code. (b) A retailer is not considered to have violated subrule (1)(d) of R 436.1611 of the Michigan Administrative Code. (2) A manufacturer or wholesaler shall file with the commission a beer package price change for its market area. The manufacturer or wholesaler shall file the price change before its effective date. A price reduction under this subsection must continue for at least 90 days after the effective date. (3) The beer package price for a market area may be increased during the 90-day period described in subsection (2) for any of the following reasons: (a) To reflect a tax increase in the market area. (b) To reflect a general industry price increase in the market area. (4) The beer package price for a market area may be decreased during the 90-day period described in subsection (2) if both of the following conditions are met: (a) The price reduction is not greater on a cents-per-case basis than the price reduction filed by the competition. (b) The price reduction continues for the balance of the 90 days filed by the competition. (5) A manufacturer or wholesaler shall not sell beer at a quantity discount. (6) A net cash price filed under subsection (1) and a price change filed under subsection (2) are exempt from disclosure under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243, until 1 year after the net cash price or price change is filed, as applicable. (7) The commission shall periodically compare a manufacturer's or wholesaler's filing under subsection (1) or (2) with the manufacturer's or wholesaler's tax filing under section 409. (8) This section does not apply to a brewpub. (9) Beginning July 1, 2020, the commission shall not implement or enforce subrule (1)(c) and (d) of R 436.1611 of the Michigan Administrative Code for products manufactured by a brewer and for products that a micro brewer or brewer sell exclusively at its tasting room or to a beer festival. As used in this subsection, "beer festival" means that term as defined in section 526. (10) A manufacturer or wholesaler shall file with the commission a schedule of the net cash prices to retailers for all wine, mixed wine drink, and mixed spirit drink by kind, type, size, and brand. (11) A manufacturer or wholesaler shall file with the commission a wine, mixed wine drink, and mixed spirit drink price change for its market area. The manufacturer or wholesaler shall file the price change before its effective date. A price change under this subsection must continue for at least 2 weeks after the effective date. (12) A manufacturer or wholesaler shall not charge a retailer a fee in addition to the net cash prices filed under this section, except for a split case fee. If a manufacturer or wholesaler charges a split case fee to a retailer, the fee must be at the same per unit rate, nondiscriminatory, and not be based on a sliding scale. A manufacturer or wholesaler shall file with the commission a split case fee charged under this subsection. (13) A manufacturer or wholesaler shall not sell wine, mixed wine drink, and mixed spirit drink at a quantity discount. (14) A net cash price filed under subsection (10) and a price change filed under subsection (11) are exempt from disclosure under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243, until 1 year after the net cash price or price reduction is filed, as applicable. (15) The commission shall periodically compare a manufacturer's or wholesaler's filing under subsections (10) and (11) with the manufacturer's or wholesaler's tax filing under section 301. (16) The regulation described in this section is necessary for both of the following reasons: (a) To promote temperance and the public health and welfare. (b) To promote a stable 3-tier distribution system with orderly markets for wine and malt beverage products in which there is no price discrimination by a wholesaler in its sales to retailers within the wholesaler's sales territory. History:Add. 2016, Act 81, Imd. Eff. Apr. 12, 2016 ;-- Am. 2020, Act 119, Imd. Eff. July 1, 2020 ;-- Am. 2022, Act 227, Imd. Eff. Oct. 14, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1609b - Expenditure Records for Each Call on Retail Licensee; Drink Purchase for Promotional Purposes; Limitation.

Sec. 609b. (1) A vendor representative and salesperson of a vendor of spirits, manufacturer of beer, manufacturer of wine, outstate seller of beer, outstate seller of wine, or wholesaler shall maintain accurate records of expenditures for each call on a retail licensee. The records must be maintained for 4 years and must be made available for commission inspection. (2) A vendor representative or salesperson of spirits or wine, for promotional purposes, may purchase 1 drink for each customer of an on-premises licensee. A drink purchased under this subsection must be of the brand represented by the vendor representative or salesperson. (3) A vendor representative or salesperson of a manufacturer of beer, a wholesaler of beer, or an outstate seller of beer, for promotional purposes, may purchase 1 drink for each customer of an on-premises retail licensee subject to a total spending limit of $100.00 per day. A drink purchased under this subsection must be of the brand represented by the vendor representative or salesperson. (4) A vendor representative or salesperson of a manufacturer of beer, a wholesaler of beer, or an outstate seller of beer shall not purchase a drink

under subsection (3) more than twice per month at the same on-premises retail licensed location. (5) A licensee employed to deliver alcoholic liquor shall not purchase a drink of alcoholic liquor for a retail licensee while on duty or in the course of employment. History:Add. 2016, Act 81, Imd. Eff. Apr. 12, 2016

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1609c - Beer, Wine, or Mixed Spirit Drink; Refund or Replacement; Reasons.

Sec. 609c. (1) A manufacturer that sells direct to a retailer as provided under section 203a or a wholesaler may refund to a retailer the amount the retailer paid for beer, wine, or mixed spirit drink, as applicable, or a manufacturer that sells direct to a retailer as provided under section 203a or a wholesaler may replace that beer, wine, or mixed spirit drink for any of the following reasons: (a) The beer, wine, or mixed spirit drink is outdated. (b) The beer, wine, or mixed spirit drink is defective. (c) An error in the beer, wine, or mixed spirit drink delivered. (d) The beer, wine, or mixed spirit drink may no longer be lawfully sold. (e) The termination of the retailer's business. (f) The formula, proof, label, or container of the beer, wine, or mixed spirit drink is changed. (g) The beer, wine, or mixed spirit drink is discontinued. (h) The retailer is only open a portion of the year and the beer, wine, or mixed spirit drink is likely to spoil during the off-season. (2) If beer is within 30 days of its out-of-date code, a manufacturer that sells direct to a retailer as provided under section 203a or a wholesaler may refund to a retailer the amount the retailer paid for the beer. (3) A manufacturer that sells direct to a retailer as provided under section 203a or a wholesaler may only issue a refund or replacement under this section for beer, wine, or mixed spirit drink that the manufacturer or wholesaler sold to the retailer. (4) Beginning March 1, 2020, a manufacturer may refund to a wholesaler up to the amount the wholesaler paid for beer, wine, or mixed spirit drink, as applicable, or a manufacturer may replace that beer, wine, or mixed spirit drink for either of the following reasons: (a) The wholesaler purchased the beer, wine, or mixed spirit drink from the manufacturer and the wholesaler refunded to the retailer the amount the retailer paid for that beer, wine, or mixed spirit drink or replaced that beer, wine, or mixed spirit drink under subsection (1) or (2). (b) The beer, wine, or mixed spirit drink that the wholesaler purchased from the manufacturer has gone out of date while in possession of the wholesaler. History:Add. 2017, Act 130, Eff. Jan. 15, 2018 ;-- Am. 2020, Act 108, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 126, Imd. Eff. July 1, 2020 ;-- Am. 2022, Act 225, Imd. Eff. Oct. 14, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1609d - Specially Designated Distributor; Refund to Special Licensee for Unopened Bottles.

Sec. 609d. A specially designated distributor that sells spirits to a special licensee that is authorized by the commission to sell spirits may refund the special licensee for the return of an unopened bottle in the same amount that the special licensee paid for the spirits, less any of the specially designated distributor's credit card transaction fees incurred from the sale, if the bottle is without damage to the exterior that would prevent the salability of the bottle. History:Add. 2020, Act 26, Imd. Eff. Feb. 4, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1609e - Providing of Brand Logoed Tent or Trailer or Temporary Platform to Special Licensee.

Sec. 609e. Notwithstanding section 609, a vendor of spirits may provide a special licensee with any of the following: (a) A brand logoed tent for use by the special licensee during the effective period of the special license. (b) A brand logoed temporary platform for use by the special licensee during the effective period of the special license. As used in this subdivision, "temporary platform" means a preestablished platform that is exclusively used to serve, dispense, or mix drinks upon, including any refrigeration equipment or mixing equipment. (c) A brand logoed trailer for use by the special licensee during the effective period of the special license. History:Add. 2020, Act 25, Imd. Eff. Feb. 4, 2020

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1609f - Provision of Technology to Assist in Sales, Marketing, Delivery, Merchandising, or Training; Requirements.

Sec. 609f. (1) Notwithstanding section 609, a manufacturer, outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink may provide a wholesaler with technology to assist in sales, marketing, delivery, merchandising, or training. (2) A manufacturer, outstate seller of beer, outstate seller of wine, or outstate seller of mixed spirit drink that provides technology to a wholesaler under subsection (1) shall do both of the following: (a) Comply with this act, including, but not limited to, section 608, and the rules promulgated under this act. (b) Obtain approval by written order of the commission authorizing the technology before it is provided to a wholesaler. History:Add. 2022, Act 227, Imd. Eff. Oct. 14, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1609g - Sale of Nonalcoholic Products to Retailer; Applicability of Act.

Sec. 609g. (1) If a wholesaler sells nonalcoholic products to a retailer, this act does not apply to the sale, marketing, merchandising,

or distribution of the nonalcoholic products except the following: (a) The wholesaler shall comply with section 609. (b) The wholesaler shall not do either of the following: (i) Provide free nonalcoholic products to a retailer. (ii) Provide credit to a retailer. (2) If a wholesaler separately owns or has a direct or indirect financial interest in a company that sells nonalcoholic products, this act does not apply to the company that sells nonalcoholic products if all of the following conditions are met: (a) The company that sells nonalcoholic products is not a wholesaler. (b) The company that sells nonalcoholic products and the wholesaler have separate sales and delivery employees. (c) The company that sells nonalcoholic products and the wholesaler use separate delivery vehicles. (d) The company that sells nonalcoholic products and the wholesaler keep separate finances. (e) The company that sells nonalcoholic products does not engage in an activity on behalf of the wholesaler that would violate section 609. (3) If a wholesaler separately owns or has a direct or indirect financial interest in a company that sells nonalcoholic products, the wholesaler and the company that sells nonalcoholic products may do all of the following: (a) Share human resources departments. (b) Have a joint payroll. (c) Lease warehouse space to each other. (d) Have joint vehicle maintenance. (e) Jointly recycle beverage containers. (f) Share warehouse employees and equipment. History:Add. 2022, Act 225, Imd. Eff. Oct. 14, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1609h - Electronic Rebate Coupons.

Sec. 609h. A manufacturer or supplier may offer electronic rebate coupons directly to a retail customer after the retail customer purchases alcoholic liquor from a retailer. An electronic rebate coupon issued under this section must comply with all the following: (a) A manufacturer or supplier shall only issue coupons that state a specific expiration date and specific cash refund value on the coupons. The refund may be paid by cash, by check, by debit card, through electronic funds transfer to a bank account, or through an internet or mobile payment account. (b) A manufacturer or supplier shall not issue coupons that make any alcoholic liquor free. (c) A manufacturer or supplier may issue coupons that can be applied to more than 1 specific product sold by that manufacturer or supplier but must state the manufacturer or supplier to which they apply. (d) A manufacturer or supplier shall issue coupons that require the retail customer to purchase at least 1 product of alcoholic liquor to redeem a coupon. A manufacturer or supplier may issue coupons that require the retail customer to purchase 2 or more alcoholic liquor products from the same manufacturer or supplier to redeem the coupon. (e) A manufacturer or supplier may issue coupons that require the purchase of a product other than alcoholic liquor. (f) A wholesaler shall not pay for or participate in the offering of coupons except for providing signs that promote the electronic rebate coupon in accordance with section 610a. (g) A manufacturer shall only issue coupons that may be redeemable after a purchase of alcoholic liquor at all retail locations where that alcoholic liquor is sold. History:Add. 2022, Act 225, Imd. Eff. Oct. 14, 2022 ;-- Am. 2023, Act 183, Imd. Eff. Nov. 7, 2023

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1609i - Commercially Reasonable Effort Requirements to Meet Demands.

Sec. 609i. If demands exceed supply for a beer, wine, mixed wine drink, or mixed spirit drink product, a manufacturer, supplier, or wholesaler must do both of the following: (a) Engage in commercially reasonable efforts to make the beer, wine, mixed wine drink, or mixed spirit drink product available to purchase by a wholesaler that places an order. (b) Engage in commercially reasonable efforts to make the beer, wine, mixed wine drink, or mixed spirit drink product available to purchase by a retailer that places the order. History:Add. 2022, Act 225, Imd. Eff. Oct. 14, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1609j - Recall or Removal of Beer, Wine, or Mixed Spirit Drink Products; Notification Requirements; Destruction and Reimbursement.

Sec. 609j. (1) If a manufacturer recalls a beer, wine, or mixed spirit drink product or determines that it is necessary for a wholesaler to remove a beer, wine, or mixed spirit drink product from a sales territory, the manufacturer shall notify the commission and the affected wholesaler within 2 business days after the recall or determination. (2) If a manufacturer recalls a beer, wine, or mixed spirit drink product or determines that it is necessary for a wholesaler to remove a beer, wine, or mixed spirit drink product from a sales territory, the manufacturer shall, within 7 business days after the recall or determination, notify the commission of all of the following: (a) The products recalled or determined to be removed and the number of cases of each product. (b) The reason why each product was recalled or determined to be removed. (c) The location where the affected product was manufactured. (d) The areas of this state that are affected by the recall or determined removal. (3) If a manufacturer recalls a beer, wine, or mixed spirit drink product or determines that it is necessary for a wholesaler to remove a beer, wine, or mixed spirit drink product from a sales territory, the affected wholesaler shall, within 7 business days after the recall or determination, notify the commission when the removal and destruction of the affected product began and the expected completion date. (4) The wholesaler shall notify the commission on the completion and destruction of an affected product described in subsection (3). (5) If the affected wholesaler removes and destroys an affected product under subsection (3), the manufacturer shall reimburse the wholesaler for all costs reasonably associated with removal and destruction of the affected product within 30 days after the affected product is removed and destroyed. History:Add. 2022, Act 225, Imd. Eff. Oct. 14, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998

(436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1610 - Advertising; Use of Unpaid Social Media; Supplier's Assistance; Requirements; Definitions.

Sec. 610. (1) Notwithstanding section 609, a wholesaler, manufacturer, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, vendor of spirits, broker, or retailer may use unpaid social media to advertise any of the following in accordance with all applicable laws and regulations: (a) An on-premises brand promotion. (b) Beer, wine, or spirits tastings under section 537. (c) A product location communication. (2) Notwithstanding section 609, and subject to subsection (3), a supplier may take any of the following actions to assist a consumer seeking to have an alcoholic beverage sold by the supplier delivered or shipped to the consumer's home or designated location by a retailer as allowed under section 203: (a) Advertise the name and location of all retailers that deliver or ship to a consumer the alcoholic beverages sold by the supplier. (b) Provide a link to the website of each retailer that delivers or ships to a consumer the alcoholic beverages sold by the supplier. (c) Transmit the consumer's order and payment information to the retailer that the consumer chooses to fulfill the customer's purchase and perform the delivery or shipment. (3) A supplier shall not take any action described in subsection (2) unless both of the following conditions are met: (a) The supplier and retailer do not provide or receive any other valuable thing in consideration for any action described in subsection (2) taken by the supplier. As used in this subdivision, "other valuable thing" means that term as defined in section 609. (b) The supplier provides the consumer a list of retailers, from which the consumer selects, that will sell, deliver, or ship the alcoholic beverage to the consumer. The supplier may satisfy the condition under this subdivision by providing the consumer with a list of retailers located in the zip code or nearest zip codes to the consumer's location. (4) As used in this section: (a) "Broker" means that term as defined in section 609. (b) "Consumer" means that term as defined in section 203. (c) "On-premises brand promotion" means a promotion in the manner provided by the order of the commission issued on October 27, 1999. That order's prohibition against advertising an on-premises promotion by a party off the licensed premises does not apply to this section. (d) "Product location communication" means a listing or program that allows an individual to determine the availability of a specific product at licensed retailers in a certain geographic area. (e) "Social media" means a service, platform, or website where users communicate with one another and share media, such as pictures, videos, music, and blogs, with other users free of charge. Social media includes the website of a wholesaler, manufacturer, outstate seller of beer, outstate seller of wine, vendor of spirits, broker, or retailer. (f) "Supplier" means that term as defined in section 603. History:Add. 2016, Act 106, Eff. Aug. 1, 2016 ;-- Am. 2021, Act 19, Eff. Aug. 23, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1610a - Promotion of Brands and Prices of Alcoholic Liquor; Signs; Requirements.

Sec. 610a. (1) Subject to subsection (2), a manufacturer, mixed spirit drink manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of mixed spirit drink, or vendor of spirits may provide to a retailer signs that promote the brands and prices of alcoholic liquor, including special event pricing. (2) All of the following apply to a sign allowed under subsection (1): (a) The sign must not be illuminated. (b) The sign must not have any use beyond the actual advertising of brands, prices, and events related to the alcoholic liquor. (c) The sign must not include the name of the retailer. (d) For a sign that is located inside the retailer's licensed premises, the sign must not be more than 3,500 square inches in dimension. (3) A retailer may use an illuminated sign to promote the brand but not the price of alcoholic liquor. A manufacturer, mixed spirit drink manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, or vendor of spirits shall not provide to a retailer a sign described in this subsection. (4) The signs allowed under this section are in addition to the advertising items that a manufacturer, mixed spirit drink manufacturer, warehouser, wholesaler, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, or vendor of spirits may provide another licensee under section 609(2). History:Add. 2017, Act 131, Eff. Jan. 15, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1610b - Temporary Bin Display.

Sec. 610b. (1) A manufacturer, vendor of spirits, outstate seller of beer, outstate seller of wine, or wholesaler shall not sell or in any manner furnish or install, and a retailer shall not accept, a permanent display in the licensed premises of the retailer. (2) A manufacturer, vendor of spirits, outstate seller of beer, or outstate seller of wine may furnish and install a temporary bin display that has a capacity of up to 25 cases of 24 12-ounce or 0.375-liter containers or the equivalent in other sizes of beer, wine, or spirits on the premises of a retailer that is licensed for off-premises sales only. (3) Notwithstanding section 609, a wholesaler may install, on the premises of a retailer that is licensed for off-premises sales only, a temporary bin display that has been provided without charge by the manufacturer, outstate seller of beer, or outstate seller of wine. (4) A retailer shall ensure that a temporary bin display installed on the retailer's premises clearly indicates by a tag, stamp, label, or other method that is securely affixed to the temporary bin display the date on which the temporary bin display was installed. (5) The 3,500-square-inch limit on an inside retail advertising sign under section 609 does not apply to advertising on a temporary bin display described in subsection (2) or (3). (6) As used in this section, "temporary bin display" means a freestanding device that is constructed of a material that is used for the exhibition of beer, wine, or spirits on the premises of a retailer that is licensed for off-premises sales only and that must be removed from the retail licensed premises not later than 120 days after installation. History:Add. 2017, Act 83, Eff. Oct. 10, 2017

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998

(436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1610c - Certain Equipment to Special Licensee; Beer Festival; Limitations.

Sec. 610c. (1) Notwithstanding section 609, a manufacturer, wholesaler, or retailer may provide a special licensee, including, but not limited to, the holder of a special license to conduct a beer festival under section 526, with any of the following: (a) Beer or wine dispensing equipment or cooling equipment for use by the special licensee during the effective period of the special license. The equipment described in this subdivision may be within or part of a trailer. (b) A brand logoed tent for use by the special licensee during the effective period of the special license. (2) A manufacturer, wholesaler, or retailer that is authorized to sell alcoholic liquor to a special licensee under this act may deliver the alcoholic liquor to the special licensee's premises on the commission's issuance of the special license. (3) A special licensee shall not sell alcoholic liquor before the effective period of the special license. (4) A special licensee may purchase alcoholic liquor under R 436.582 of the Michigan Administrative Code or under section 526. History:Add. 2018, Act 180, Imd. Eff. June 11, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1610d - Cooperative Advertising; Exceptions; Instant Rebate Coupons; Limitations; "Cooperative Advertising" Defined.

Sec. 610d. (1) There must not be cooperative advertising: (a) Between a manufacturer, an outstate seller of beer, an outstate seller of wine, and a retailer. (b) Between a wholesaler and a retailer. (c) Between a manufacturer, an outstate seller of beer, an outstate seller of wine, and a wholesaler. (2) A manufacturer, an outstate seller of beer, or an outstate seller of wine may do any of the following: (a) Pay any portion of the cost of painting a truck of a wholesaler. (b) Supply a brand logoed decal or advertising mat, or both, to a wholesaler without cost. (c) Use the name or logo of the wholesaler of the outstate seller of beer or outstate seller of wine in the advertising of the outstate seller of beer or outstate seller of wine. (3) The name of a retailer must not appear in the advertising of a manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler. (4) A retailer may offer consumers instant rebate coupons for use with alcoholic liquor purchases. An instant rebate coupon issued under this subsection must comply with all of the following: (a) A retailer shall only issue coupons that state a specific expiration date and specific cash refund value on the coupons. (b) A retailer shall not issue coupons that make any alcoholic liquor free. For spirits, the retailer shall only issue coupons where the specific cash refund amount does not exceed 35% of this state's minimum shelf price for the products purchased and does not reduce the retail price of any product below $2.00 a bottle. (c) A retailer may issue coupons that can be applied to more than 1 specific product from a manufacturer, but must state the manufacturer to which they apply. (d) A retailer shall issue coupons that require the retail customer to purchase at least 1 product of alcoholic liquor to redeem a coupon. A retailer may issue coupons that require the retail customer to purchase 2 or more alcoholic liquor products from the same manufacturer to redeem the coupon. (e) For spirits, a retailer shall only issue coupons for the 375 milliliters or larger size bottles. (f) A supplier or wholesaler of beer or wine shall not pay for or participate in the offering of an instant rebate coupon. (5) As used in this section, "cooperative advertising" means a jointly funded effort between licensees or between vendors of spirits. History:Add. 2018, Act 426, Imd. Eff. Dec. 20, 2018

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-6 - Chapter 6 (436.1601...436.1611)Section 436.1611 - Refund or Credit of Tax Paid on Wine, Mixed Spirit Drink, or Beer; Conditions; Time Limitation; Form and Contents of Claim; Supporting Evidence; Removal or Destruction of Damaged Wine, Beer, or Mixed Spirit Drink; Applicability of Section; Rebate of Tax Paid on Wine or Mixed Spirit Drink.

Sec. 611. (1) A refund or credit of the tax on wine or mixed spirit drink paid under section 301 and of the tax on beer paid under section 409 shall be made by the commission to a brewer, wine maker, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, manufacturer of mixed spirit drink, wholesaler, or retail licensee who paid the tax if the wine, beer, or mixed spirit drink was sold to a military installation or Indian reservation in this state or, subject to subsection (2), if the wine, beer, or mixed spirit drink is lost, made unmarketable, or condemned by order of the commission as the result of a fire, flood, casualty, or other occurrence. A refund or credit shall not be made as the result of theft. (2) A refund or credit of taxes as provided in subsection (1) shall be made for damaged wine, beer, or mixed spirit drink only if all of the following circumstances exist: (a) At the time of the fire, flood, casualty, or other occurrence, the wine, beer, or mixed spirit drink was being held for sale by the vendor claiming the refund or credit. (b) The refund or credit of the amount claimed or any part of the amount claimed has not been and will not be claimed for the same wine, beer, or mixed spirit drink under any other law or rule. (c) The vendor claiming the refund or credit is not indemnifiable by any valid claim of insurance or otherwise for the tax on the wine, beer, or mixed spirit drink covered by the claim. (d) The amount claimed for a refund or credit is more than $250.00 or the refund or credit is claimed for defective wine, beer, or mixed spirit drink for which the commission has authorized a manufacturer, outstate seller of beer, outstate seller of wine, outstate seller of mixed spirit drink, manufacturer of mixed spirit drink, or wholesaler to make an exchange, have replaced, or be reimbursed. (e) The occurrence was not caused by an intentional act of the vendor claiming the refund or credit or an agent of that vendor. (3) A claim for a refund or credit of the tax as provided in subsection (1) shall be made not later than 3 months after either of the following: (a) The date upon which the damage occurred or was first discovered. (b) The date of the sale to a military installation or Indian reservation in this state. (4) A claim for a refund or credit of the tax as provided in subsection (1) shall be submitted to the commission on a form approved by the commission. The claim shall contain the following information, as

applicable: (a) The name and business address of the vendor claiming the refund or credit. (b) The address where the wine, beer, or mixed spirit drink was lost, made unmarketable, or condemned, if different from the business address. (c) The address of the military installation or Indian reservation to which the wine, beer, or mixed spirit drink was sold. (d) The kind of wine, beer, or mixed spirit drink. (e) The size of bottles or containers. (f) The number of bottles or containers. (g) The total amount of wine, beer, or mixed spirit drink that was sold or damaged. The amount shall be stated in liters or portions of liters for wine and mixed spirit drink and barrels or portions of barrels for beer. (h) A statement that other claims for a refund or credit of the amount claimed or for any part of the amount claimed have not been and will not be made. (i) A statement that the vendor has not been indemnified by a valid claim of insurance or otherwise for the tax on the wine, beer, or mixed spirit drink covered by the claim. (j) Evidence that the tax on the wine, beer, or mixed spirit drink has been paid. (k) Evidence that the wine, beer, or mixed spirit drink was lost, made unmarketable, or condemned by reason of damage sustained as the result of a fire, flood, casualty, or other occurrence. (l) A statement as to the type and date of the occurrence. (m) A statement that the occurrence was not caused by an intentional act of the vendor claiming the refund or credit or an agent of that vendor. (5) The vendor claiming the refund or credit for damaged wine, beer, or mixed spirit drink shall support a claim with any evidence, such as an inventory, statement, invoice, bill, record, or label, relating to the quantity of wine, beer, or mixed spirit drink on hand at the time of the fire, flood, casualty, or other disaster and alleged to have been lost, made unmarketable, or condemned as a result of the damage. (6) Before or after a tax refund or credit has been made for damaged wine, beer, or mixed spirit drink, the wine, beer, or mixed spirit drink upon which the refund or credit is based shall be removed from this state or destroyed under the supervision of the commission. (7) In addition to the provisions of this section, the tax paid on wine or mixed spirit drink pursuant to section 301 shall be rebated to the person who paid the tax upon the presentation of satisfactory proof to the commission that the wine or mixed spirit drink was shipped outside of this state for sale and consumption outside of this state. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-7 - Chapter 7 (436.1701...436.1707)Section 436.1701 - Selling or Furnishing Alcoholic Liquor to Minor; Failure to Make Diligent Inquiry; Violation as Misdemeanor; Penalty; Signs; Consumption of Alcoholic Liquor as Cause of Death or Injury; Felony; Enforcement Against Licensee; Consent of Parent or Guardian in Undercover Operation; Defense in Action for Violation; Report; Use of Security Identification Device; Definitions.

Sec. 701. (1) A person shall not sell or furnish alcoholic liquor to a minor. Except as otherwise provided in subsection (2) and subject to subsections (4), (5), and (6), a person who knowingly sells or furnishes alcoholic liquor to a minor, or who fails to make diligent inquiry as to whether the individual is a minor, is guilty of a misdemeanor. A retail licensee or a retail licensee's clerk, agent, or employee who violates this subsection shall be punished in the manner provided for licensees in section 909 except that if the violation is the result of an undercover operation in which the minor received alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action, the retail licensee's clerk, agent, or employee is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $100.00. Except as otherwise provided in subsection (2), an individual who is not a retail licensee or a retail licensee's clerk, agent, or employee and who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than $1,000.00 and imprisonment for not more than 60 days for a first offense, a fine of not more than $2,500.00 and imprisonment for not more than 90 days for a second or subsequent offense, and may be ordered to perform community service. A suitable sign describing the content of this section and the penalties for its violation must be posted in a conspicuous place in each room where alcoholic liquor is sold. The commission shall approve and furnish a sign under this section. (2) An individual who is not a retail licensee or the retail licensee's clerk, agent, or employee and who violates subsection (1) is guilty of a felony, punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both, if the subsequent consumption of the alcoholic liquor by the minor is a direct and substantial cause of the minor's death or an accidental injury that causes the minor's death. (3) If a violation occurs in an establishment that is licensed by the commission for consumption of alcoholic liquor on the licensed premises, a person who is a licensee or the clerk, agent, or employee of a licensee must not be charged with a violation of subsection (1) or section 801(1) unless the licensee or the clerk, agent, or employee of the licensee knew or should have reasonably known with the exercise of due diligence that a minor possessed or consumed alcoholic liquor on the licensed premises and the licensee or clerk, agent, or employee of the licensee failed to take immediate corrective action. (4) If the enforcing agency involved in the violation is the state police or a local police agency, a licensee must not be charged with a violation of subsection (1) or section 801(1) unless all of the following occur, if applicable: (a) Enforcement action is taken against the minor who purchased or attempted to purchase, consumed or attempted to consume, or possessed or attempted to possess alcoholic liquor. (b) Enforcement action is taken under this section against the individual 21 years of age or older who is not the retail licensee or the retail licensee's clerk, agent, or employee who sold or furnished the alcoholic liquor to the minor. (c) Enforcement action under this section is taken against the clerk, agent, or employee who directly sold or furnished alcoholic liquor to the minor. (5) If the enforcing agency is the commission and an appearance ticket or civil infraction citation has not been issued, then the commission shall recommend to a local law enforcement agency that enforcement action be taken against a violator of this section or section 703 who is not a licensee. However, subsection (4) does not apply if the minor against whom enforcement action is taken under section 703, the clerk, agent, or employee of the licensee who directly sold or furnished alcoholic liquor to the minor, or the individual 21 years of age or older who sold or furnished alcoholic liquor to the minor is not alive or is not present in this state at the time the licensee is charged. Subsection (4)(a) does not apply under either of the following circumstances: (a) The violation of subsection (1) is the result of an undercover operation in which the minor purchased or

received alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action. (b) The violation of subsection (1) is the result of an undercover operation in which the minor purchased or received alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action. (6) Any initial or contemporaneous purchase or receipt of alcoholic liquor by the minor under subsection (5)(a) or (b) must have been under the direction of the state police, the commission, or the local police agency and must have been part of the undercover operation. (7) If a minor participates in an undercover operation in which the minor is to purchase or receive alcoholic liquor under the supervision of a law enforcement agency, his or her parents or legal guardian shall consent to the participation if the minor is less than 18 years of age. (8) In an action for the violation of this section, proof that the defendant or the defendant's agent or employee demanded and was shown, before furnishing alcoholic liquor to a minor, a motor vehicle operator's or chauffeur's license, a military identification card, or other bona fide documentary evidence of the age and identity of that person, is a defense to an action brought under this section. (9) The commission shall provide, on an annual basis, a written report to the department of state police as to the number of actions heard by the commission involving violations of this section and section 801(1). The commission shall include in the report the disposition of each action and figures representing all of the following categories: (a) Decoy operations. (b) Off-premises violations. (c) On-premises violations. (d) Repeat offenses within the 3 years preceding the date of the report. (10) Subsection (11)(b)(ii) does not impose a duty or obligation on the secretary of state that is not otherwise required by law. (11) As used in this section: (a) "Corrective action" means action taken by a licensee or a clerk, agent, or employee of a licensee designed to prevent a minor from further possessing or consuming alcoholic liquor on the licensed premises. Corrective action includes, but is not limited to, contacting a law enforcement agency and ejecting the minor and any other person suspected of aiding and abetting the minor. (b) "Diligent inquiry" means a diligent good-faith effort to determine the age of an individual, which includes at least 1 of the following: (i) An examination of an official Michigan operator's or chauffeur's license, an official Michigan personal identification card, a military identification card, or any other bona fide picture identification that establishes the identity and age of the individual. (ii) Use of a secure identity verification device if all of the following conditions are met: (A) The electronic scan of a biometric of the individual is referenced against any form of picture identification described in subparagraph (i). (B) The authenticity of the picture identification was previously verified by an electronic authentication process. (C) The identity of the individual was previously verified through a commercially available knowledge-based electronic authentication process. (D) The authenticated picture identification was securely linked to biometrics contemporaneously collected from the individual. (c) "Retail licensee" means a person licensed to sell alcoholic liquor at retail for consumption on or off the licensed premises. (d) "Secure identity verification device" means a commercial device that instantly verifies the identity and age of an individual by an electronic scan of a biometric of the individual. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2002, Act 725, Imd. Eff. Dec. 30, 2002 ;-- Am. 2006, Act 682, Imd. Eff. Jan. 10, 2007 ;-- Am. 2010, Act 266, Eff. June 30, 2011 ;-- Am. 2019, Act 131, Imd. Eff. Nov. 21, 2019 ;-- Am. 2020, Act 78, Imd. Eff. Apr. 2, 2020 ;-- Am. 2020, Act 377, Eff. Oct. 1, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-7 - Chapter 7 (436.1701...436.1707)Section 436.1703 - Purchase, Consumption, or Possession of Alcoholic Liquor by Minor; Attempt; Violation; Fines; Sanctions; Furnishing Fraudulent Identification to Minor; Use by Minor; Prior Violation; Screening and Assessment; Prior Judgment; Chemical Breath Analysis; Notice to Parent, Custodian, or Guardian; Exceptions; Recruitment of Minor for Undercover Operation Prohibited; Affirmative Defense; Definitions.

Sec. 703. (1) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is responsible for a state civil infraction or guilty of a misdemeanor as follows and is not subject to the penalties prescribed in section 909: (a) For the first violation, the minor is responsible for a state civil infraction and must be fined not more than $100.00. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5). A minor may be found responsible or admit responsibility only once under this subdivision. (b) If a violation of this subsection occurs after 1 prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than $200.00, or both. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5). (c) If a violation of this subsection occurs after 2 or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than $500.00, or both, as applicable. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the

public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5). (2) An individual who furnishes fraudulent identification to a minor or, notwithstanding subsection (1), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. (3) If an individual who pleads guilty to a misdemeanor violation of subsection (1)(b) or offers a plea of admission in a juvenile delinquency proceeding for a misdemeanor violation of subsection (1)(b), the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in subsection (1)(c), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. If a court finds that an individual violated a term or condition of probation or that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. A discharge and dismissal under this section is without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law on conviction of a crime. An individual may obtain only 1 discharge and dismissal under this subsection. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following: (a) To a court, prosecutor, or police agency on request for the purpose of determining if an individual has already used this subsection. (b) To the department of corrections, a prosecutor, or a law enforcement agency, on the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions: (i) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency. (ii) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment. (4) A misdemeanor violation of subsection (1) successfully deferred, discharged, and dismissed under subsection (3) is considered a prior judgment for the purposes of subsection (1)(c). (5) A court may order an individual found responsible for or convicted of violating subsection (1) to undergo screening and assessment by a person or agency as designated by the department-designated community mental health entity as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (1) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation. (6) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis must not be administered without a court order, but a peace officer may seek to obtain a court order. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a state civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. (7) A law enforcement agency, on determining that an individual who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The law enforcement agency shall notify the parent, guardian, or custodian not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The law enforcement agency may notify the parent, guardian, or custodian by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian must be notified immediately as provided in this subsection. (8) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption. (9) The following individuals are not considered to be in violation of subsection (1): (a) A minor who has consumed alcoholic liquor and who voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor. (b) A minor who accompanies an individual who meets both of the following criteria: (i) Has consumed alcoholic liquor. (ii) Voluntarily presents himself or herself

to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor. (c) A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern. (10) If a minor who is less than 18 years of age and who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, voluntarily presents himself or herself to a health facility or agency for treatment or for observation as provided under subsection (9), the health facility or agency shall notify the parent or parents, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency. (11) This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee for a violation of this act. (12) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course. (13) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act. (14) Subsection (1) does not apply to a minor who participates in either or both of the following: (a) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action. (b) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation. (15) The state police, the commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (1), section 701(1), or section 801(1). (16) In a prosecution for the violation of subsection (1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal. (17) As used in this section: (a) "Any bodily alcohol content" means either of the following: (i) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (ii) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony. (b) "Emergency medical services personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904. (c) "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106. (d) "Prior judgment" means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States that substantially corresponds to a law of this state, or a law of another state that substantially corresponds to a law of this state: (i) This section or section 701 or 707. (ii) Section 624a, 624b, or 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625. (iii) Section 80176, 81134, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127. (iv) Section 167a or 237 of the Michigan penal code, 1931 PA 328, MCL 750.167a and 750.237. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 1998, Act 353, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 53, Eff. Oct. 1, 1999 ;-- Am. 2004, Act 63, Eff. Sept. 1, 2004 ;-- Am. 2006, Act 443, Imd. Eff. Nov. 27, 2006 ;-- Am. 2012, Act 125, Eff. June 1, 2012 ;-- Am. 2016, Act 357, Eff. Jan. 1, 2018 ;-- Am. 2017, Act 89, Eff. Jan. 1, 2018 ;-- Am. 2019, Act 131, Imd. Eff. Nov. 21, 2019 ;-- Am. 2020, Act 377, Eff. Oct. 1, 2021Compiler's Notes:This section as amended by Act 89 of 2017 was effective October 10, 2017. However, Act 123 of 2017 amended enacting section 1 of Act 89 of 2017 by revising the effective date. Accordingly, this section as amended by Act 89 of 2017 then became effective January 1, 2018.

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-7 - Chapter 7 (436.1701...436.1707)Section 436.1705 - Power of Peace Officer or Law Enforcement Officer Witnessing Violation to Stop and Detain Person; Issuance of Appearance Ticket.

Sec. 705. A peace officer or law enforcement officer described under section 201 or an inspector of the commission who witnesses a violation of section 701(1) or 703, or a local ordinance corresponding to section 701(1) or 703, may stop and detain a person and obtain satisfactory identification, seize illegally possessed alcoholic liquor, and issue an appearance ticket as prescribed in section 9c of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.9c. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2002, Act 725, Imd. Eff. Dec. 30, 2002

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-7 - Chapter 7 (436.1701...436.1707)Section 436.1707 - Selling, Serving, or Furnishing Alcohol; Prohibitions; Application to Wholesaler's Minor Employees.

Sec. 707. (1) A vendor shall not sell, serve, or furnish any alcoholic liquor to an individual in an intoxicated condition. (2) A licensee shall not allow an individual who is in an intoxicated condition to consume alcoholic liquor on the licensed premises. (3) A licensee, or the clerk, servant, agent, or employee of a licensee, shall not be in an intoxicated condition on the licensed premises. (4) A licensee shall not allow an intoxicated individual to frequent or loiter on the licensed premises except if the intoxicated individual has been refused service of further alcoholic liquor and remains on the premises for the purpose of eating food, seeking medical attention, or arranging transportation that does not involve driving himself or herself, or in any other circumstances where requiring

the individual to vacate the premises immediately would be considered dangerous to the individual or to the public. (5) A licensee shall not allow a minor to consume alcoholic liquor or to possess alcoholic liquor for personal consumption on the licensed premises. (6) An off-premises licensee shall not allow an individual less than 18 years of age to sell or serve alcoholic liquor. (7) Subject to section 15 of the youth employment standards act, 1978 PA 90, MCL 409.115, an on-premises licensee may allow an individual who is 17 years of age to sell or serve alcoholic liquor if both of the following conditions are met: (a) The individual has completed a server training program as provided for in section 906 and the rules promulgated by the commission. (b) During the individual's shift, the on-premises licensee has supervisory personnel as required under section 906 who are 18 years of age or older. (8) Except as otherwise provided in this section, a licensee shall not allow an individual less than 18 years of age to work or entertain on a paid or voluntary basis on the licensed premises unless the individual is employed in compliance with the youth employment standards act, 1978 PA 90, MCL 409.101 to 409.124. This subsection does not apply to an entertainer under the direct supervision and control of his or her parent or legal guardian. (9) This section does not prohibit a wholesaler's employee who is 16 years of age or older from doing any of the following: (a) Building a display of those brands that are represented or sold by the wholesaler for an off-premises retailer. (b) Marking the price on those brands that are represented or sold by the wholesaler for an off-premises retailer. (c) Rotating brands that are represented or sold by the wholesaler for an off-premises retailer. (d) Placing brands that are represented or sold by the wholesaler on shelves for an off-premises retailer. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2008, Act 11, Imd. Eff. Feb. 29, 2008 ;-- Am. 2022, Act 101, Imd. Eff. June 14, 2022 ;-- Am. 2022, Act 161, Imd. Eff. July 19, 2022

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-8 - Chapter 8 (436.1801...436.1815)Section 436.1801 - Granting or Renewing License; Selling, Furnishing, or Giving Alcoholic Liquor to Minor or to Person Visibly Intoxicated; Right of Action for Damage or Personal Injury; Actual Damages; Institution of Action; Notice; Survival of Action; General Reputation as Evidence of Relation; Separate Actions by Parents; Commencement of Action Against Retail Licensee; Indemnification; Defenses Available to Licensee; Rebuttable Presumption; Prohibited Causes of Action; Section as Exclusive Remedy for Money Damages Against Licensee; Civil Action Subject to Revised Judicature Act.

Sec. 801. (1) A retail licensee shall not directly, individually, or by a clerk, agent, or servant sell, furnish, or give alcoholic liquor to a minor except as otherwise provided in this act. A retail licensee shall not directly or indirectly, individually or by a clerk, agent, or servant sell, furnish, or give alcoholic liquor to an individual who is visibly intoxicated. (2) Except as otherwise provided in this section, an individual who suffers damage or who is personally injured by a minor or visibly intoxicated person by reason of the unlawful selling, giving, or furnishing of alcoholic liquor to the minor or visibly intoxicated person, if the unlawful sale is proven to be a proximate cause of the damage, injury, or death, or the spouse, child, parent, or guardian of that individual, has a right of action in his or her name against the person who by selling, giving, or furnishing the alcoholic liquor has caused or contributed to the intoxication of the person or who has caused or contributed to the damage, injury, or death. In an action under this section, the plaintiff has the right to recover actual damages in a sum of not less than $50.00 in each case in which the court or jury determines that intoxication was a proximate cause of the damage, injury, or death. (3) An action under this section must be instituted within 2 years after the injury or death. A plaintiff seeking damages under this section shall give written notice to all defendants within 120 days after entering an attorney-client relationship for the purpose of pursuing a claim under this section. Failure to give written notice within the time specified is grounds for dismissal of a claim as to any defendants that did not receive that notice unless sufficient information for determining that a retail licensee might be liable under this section was not known and could not reasonably have been known within the 120 days. In the event of the death of either party, the right of action under this section survives to or against his or her personal representative. In each action by a husband, wife, child, or parent, the general reputation of the relation of husband and wife or parent and child is prima facie evidence of the relation, and the amount recovered by either the husband, wife, parent, or child is his or her sole and separate property. The damages, together with the costs of the action, must be recovered in an action under this section. If the parents of the individual who suffered damage or who was personally injured are entitled to damages under this section, the father and mother may sue separately, but recovery by 1 is a bar to action by the other. (4) An action under this section against a retail licensee must not be commenced unless the minor or the alleged intoxicated person is a named defendant in the action and is retained in the action until the litigation is concluded by trial or settlement. (5) Any licensee subject to subsection (2) regarding the unlawful selling, furnishing, or giving of alcoholic liquor to a visibly intoxicated person has the right to full indemnification from the alleged visibly intoxicated person for all damages awarded against the licensee. (6) All defenses of the alleged visibly intoxicated person or the minor are available to the licensee. In an action alleging the unlawful sale of alcoholic liquor to a minor, proof that the defendant retail licensee or the defendant's agent or employee demanded and was shown a Michigan driver license or official state personal identification card, appearing to be genuine and showing that the minor was at least 21 years of age, is a defense to the action. (7) There is a rebuttable presumption that a retail licensee, other than the retail licensee who last sold, gave, or furnished alcoholic liquor to the minor or the visibly intoxicated person, has not committed any act giving rise to a cause of action under subsection (2). (8) The alleged visibly intoxicated person does not have a cause of action under this section and a person does not have a cause of action under this section for the loss of financial support, services, gifts, parental training, guidance, love, society, or companionship of the alleged visibly intoxicated person. (9) This section provides the exclusive remedy for money damages against a licensee arising out of the selling, giving, or furnishing of alcoholic liquor to a minor or intoxicated person. (10) Except as otherwise provided for under this section and section 815, a civil action under subsection (2)

against a retail licensee is subject to the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2008, Act 11, Imd. Eff. Feb. 29, 2008 ;-- Am. 2019, Act 131, Imd. Eff. Nov. 21, 2019Compiler's Notes:Former sections 22 to 22h of Act 8 of 1933 (Ex. Sess.), being MCL 436.22 to 436.22h, and which were repealed by Act 58 of 1998, Eff. Apr. 14, 1998, were formerly known and cited as the “Dram Shop Act.”Popular Name:Dram Shop Act

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-8 - Chapter 8 (436.1801...436.1815)Section 436.1803 - Retailer or Applicant for Retail License; Proof of Financial Responsibility; Naming Insurer or Surety as Defendant Prohibited; Effect of Bankruptcy; Policies and Bonds to Be Continued From Year to Year; Cancellation of Liquor Liability Insurance Policy; Revocation; Section Inapplicable to Special Licensee or Applicant for Special License; Rules.

Sec. 803. (1) Before the renewal or approval and granting of a retail license, a retail licensee or applicant for a retail license shall file with the commission proof of financial responsibility providing security for liability under section 801(2) of not less than $50,000.00. The proof of financial responsibility may be in the form of cash, unencumbered securities, a policy or policies of liquor liability insurance, a constant value bond executed by a surety company authorized to do business in this state, or membership in a group self-insurance pool authorized by law that provides security for liability under section 801. (2) A licensee may furnish proof of financial responsibility that exceeds the requirements of this section. (3) An insurer under a policy or policies of liquor liability insurance or a surety under a bond must not be named as a defendant in an action brought against the insured or bonded licensee for liability under section 801. Bankruptcy of the insured does not discharge an insurer or surety under this section from liability. Insurance policies and bonds issued for purposes under this section must continue from year to year unless sooner canceled by the insurer. (4) An insured retail licensee shall not cancel a liquor liability insurance policy except upon 30 days' prior written notice to the commission and unless new proof of financial responsibility complying with this section is procured by the retail licensee and delivered to the commission before the expiration of the 30-day period. The commission shall revoke the license of a retail licensee that violates this subsection. (5) This section does not apply to a special licensee or applicant for a special license. (6) The commission shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement and enforce this section. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2016, Act 105, Eff. Aug. 1, 2016 ;-- Am. 2019, Act 131, Imd. Eff. Nov. 21, 2019Compiler's Notes:Former sections 22 to 22h of Act 8 of 1933 (Ex. Sess.), being MCL 436.22 to 436.22h, and which were repealed by Act 58 of 1998, Eff. Apr. 14, 1998, were formerly known and cited as the “Dram Shop Act.”Popular Name:Dram Shop ActAdmin Rule:R 436.2001 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-8 - Chapter 8 (436.1801...436.1815)Section 436.1805 - Suit to Enforce Liability When Service of Process Not Effected; Affidavit; Service Upon Commission in Duplicate; Return; Copy Served on Defendant; Hearing; Duty of Commission.

Sec. 805. If an action is instituted against a retailer as defendant in any court of competent jurisdiction to enforce the liability provided in section 801 and service of process has not been effected in the manner provided for by law, and either the sheriff or constable to whom process has been delivered for service shall make return that he or she has not been able to serve the defendant for a period of 30 days, in which period he or she has made 3 or more attempts to serve the defendant at his or her residence or place of business, or the plaintiff or another person with knowledge of the facts files an affidavit in the cause stating that the defendant has ceased to be a resident of the state of Michigan or has been absent from the state for a continuous period of 6 months, then it shall be competent for the plaintiff to cause service of process to be made upon the defendant by service of the process upon the commission, the liability for which suit is brought arose during the period in which the defendant was a licensed retailer and was insured under the provisions of section 803. Such service of process shall be made in duplicate on the commission, and return showing such service shall be made to the court. The commission shall mail a copy of the process served upon it to the defendant at the address shown in the consent to service of process, and shall immediately transmit to the clerk of the court in which the action is pending an acknowledgment of the mailing of the copy of that process by the commission to the defendant. Whenever the foregoing provisions of this section have been complied with, the court may proceed to hear and determine the matter as fully and effectually as though the defendant retailer had been personally served with process within the jurisdiction of the court. The commission shall also notify the insurer under the liability policy of the defendant, on file with the commission, that the commission has received service of that process, stating the names of the parties to the action and the court in which the action is pending. If the defendant retailer is deceased, service of process may be made upon the executor or administrator of the deceased defendant by service on the commission, in an action in which that service would be authorized by this section upon the defendant if he or she were living, in the manner provided in this section. History:1998, Act 58, Imd. Eff. Apr. 14, 1998Compiler's Notes:Former sections 22 to 22h of Act 8 of 1933 (Ex. Sess.), being MCL 436.22 to 436.22h, and which were repealed by Act 58 of 1998, Eff. Apr. 14, 1998, were formerly known and cited as the “Dram Shop Act.”Popular Name:Dram Shop Act

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-8 - Chapter 8 (436.1801...436.1815)Section 436.1807 - Insurer to File Notice of Termination or Cancellation of Contract or Policy; Effective Date.

Sec. 807. The insurer shall file with the commission, at Lansing, Michigan, at least 30 days before the effectiveness of any

termination or cancellation of the contract or policy, a notice giving the date at which it is proposed to terminate or cancel the contract or policy. Any termination of the contract or policy shall not be effective as far as the insured covered by the policy is concerned until 30 days after such notice of the proposed termination or cancellation is received by the commission. History:1998, Act 58, Imd. Eff. Apr. 14, 1998Compiler's Notes:Former sections 22 to 22h of Act 8 of 1933 (Ex. Sess.), being MCL 436.22 to 436.22h, and which were repealed by Act 58 of 1998, Eff. Apr. 14, 1998, were formerly known and cited as the “Dram Shop Act.”Popular Name:Dram Shop Act

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-8 - Chapter 8 (436.1801...436.1815)Section 436.1809 - Payment of Judgment and Costs; Time; Failure or Neglect to Pay Judgment and Costs; Punitive Damages; Action Against Insurer.

Sec. 809. Except as otherwise provided for by law or the Michigan court rules, when an action for damages brought under this act has been reduced to a judgment, the insurer shall, within 90 days from the date of the judgment, pay the judgment together with the costs in full, unless the judgment has been paid or settled by the insured. If the insurer fails or neglects to pay the judgment and costs within 90 days, it shall be subject to punitive damages in the amount of $1,000.00, in addition to the amount of the judgment and interest on the judgment. The amount of the judgment, with interest on the judgment, and the punitive damages provided for in this section may be recovered by the person or persons entitled to damages under the judgment in an action against the insurer in any court of competent jurisdiction in this state. History:1998, Act 58, Imd. Eff. Apr. 14, 1998Compiler's Notes:Former sections 22 to 22h of Act 8 of 1933 (Ex. Sess.), being MCL 436.22 to 436.22h, and which were repealed by Act 58 of 1998, Eff. Apr. 14, 1998, were formerly known and cited as the “Dram Shop Act.”Popular Name:Dram Shop Act

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-8 - Chapter 8 (436.1801...436.1815)Section 436.1811 - Insurance Policy; Coverage; Conditions.

Sec. 811. The insurance policy described in this chapter shall cover the liability imposed by section 801 and shall contain the following conditions: That no condition, provision, stipulation or limitation contained in the policy, or any other endorsement thereon, shall relieve the insurer from liability (within the statutory limits provided by section 803 of the Michigan liquor control code of 1998), for the payment of any claim for which the insured may be held legally liable under section 801 of said act. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998Compiler's Notes:Former sections 22 to 22h of Act 8 of 1933 (Ex. Sess.), being MCL 436.22 to 436.22h, and which were repealed by Act 58 of 1998, Eff. Apr. 14, 1998, were formerly known and cited as the “Dram Shop Act.”Popular Name:Dram Shop Act

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-8 - Chapter 8 (436.1801...436.1815)Section 436.1813 - False Statement or Breach of Authority; Cancellation of Insurance.

Sec. 813. No false statement or breach of authority or act or omission on the part of the insured shall vitiate this insurance, unless the intention of the insured to conceal a hazard of perpetrating fraud is proven; and this policy cannot be cancelled by the insured or the company without first giving thirty days' written notice to the commission in Lansing, Michigan. History:1998, Act 58, Imd. Eff. Apr. 14, 1998Compiler's Notes:Former sections 22 to 22h of Act 8 of 1933 (Ex. Sess.), being MCL 436.22 to 436.22h, and which were repealed by Act 58 of 1998, Eff. Apr. 14, 1998, were formerly known and cited as the “Dram Shop Act.”Popular Name:Dram Shop Act

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-8 - Chapter 8 (436.1801...436.1815)Section 436.1815 - Adherence to Responsible Business Practices as Defense; Compensation of Employee on Commission Basis.

Sec. 815. (1) In defense of a civil action under section 801, a retail licensee may present evidence that, at the time of the selling, giving, or furnishing of the alcoholic liquor, the retail licensee was adhering to responsible business practices. Responsible business practices are those business policies, procedures, and actions which an ordinarily prudent person would follow in like circumstances. The compensating of an employee of an on-premises retail licensee on a commission basis constitutes an unreasonable business practice for purposes of this section. (2) The compensation of an employee of an on-premises retail licensee shall not be on a commission basis. History:1998, Act 58, Imd. Eff. Apr. 14, 1998Compiler's Notes:Former sections 22 to 22h of Act 8 of 1933 (Ex. Sess.), being MCL 436.22 to 436.22h, and which were repealed by Act 58 of 1998, Eff. Apr. 14, 1998, were formerly known and cited as the “Dram Shop Act.”Popular Name:Dram Shop Act

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1901 - Compliance Required; Prohibited Acts; Violation; Sanctions and Penalties.

Sec. 901. (1) A person, directly or indirectly, himself or herself or by his or her clerk, agent, or employee, shall not manufacture, manufacture for sale, sell, offer or keep for sale, barter, furnish, import, import for sale, transport for hire, transport, or possess any alcoholic liquor unless the person complies with this act. (2) A licensee shall not allow unlawful gambling on the licensed premises

and shall not allow on the licensed premises any gaming devices prohibited by law. (3) A licensee shall not sell, offer or keep for sale, furnish, possess, or allow a customer to consume alcoholic liquor that is not authorized by the license issued to the licensee by the commission. (4) A person, whether or not a licensee, shall not sell, deliver, or import spirits unless the sale, delivery, or importation is made by the commission, the commission's authorized agent or distributor, an authorized distribution agent certified by order of the commission, a person licensed by the commission, or by prior written order of the commission. A person who violates this subsection is subject to the sanctions and penalties contained in section 909(4) and, in the case of a violation of section 909(4)(a), is subject to forfeiture of proceeds or an instrumentality as provided for in chapter XXVA of the Michigan penal code, 1931 PA 328, MCL 750.159f to 750.159x. (5) A licensee shall not sell or furnish alcoholic liquor to a person who maintains, operates, or leases premises that are not licensed by the commission and upon which other persons unlawfully engage in the sale or consumption of alcoholic liquor for consideration as prohibited by section 913. (6) A retail licensee shall not, on his or her licensed premises, sell, offer for sale, accept, furnish, possess, or allow the consumption of alcoholic liquor that has not been purchased by the retail licensee from the commission, the commission's authorized agent or distributor, an authorized distribution agent certified by order of the commission, or a licensee of the commission authorized to sell that alcoholic liquor to a retail licensee. This subsection does not apply to the consumption of alcoholic liquor in the bedrooms or suites of registered guests of licensed hotels or in the bedrooms or suites of bona fide members of licensed clubs. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2008, Act 11, Imd. Eff. Feb. 29, 2008 ;-- Am. 2010, Act 175, Imd. Eff. Sept. 30, 2010

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1903 - Suspension or Revocation of License; Violation of Act or Rules; Penalty; Disposition; Administrative Fine; Hearing; Procedure; Fee; Right of Appeal; Institution of Criminal Prosecutions; Defense; Rules; Appointment of Agents to Hear Violation Cases; Authority and Responsibility; Ineligibility of Designated Agent for Appointment to Commission.

Sec. 903. (1) The commission or any commissioner or duly authorized agent of the commission designated by the chairperson of the commission, on notice and proper hearing, may suspend or revoke any license on a violation of this act or any of the rules promulgated by the commission under this act. The commission or any commissioner or authorized agent of the commission designated by the chairperson of the commission, may assess a penalty of not more than $300.00 for each violation of this act or rules promulgated under this act, or not more than $1,000.00 for each violation of section 801(1), in addition to or instead of revocation or suspension of the license, which penalty must be paid to the commission and deposited with the state treasurer and must be credited to the general fund of the state. The commission shall hold a hearing and order the suspension or revocation of a license if the licensee has been found liable for 3 or more separate violations of section 801(1) which violations occurred on different occasions within a 24-month period unless the violations for the sale, furnishing, or giving alcoholic liquor to a minor were discovered by the licensee and disclosed to an appropriate law enforcement agency immediately on discovery. A retail licensee who sells, offers to sell, accepts, furnishes, possesses, or allows the consumption of spirits in violation of section 901(6) is subject to an administrative fine of not more than $2,500.00 per occurrence and the following license sanctions after notice and opportunity for an administrative hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328: (a) For a first violation, a license revocation or suspension for between 1 and 30 days. (b) For a second violation, a license revocation or suspension for between 31 and 90 days. (c) For a third or subsequent violation, revocation of the license. (2) The commission shall provide a procedure by which a licensee who is aggrieved by any penalty imposed under subsection (1) and any suspension or revocation of a license ordered by the commission, a commissioner, or a duly authorized agent of the commission may request a hearing for the purpose of presenting any facts or reasons to the commission as to why the penalty, suspension, or revocation should be modified or rescinded. The request must be in writing and accompanied by a fee of $25.00. The commission, after reviewing the record made before a commissioner or an authorized agent of the commission, may allow or refuse to allow the hearing in accordance with the commission's rules. The right to a hearing provided in this subsection, however, must not be interpreted by a court as curtailing, removing, or annulling the right of the commission to suspend or revoke licenses as provided for in this act. A licensee does not have a right of appeal from the final determination of the commission, except by leave of the circuit court. Notice of the order of suspension or revocation of a license or of the assessment of a penalty, or both, must be given in the manner prescribed by the commission. The suspension or revocation of a license or the assessment of a penalty, or both, by the commission or an authorized agent of the commission does not prohibit the institution of a criminal prosecution for a violation of this act. The institution of a criminal prosecution for a violation of this act or the acquittal or conviction of a person for a violation of this act does not prevent the suspension or revocation of a license or the assessment of a penalty, or both, by the commission. In a hearing for the suspension or revocation of a license issued under this act, proof that the defendant licensee or an agent or employee of the licensee demanded and was shown, before furnishing any alcoholic liquor to a minor, a motor vehicle operator or chauffeur license or a registration certificate issued by the federal selective service, or other bona fide documentary evidence of majority and identity of the person, may be offered as evidence in a defense to a proceeding for the suspension or revocation of a license issued under this act. A licensee who has reason to believe that a minor has used fraudulent identification to purchase alcoholic liquor in violation of section 703 shall file a police report concerning the violation with a local law enforcement agency and shall also present the alleged fraudulent identification to the local law enforcement agency at the time of filing the report if the identification is in the possession of the licensee. The commission may promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, regarding the use by licensees of equipment designed to detect altered or forged driver licenses, state identification cards,

and other forms of identification. (3) In addition to the hearing commissioners provided for in section 209, the chairperson of the commission may designate not more than 2 authorized agents to hear violation cases. A person appointed under this subsection must be a member in good standing of the State Bar of Michigan. (4) An authorized agent who has been designated by the chairperson under subsection (3) has, in the hearing of violation cases, the same authority and responsibility as does a hearing commissioner under this act and the rules promulgated under this act. (5) An authorized agent who has been designated by the chairperson under subsection (3) is ineligible for appointment to the commission for a period of 1 year after the person ceases to serve as an authorized agent. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 1998, Act 416, Imd. Eff. Dec. 21, 1998 ;-- Am. 2000, Act 431, Imd. Eff. Jan. 9, 2001 ;-- Am. 2010, Act 175, Imd. Eff. Sept. 30, 2010 ;-- Am. 2019, Act 131, Imd. Eff. Nov. 21, 2019

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1903a - Conviction or Administrative Disqualification of Licensee; Electronic Transaction; Sanctions; Hearing and Appeal Procedures; Definitions.

Sec. 903a. (1) A licensee is subject to the licensing sanctions in subsection (2) if the licensee is convicted or administratively disqualified as the result of an electronic transaction to which all of the following apply: (a) The transaction is a transaction for food assistance program benefits. (b) The transaction involves an item other than eligible food. (c) The transaction is related to the sale of alcoholic liquor under that licensee's liquor license. (2) The commission or a commissioner or duly authorized agent of the commission designated by the chairperson of the commission shall, upon due notice and proper hearing, impose the following license sanctions upon a licensee described in subsection (1): (a) For a first violation, a license suspension for between 30 and 60 days. (b) For a second violation, a license suspension for between 61 and 120 days. (c) For a third or subsequent violation, revocation of the license. (3) A licensee aggrieved by a sanction imposed under subsection (2) may invoke the hearing and appeal procedures of section 903(2) and rules promulgated under that section. (4) As used in this section: (a) "Administratively disqualified" means administratively disqualified from acting as a merchant under the food and nutrition act of 2008, 7 USC 2011 to 2036a, or 7 CFR 278.6 because the licensee has engaged in trafficking as that term is defined in 7 CFR 271.2. A licensee is not administratively disqualified until any administrative or judicial review under 7 CFR 279 is complete. (b) "Convicted" means that the licensee either was convicted of or pled guilty to a crime under section 300a(1)(c) of the Michigan penal code, 1931 PA 328, MCL 750.300a. (c) "Eligible food" means that term as defined in 7 CFR 271.2. History:Add. 2013, Act 55, Eff. Sept. 10, 2013

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1903b - Payment by Means Dishonored by Financial Institution for Lack of Sufficient Funds; Violation of Act.

Sec. 903b. A retailer violates this act if the retailer or the retailer's clerk, servant, agent, or employee makes a payment to a wholesaler, the commission, or this state by any means that has been dishonored by a financial institution for lack of sufficient funds. History:Add. 2016, Act 434, Imd. Eff. Jan. 4, 2017

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1904 - Consumption or Possession of Alcoholic Liquor on School Property; Prohibition; Violation as Misdemeanor; Exceptions; Other Violations; Application of Section to Minor; Definitions.

Sec. 904. (1) A person shall not consume alcoholic liquor on school property or possess alcoholic liquor on school property with the intent to consume it on school property. (2) A person who violates this section is guilty of a misdemeanor punishable as follows: (a) If the person has no prior convictions, by imprisonment for not more than 93 days or a fine of not more than $250.00, or both. (b) If the person has 1 prior conviction, by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (c) If the person has 2 or more prior convictions, by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (3) This section does not prohibit a person from consuming alcoholic liquor on school property or possessing alcoholic liquor on school property with the intent to consume it on school property under any of the following circumstances: (a) As part of a generally recognized religious service or religious ceremony. (b) At a nonschool function or event on school property if the superintendent of the school district or, if the school is not operated by a school district, the administrator of the school, or his or her designee, has approved consuming alcoholic liquor on school property or possessing alcoholic liquor on school property with the intent to consume it on school property during that function or event. (4) This section does not prohibit an individual from being convicted of or found responsible for any other violation of law arising out of the same transaction as the violation of this section. (5) This section does not apply to a minor who could be subject to prosecution under section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703. (6) As used in this section: (a) "Prior conviction" means a conviction for violating this section or a local ordinance substantially corresponding to this section. (b) "School" means a public school offering developmental kindergarten, kindergarten, or any grade from 1 through 12. (c) "School property" means a building, playing field, vehicle, or other property used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses. History:Add. 1999, Act 274, Eff. Apr. 3, 2000Popular Name:Act 306

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1905 - Selling or Furnishing Alcoholic Liquor to

Minor; Enforcement Actions Prohibited; Conditions; Exception.

Sec. 905. (1) Notwithstanding section 903, if a retail licensee or a retail licensee's clerk, agent, or employee violates this act by selling or furnishing alcoholic liquor to a minor, or by allowing a minor to consume alcoholic liquor or possess alcoholic liquor for personal consumption on the licensed premises, and if the enforcing agency involved in the prosecution of the violation is the state police or a local police agency, the commission shall not take any action under section 903 to suspend or revoke the licensee's license or assess an administrative fine against the licensee unless all of the following occur, if applicable: (a) Enforcement action is taken against the minor who purchased, consumed, or received the alcoholic liquor from the retail licensee or the retail licensee's clerk, agent, or employee. (b) Enforcement action is taken under section 701 against the person 21 years of age or older that is not the retail licensee or the retail licensee's clerk, agent, or employee but who sold or furnished the alcoholic liquor to the minor. (c) Enforcement action is taken under section 701 against the retail licensee's clerk, agent, or employee. (2) Subsection (1) does not apply if the enforcing agent involved in the prosecution is a commission inspector rather than a police agency. (3) Subsection (1)(a) does not apply if the prosecution of the violation is the result of an undercover operation in which the minor who purchased, consumed, or received the alcoholic liquor acted under the direction of the state police or a local police agency as part of the enforcement action and such enforcement action is otherwise in compliance with section 701(4), (5), and (6). History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2002, Act 725, Imd. Eff. Dec. 30, 2002

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1906 - Definitions; Server Training Program.

Sec. 906. (1) As used in this section: (a) "Administrator" means a qualifying company, postsecondary educational institution, or trade association authorized by the commission to offer server training programs and instructor certification classes in compliance with this section and to certify to the commission that those persons meet the requirements of this section. (b) "Instructor" means an individual certified by an administrator and approved by the commission to teach server training programs. An instructor may be a licensee or an employee of a licensee. (c) "Prohibited sale" means the sale of alcoholic liquor by an employee of a licensee to a visibly intoxicated person or to a minor, or both. (d) "Responsible vendor" means a designation by the commission of a retail licensee meeting the standards of this section. (e) "Server training program" means an educational program whose curriculum has been approved by the commission under the standards described in this section and is offered by an administrator or instructor to a retail licensee, or a licensee operating a tasting room or providing samples of alcoholic liquor, for its employees. (2) The commission shall approve the establishing of a server training program designed for all new on premises licensees or transferees of more than a 50% interest in an on premises license on or after the commencement of the mandatory server training program, and for any existing retail licensees the commission determines to be in need of training due to the frequency or types of violations of this act involving the serving of alcoholic liquor. This subsection does not apply to special licenses except that the commission may require server training for certain special licensees based upon the size and nature of the licensed event. The commission may adopt the existing standards and programmatic framework of private entities and may delegate nondiscretionary administrative functions to outside private entities. (3) The commission shall establish a program in which the commission designates certain retail licensees, except special licenses, as responsible vendors. The commission may adopt the existing standards and programmatic framework of private entities and may delegate nondiscretionary administrative functions to outside private entities. (4) The commission shall designate as a responsible vendor a retail licensee who makes available to all full-time and part-time retail employees, within 60 days after being hired, a server training program and who is also free of convictions or administrative determinations involving prohibited sales for not less than 12 months before applying for the designation. The designation continues until suspended by the commission. (5) A person may apply to the commission for qualification as an administrator for the offering of server training programs and instructor certification classes. (6) The commission shall approve a curriculum for a server training program presented by a certified instructor in a manner considered by the commission to be adequate that includes, but is not limited to, all of the following topics: (a) The identification of progressive stages of intoxication and the visible signs associated with each stage. (b) The identification of the time delay between consumption and visibility of signs of progressive intoxication. (c) Basic alcohol content among different types of measured drinks containing alcoholic liquor. (d) Variables associated with visible intoxication, including the rate of drinking, experience, weight, food consumption, sex, and use of other drugs. (e) Personal skills to handle slow-down of service and intervention procedures. (f) Procedures for monitoring consumption and maintaining incident reports. (g) The understanding of acceptable forms of personal identification, techniques for determining the validity of identification, and procedures for dealing with fraudulent identification. (h) Assessment of the need to ask for identification based on appearance or company policy. (i) The identification of potential second-party sales and furnishing of alcoholic liquor to minors by persons 21 years of age or over. (j) The understanding of possible legal, civil, and administrative consequences of violations of this act, the rules of the commission, and other pertinent state laws. (k) The understanding of Michigan laws pertaining to minors attempting to purchase, minors in possession, and second-party sales or furnishing of alcoholic liquor from adults to minors. (l) Knowledge of the legal hours of alcoholic liquor service and occupancy. (m) The identification of signs of prohibited activities, such as gambling, solicitation for prostitution, and drug sales. (n) Any other pertinent laws as determined by the commission. (7) The commission shall issue an instructor certification to an individual presenting evidence acceptable to the commission of having successfully completed instructor certification classes and shall issue an identification card indicating that certification by the commission. (8) Upon approval by the commission of a server training program, the commission shall appoint the person sponsoring the server training

program as an administrator of that program. The administrator shall provide a certification to the commission that a retail licensee has successfully completed the server training program offered by a certified instructor and approved by the commission and shall recommend that the commission designate the licensee as a responsible vendor. (9) A certified instructor who is a licensee or an employee of a licensee may offer server training programs approved by the commission to the employees of the licensee and certify to the commission those persons who successfully completed the program. (10) An on premises licensee whose license was issued or who was the transferee of more than a 50% interest in an on premises license on or after the commencement of the mandatory server training program or an on premises licensee determined by the commission to be in need of training due to the frequency or types of violations of this act involving the serving of alcoholic liquor must have employed or present on the licensed premises, at a minimum, supervisory personnel who have successfully completed a server training program on each shift and during all hours in which alcoholic liquor is served. An on premises licensee must keep a copy of the responsible vendor designation or proof of completion of server training on the licensed premises to facilitate the verification of such designation by the commission, agent of the commission, or law enforcement officer. An on premises licensee determined by the commission to have violated this subsection is subject to revocation, suspension, or other sanction as provided for in section 903. A violation of this subsection is not a violation of section 909. (11) As a condition of the designation of a licensee as a responsible vendor, the licensee shall make available to the administrator in not less than 60-day time increments records sufficient to verify the names and social security numbers of his or her employees. The administrator shall provide to the commission a list of names and social security numbers of individuals who have successfully completed the server training program and shall monitor the licensee in a manner approved by the commission in order to verify continued compliance of the licensee's status as a responsible vendor. The administrator shall notify the commission in writing as soon as it determines that the licensee has failed to maintain the standards for server training or has failed to cooperate with the administrator's verification procedure. Upon receipt of such a notice from the administrator, the commission shall suspend the licensee's designation as a responsible vendor. (12) The commission may suspend the designation of a retail licensee as a responsible vendor upon a conviction or administrative determination of a prohibited sale on the licensee's licensed premises. The retail licensee losing such a designation may reapply for designation as a responsible vendor upon the passage of 12 months from the date of the conviction or administrative determination of a prohibited sale if the licensee is not convicted or administratively determined to have engaged in a prohibited sale on the licensed premises. After the first instance of a retail licensee losing its designation as a responsible vendor, that retail licensee is not eligible to reapply for such a designation until an additional 3 months for each subsequent conviction or determination. The 3-month time periods are to be in addition to the 12-month period described in this subsection. (13) A responsible vendor is not considered to be in violation of the prohibition contained in section 707(4) regarding allowing an intoxicated person to frequent or loiter on the licensed premises unless the facts demonstrate otherwise. History:Add. 1998, Act 391, Imd. Eff. Dec. 1, 1998 ;-- Am. 2000, Act 431, Imd. Eff. Jan. 9, 2001 ;-- Am. 2008, Act 11, Imd. Eff. Feb. 29, 2008 ;-- Am. 2008, Act 218, Imd. Eff. July 16, 2008

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1907 - Revocation of License; Forfeiture of Privileges; Seizure of Alcoholic Liquor.

Sec. 907. (1) Upon revocation of a license issued under this act, any and all privileges conferred by that license shall be forfeited and the commission shall seize any and all alcoholic liquor found in the possession of the licensee. (2) The commission shall remit to that licensee the purchase price less 10%, paid by the licensee to the commission for all alcoholic liquor seized. All other alcoholic liquor seized shall be disposed of by order of the commission and no payment shall be made for that alcoholic liquor. (3) A person whose license has been revoked for cause or whose license has been ordered transferred to another person for cause is not eligible for issuance or reissuance of a license under this act for a period of at least 2 years. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1909 - Violation of Act as Misdemeanor or Felony; Penalties or Sanctions; Remedies; Violation of MCL 436.1203; "Person" Defined; Legislative Intent.

Sec. 909. (1) Except as otherwise provided in this act, a person, other than a person required to be licensed under this act, who violates this act is guilty of a misdemeanor. (2) Except as otherwise provided in this act, a licensee who violates this act, or a rule or regulation promulgated under this act, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $500.00, or both. (3) A person who performs an act for which a license is required under this act without first obtaining that license or who sells alcoholic liquor in a county that has prohibited the sale of alcoholic liquor under section 1107 is guilty of a felony punishable by imprisonment for not more than 1 year or by a fine of not more than $1,000.00, or both. (4) A person, whether or not a licensee, who violates section 901(4) is subject to the following penalties or sanctions: (a) A person who sells, delivers, or imports spirits in violation of section 901(4) in the amount of at least 80,000 milliliters is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (b) A person who sells, delivers, or imports spirits in violation of section 901(4) in the amount of at least 8,000 milliliters but less than 80,000 milliliters is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $2,500.00, or both. (c) A person who sells, delivers, or imports spirits in violation of section 901(4) in the amount of less than 8,000 milliliters is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $1,000.00. (5) Subject to subsection (6), a person, whether or not a licensee, who sells, delivers, or imports beer or wine in violation of section 203(1) is subject to the following

penalties or sanctions: (a) A person who sells, delivers, or imports beer or wine in violation of section 203(1) in the amount of at least 225,000 milliliters is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (b) A person who sells, delivers, or imports beer or wine in violation of section 203(1) in the amount of at least 45,000 milliliters but less than 225,000 milliliters is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $2,500.00, or both. (c) A person who sells, delivers, or imports beer or wine in violation of section 203(1) in the amount of less than 45,000 milliliters is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $500.00. (6) As used in subsection (5), "person" does not include any of the following: (a) An air carrier as that term is defined in 49 USC 40102. (b) A freight forwarder as that term is defined in 49 USC 13102. (c) A motor carrier as that term is defined in 49 USC 13102. (7) The remedies under this act are cumulative and independent. The use of 1 remedy by a person does not bar the use of other lawful remedies by the person or the use of a lawful remedy by another person. (8) It is the intent of the legislature that the court, in imposing punishment under this section, should discriminate between casual or slight violations and habitual sales of alcoholic liquor or attempts to commercialize violations of this act or the rules or regulations promulgated under this act. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2010, Act 175, Imd. Eff. Sept. 30, 2010 ;-- Am. 2017, Act 87, Eff. Oct. 10, 2017

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1911 - Failure to Pay Tax; Penalties; Collection.

Sec. 911. (1) If a person fails or refuses to pay the tax required by this act, the commission shall assess the tax against that person and the tax shall become due and payable together with a penalty or penalties that the commission considers appropriate, but not to exceed $5,000.00, upon demand by the commission or a person designated by the commission. If the tax remains unpaid for 15 days after that demand is made, the commission may issue its warrant under its official seal, directed to the sheriff of any county or other officer, to levy upon and sell the taxpayer's property, either personal or real, used in connection with the business for the privilege of doing which the tax is levied, found within his or her jurisdiction, for the payment of the amount of the tax with the added penalties, interest, and cost of executing the warrant. A warrant issued under this section shall be returned to the commission, together with the money collected by virtue of the warrant, within the time specified in the warrant, which time shall be not less than 20 or more than 90 days from the date of the warrant. The sheriff or other officer to whom the warrant is directed shall proceed upon the warrant in all respects, with like effect, and in the same manner as prescribed by law in respect to executions issued against property upon judgments by a court of record, and shall be entitled to the same fees for his service in executing the warrant, to be collected in the same manner. The state of Michigan, through the commission or an officer or agent designated by it, is authorized to bid for and purchase any property sold under this section. (2) In addition to the mode of collection provided in subsection (1), the commission may bring an action at law in the county in which the business or any part of the business is carried on, to collect and recover the amount of taxes, interest, or penalties, or any combination of taxes, interest, or penalties, due from a taxpayer. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1913 - Prohibited Conduct; Unlicensed Premises or Place; Unlawful Consumption of Alcoholic Liquor; Exceptions; Construction of Section; “Consideration” Defined.

Sec. 913. (1) A person shall not do either of the following: (a) Maintain, operate, or lease, or otherwise furnish to any person, any premises or place that is not licensed under this act within which the other person may engage in the drinking of alcoholic liquor for consideration. (b) Obtain by way of lease or rental agreement, and furnish or provide to any other person, any premises or place that is not licensed under this act within which any other person may engage in the drinking of alcoholic liquor for consideration. (2) A person shall not consume alcoholic liquor in a commercial establishment selling food if the commercial establishment is not licensed under this act. A person owning, operating, or leasing a commercial establishment selling food which is not licensed under this act shall not allow the consumption of alcoholic liquor on its premises. (3) This section shall not apply to any hotel or any licensee under this act. (4) This section shall not be construed to repeal or amend section 1019. (5) As used in this section, "consideration" includes any fee, cover charge, ticket purchase, the storage of alcoholic liquor, the sale of food, ice, mixers, or other liquids used with alcoholic liquor drinks, or the purchasing of any service or item, or combination of service and item; or includes the furnishing of glassware or other containers for use in the consumption of alcoholic liquor in conjunction with the sale of food. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2006, Act 131, Imd. Eff. May 5, 2006

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1914 - Alcohol Vapor Device; Use, Possession, Sale, or Offer to Sell Prohibited; Violation; Rules.

Sec. 914. (1) Except as otherwise provided in subsection (3), a person shall not use or offer for use, possess, sell, or offer for sale an alcohol vapor device. (2) A person who violates subsection (1) is guilty of a misdemeanor punishable in the manner provided for in section 909. (3) The commission may jointly promulgate rules with the department of community health to allow for the sale or use of an alcohol vapor device for research purposes. History:Add. 2005, Act 320, Imd. Eff. Dec. 27, 2005

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1914a - Powdered Alcohol; Use, Possession, Sale, or Offer for Sale Prohibited; Violation as Misdemeanor; Exception; "Powdered Alcohol" Defined.

Sec. 914a. (1) Except as otherwise provided in subsection (2), a person shall not use or offer for use, possess, sell, or offer for sale powdered alcohol. A person that violates this section is guilty of a misdemeanor punishable as provided in section 909. (2) This section does not apply to a hospital that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university conducting bona fide research, or a pharmaceutical company or biotechnology company conducting bona fide research. (3) As used in this section, "powdered alcohol" means alcohol that is sold in powder form for either direct use or reconstitution. History:Add. 2015, Act 165, Eff. Jan. 26, 2016

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1914b - Marihuana-Infused Beer, Wine, Mixed Wine Drink, Mixed Spirit Drink, or Spirits; Use, Possession, Sale, or Offer for Sale Prohibited; Exception; Definitions.

Sec. 914b. (1) Except as otherwise provided in subsection (2), a person shall not use or offer for use, possess, sell, or offer for sale marihuana-infused beer, wine, mixed wine drink, mixed spirit drink, or spirits. A person that violates this section is guilty of a misdemeanor punishable as provided in section 909. (2) This section does not apply to a hospital that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university conducting bona fide research, or a pharmaceutical company or biotechnology company conducting bona fide research. (3) As used in this section: (a) "Marihuana" means that term as defined in section 3 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27953. (b) "Marihuana-infused beer, wine, mixed wine drink, mixed spirit drink, or spirits" means beer, wine, mixed wine drink, mixed spirit drink, or spirits that contain any amount of marihuana. History:Add. 2018, Act 346, Imd. Eff. Oct. 16, 2018 ;-- Am. 2021, Act 63, Eff. Oct. 11, 2021

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1915 - Possessing or Consuming Alcoholic Liquor on Public Highway or in Park, Place of Amusement, or Publicly Owned Area; Authority of Local Governmental Unit or State Department or Agency to Prohibit Possession or Consumption of Alcoholic Liquor; Definitions.

Sec. 915. (1) Alcoholic liquor shall not be consumed on the public highways. (2) Except as provided in subsections (3) and (4), alcoholic liquor may be possessed or consumed in public parks, public places of amusement, or a publicly owned area not licensed to sell for consumption on the premises. (3) The governing body of a local governmental unit may prohibit by ordinance, order, or resolution the possession or consumption of alcoholic liquor in any public park, public place of amusement, or publicly owned area that is owned or administered, or both, by that local governmental unit. When land is leased from a department or agency of this state, an ordinance, order, or resolution adopted pursuant to this subsection shall be subject to the approval of the department or agency. (4) A department or agency of this state that administers public lands may prohibit by rule, order, or resolution the possession or consumption of alcoholic liquor on the public land under its jurisdiction. (5) As used in this section: (a) "Local governmental unit" means a county, city, township, village, or charter authority. (b) "Publicly owned area" means an area under the jurisdiction of a local governmental unit. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1916 - Entertainment, Dance, or Topless Activity Permits; Issuance; Prohibited Activity; Exceptions; Extended Hours Permit; Permits Issued Under Administrative Rule; Fees; Definitions.

Sec. 916. (1) An on-premises licensee shall not allow monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing on the licensed premises unless the licensee has applied for and been granted an entertainment permit by the commission. Issuance of an entertainment permit under this subsection does not allow topless activity on the licensed premises. (2) An on-premises licensee shall not allow dancing by customers on the licensed premises unless the licensee has applied for and been granted a dance permit by the commission. Issuance of a dance permit under this subsection does not allow topless activity on the licensed premises. (3) An on-premises licensee shall not allow topless activity on the licensed premises unless the licensee has applied for and been granted a topless activity permit by the commission. This section is not intended to prevent a local unit of government from enacting an ordinance prohibiting topless activity or nudity on a licensed premises located within that local unit of government. This subsection applies only to topless activity permits issued by the commission to on-premises licensees located in counties with a population of 95,000 or less. (4) The commission may issue to an on-premises licensee a combination dance-entertainment permit or topless activity-entertainment permit after application requesting a permit for both types of activities. (5) An on-premises licensee shall not allow the activities allowed by a permit issued under this section at any time other than the legal hours for sale and consumption of alcoholic liquor. (6) An extended hours permit is required for an on-premises licensee to engage in any of the following activities on the licensed premises at any time other than the legal hours for the sale and consumption of alcoholic liquor: (a) Monologues, dialogues, motion pictures, still slides, closed circuit television, contests, other performances for public viewing on the licensed premises, if holding a permit for those activities. (b)

Patron dancing, if holding a permit for that activity. (c) The performance or playing of an orchestra, piano, or other types of musical instruments or singing or the viewing of any publicly broadcast television transmission from a federally licensed station. (7) The commission may issue an extended hours permit to either of the following: (a) A licensee not holding an entertainment, dance, or combination dance-entertainment permit, who desires to conduct activities described under subsection (11). (b) A licensee who already holds, or submits an application for, an entertainment, dance, or combination dance-entertainment permit in order to conduct activities allowed by the permit. (8) The applicant for only an extended hours permit shall obtain the local approval for the extended hours permit under subsection (10). An applicant for an extended hours permit who holds an entertainment, dance, or combination dance-entertainment permit shall obtain the local approval for the entertainment, dance, or combination dance-entertainment permit under subsection (10) as well as local approval for the extended hours permit under subsection (10). The commission shall waive the conditions contained in R 436.1437(1) of the Michigan administrative code relative to the application for an extended hours permit. (9) An on-premises licensee issued an extended hours permit shall not allow customers on the licensed premises during the time period provided by the extended hours permit unless the activity, and only that activity, allowed by the extended hours permit is occurring. The issuance of an extended hours permit does not authorize any of the following: (a) Topless activity. (b) Except as otherwise provided under this subdivision, gaming as that term is defined in section 2 of the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.202. A licensee holding a casino license issued under the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.226, may conduct gaming pursuant to the casino license only. (c) Keno or other gaming authorized under the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to 432.47. (d) The extension of hours for the serving of alcoholic liquor. (e) The extension of hours for the consumption of alcoholic liquor as provided for in R 436.1403 of the Michigan administrative code. (10) Before the issuance of any permit under this section, the on-premises licensee shall obtain the approval of all of the following: (a) The commission. (b) Except in cities with a population of 1,000,000 or more, the local legislative body of the jurisdiction within which the premises are located. (c) The chief law enforcement officer of the jurisdiction within which the premises are located or the entity contractually designated to enforce the law in that jurisdiction. (11) The following activities are allowed without the granting of a permit under this section: (a) The performance or playing of an orchestra, piano, or other types of musical instruments, or singing. (b) Any publicly broadcast television transmission from a federally licensed station. (12) In the case of a licensee granted an entertainment or dance permit under R 436.1407 of the Michigan administrative code who, after January 1, 1998, extended the activities conducted under that permit to regular or full-time topless activity, that licensee shall apply to the commission for a topless activity permit under this section within 60 days after April 14, 1998 in order to continue topless activity. Except as otherwise provided for in this subsection, this section applies only to entertainment or dance permits issued after April 14, 1998. (13) The fees imposed by the commission for a permit under this section remain the same as the fees imposed under a permit issued under R 436.1407 of the Michigan administrative code. (14) Except as otherwise provided, this section does not change the renewal or application process for a license under section 501 or the renewal process for permits issued under R 436.1407 of the Michigan administrative code. (15) As used in this section: (a) "Nudity" means exposure to public view of the whole or part of the pubic region; the whole or part of the anus; the whole or part of the buttocks; the whole or part of the genitals; or the breast area including the nipple or more than 1/2 of the area of the breast. (b) "Topless activity" means activity that includes, but is not limited to, entertainment or work-related activity performed by any of the following persons on the licensed premises in which the female breast area, including the nipple, or more than 1/2 of the area of the breast, is directly exposed or exposed by means of see-through clothing or a body stocking: (i) A licensee. (ii) An employee, agent, or contractor of the licensee. (iii) A person acting under the control of or with the permission of the licensee. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2005, Act 259, Imd. Eff. Dec. 16, 2005

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1917 - Liability of Vendor.

Sec. 917. (1) A person who engages in the business of selling or keeping for sale alcoholic liquor in violation of this act, whether as owner, clerk, agent, servant, or employee, is equally liable, as principal, both civilly and criminally, for the violation of this act. (2) A person or principal is liable, both civilly and criminally, for the acts of his or her clerk, servant, agent, or employee, in violating this act. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1919 - Forging Documents, Labels, or Stamps; Prohibited Conduct; Penalty.

Sec. 919. A person who falsely or fraudulently makes, simulates, forges, alters, or counterfeits a document, label, or stamp prescribed by the commission under this act or rules promulgated under this act, or who causes or procures to be falsely or fraudulently made, simulated, forged, altered, or counterfeited any such document, label, or stamp, who knowingly and willfully utters, publishes, passes, or tenders as true, any such false, altered, forged, or counterfeited document, label, or stamp, or who uses more than once any label or stamp prescribed by the commission pursuant to this act or the rules promulgated under this act is guilty of a felony punishable by imprisonment for not more than 1 year or by a fine of not more than $1,000.00, or both. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998

(436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1921 - Sale or Exchange of Ceramic Commemorative Bottles.

Sec. 921. Notwithstanding section 203, a collector, who is 21 years of age or older, of ceramic commemorative bottles containing alcoholic liquor and bearing an unbroken federal tax stamp or seal may sell or trade the bottles to other such collectors of those bottles without obtaining a license under this act. All sales conducted under this subsection shall be for the purpose of exchanging ceramic commemorative bottles between private collectors of those bottles and shall not be for the purpose of selling alcoholic liquor for personal consumption. A sale or exchange conducted under this subsection shall not occur in any of the following ways: (a) In connection with the business of a holder of an alcoholic liquor license. (b) In connection with any other business. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1923 - Warehouse Receipts for Alcoholic Liquor; Authority of Commission.

Sec. 923. The commission has complete power to regulate, limit, and control the sale, transfer, barter, or exchange in this state of warehouse receipts for alcoholic liquor wherever alcoholic liquor is situated. History:1998, Act 58, Imd. Eff. Apr. 14, 1998

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 58 of 1998 - Michigan Liquor Control Code of 1998 (436.1101 - 436.2303)58-1998-9 - Chapter 9 (436.1901...436.1925)Section 436.1925 - Construction of Act; Severability.

Sec. 925. (1) This act shall be construed to effect the intent and purposes set forth in this act and to protect the public health, safety, and welfare of the citizens of this state. (2) If any provision of this act is found to be unconstitutional by a court of competent jurisdiction and all rights of appeal have expired or been exhausted, the offending provision shall be severed and shall not affect the remaining portions of the act. History:1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2014, Act 46, Imd. Eff. Mar. 25, 2014

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 68 of 1913 - Drunkenness on Trains or Interurban Cars (436.201 - 436.205)Section 436.201 - Drunkenness on Train Prohibited.

Sec. 1. No person shall while in an offensive state of intoxication enter or be on or remain upon any railway train or interurban car as a passenger. History:1913, Act 68, Eff. Aug. 14, 1913 ;-- CL 1915, 8443 ;-- CL 1929, 11590 ;-- CL 1948, 436.201

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 68 of 1913 - Drunkenness on Trains or Interurban Cars (436.201 - 436.205)Section 436.202 - Public Drinking on Train Prohibited; Exception.

Sec. 2. No person shall publicly drink any intoxicating liquor as a beverage in any railway train or coach, or interurban car, or give, or cause to be given to any other person therein, intoxicating liquor as a beverage, except in a compartment or place where such liquor is sold or served under the authority of a license lawfully issued. History:1913, Act 68, Eff. Aug. 14, 1913 ;-- CL 1915, 8444 ;-- CL 1929, 11591 ;-- CL 1948, 436.202

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 68 of 1913 - Drunkenness on Trains or Interurban Cars (436.201 - 436.205)Section 436.203 - Conductor; Power to Arrest Person for Violation of Act and Deliver to Public Officer; Complaint.

Sec. 3. The conductor of any railway train or interurban car, may summarily arrest, with or without warrant, any person violating any of the foregoing provisions, and for such purpose shall have the same power and authority as any peace officer, including the power to summon assistance; and such conductor shall further have power to deliver any person to any policeman, constable, or other public officer at the next station stop where such public officer can be found, and it shall be the duty of such officer to bring the person charged with such offense before the district court or municipal court of the judicial district or municipality where the offense was committed, and to make a complaint against such person, and such complaint made upon information and belief of said officer, shall be sufficient. History:1913, Act 68, Eff. Aug. 14, 1913 ;-- CL 1915, 8445 ;-- CL 1929, 11592 ;-- CL 1948, 436.203 ;-- Am. 1991, Act 143, Imd. Eff. Nov. 25, 1991

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 68 of 1913 - Drunkenness on Trains or Interurban Cars (436.201 - 436.205)Section 436.204 - Conductor; Seizure of Liquor, Receipt, Return.

Sec. 4. The conductor of any railway train or interurban car may take from any person found violating any of the foregoing provisions, any intoxicating liquor then in possession of such person and deliver the same to the nearest station agent, giving the person from whom it was taken a receipt therefor. Upon the presentation and surrender of such receipt within 10 days thereafter such liquor shall be delivered to the person presenting same, and if not so delivered within such time shall be destroyed by such station agent. History:1913, Act 68, Eff. Aug. 14, 1913 ;-- CL 1915, 8446 ;-- CL 1929, 11593 ;-- CL 1948, 436.204

2024 Michigan Compiled LawsChapter 436 - Alcoholic BeveragesAct 68 of 1913 - Drunkenness on Trains or Interurban Cars (436.201 - 436.205)Section 436.205 - Violation of Act; Penalty.

Sec. 5. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be

punished by a fine of not more than 100 dollars, or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment in the discretion of the court. History:1913, Act 68, Eff. Aug. 14, 1913 ;-- CL 1915, 8447 ;-- CL 1929, 11594 ;-- CL 1948, 436.205

Title: chapter-256

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 188 of 1941 - Michigan State Safety Commission (256.561 - 256.563)Section 256.561 - Michigan State Safety Commission; Creation; Membership; Compensation; Powers and Duties.

Sec. 1. There is hereby created the Michigan state safety commission, hereinafter called the commission, which shall be composed of the following officials ex officio: The governor, who shall be honorary chairperson, the secretary of state, the superintendent of public instruction, the director of the state transportation department, the director of the department of state police, and the director of public health. The members of the commission shall receive no additional compensation for service on the commission. The commission shall not have any authority, power, or duties now vested in any other department or departments of state government. History:1941, Act 188, Imd. Eff. June 16, 1941 ;-- CL 1948, 256.561 ;-- Am. 1984, Act 321, Imd. Eff. Dec. 26, 1984Compiler's Notes:For creation of governor's traffic advisory commission and abolishment of Michigan state safety commission, see E.R.O. No. 2002-5, compiled at MCL 256.571 of the Michigan Compiled Laws.

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 188 of 1941 - Michigan State Safety Commission (256.561 - 256.563)Section 256.562 - Meetings; Time, Place, and Purpose; Conducting Business at Public Meeting; Notice.

Sec. 2. (1) The commission shall hold meetings not less than once during each calendar month, at the places as it determines, to consult and cooperate with all departments of state government in regard to traffic safety; to promote uniform and effective programs of safety on streets and highways; to interchange information among the several departments of the state government for more effective safety conditions; to cooperate with officials of the United States government and with local governments in regulating highway traffic; and to encourage safety education in this state. (2) The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. History:1941, Act 188, Imd. Eff. June 16, 1941 ;-- CL 1948, 256.562 ;-- Am. 1978, Act 208, Imd. Eff. June 4, 1978

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 188 of 1941 - Michigan State Safety Commission (256.561 - 256.563)Section 256.563 - State Safety Commission; Employees, Offices and Equipment.

Sec. 3. Said commission is authorized to employ an executive secretary, an assistant executive secretary, and such personnel as shall be reasonably necessary to carry out the purposes of this act. The state board of auditors shall provide said commission with suitable offices and equipment. History:1941, Act 188, Imd. Eff. June 16, 1941 ;-- CL 1948, 256.563

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 191 of 1931 - Locking of Doors (256.531 - 256.532)Section 256.531 - Motor Vehicles Carrying Passengers for Hire; Locking of Doors Prohibited.

Sec. 1. It shall be unlawful for any person, firm or corporation engaged in the business of operating any motor vehicle on the highways of this state for carrying passengers for hire, to lock the doors of any such motor vehicle or permit the same to be locked at any time while any passenger or passengers are aboard any such motor vehicle in such a manner as to prevent such doors being readily opened by such passengers. History:1931, Act 191, Eff. Sept. 18, 1931 ;-- CL 1948, 256.531

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 191 of 1931 - Locking of Doors (256.531 - 256.532)Section 256.532 - Violation of Act; Penalty.

Sec. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding 100 dollars or by imprisonment in the county jail not exceeding 90 days or by both such fine and imprisonment in the discretion of the court. History:1931, Act 191, Eff. Sept. 18, 1931 ;-- CL 1948, 256.532

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.621 - Short Title.

Sec. 1. This act shall be known and may be cited as the "driver education provider and instructor act". History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.623 - Definitions; a to D.

Sec. 3. As used in this act: (a) "Adult driver training" means instruction that is provided to an individual 18 years of age or older in the operation of a motor vehicle, other than a commercial motor vehicle as defined in section 7a of the Michigan vehicle code, 1949 PA 300, MCL 257.7a. (b) "Behind-the-wheel instruction" means instruction to which either of the following applies: (i) A student is

in control of a motor vehicle on a public street or highway in real and varied traffic situations and a driver education instructor is the only other occupant in the front passenger seating area with the student. (ii) An entry-level driver has actual control of a motor vehicle's power unit during a lesson conducted on a range. (c) "Classroom instruction" means that part of a driver education course that occurs in a classroom environment that enables a student to learn through varied instructional methods, under the direct guidance of a driver education instructor. (d) "Commercial vehicle driver training" means instruction equivalent to or exceeding entry-level driver training in 49 CFR part 380 that is provided to operate a commercial motor vehicle as that term is defined in section 7a of the Michigan vehicle code, 1949 PA 300, MCL 257.7a. (e) "Conviction" means a conviction for a crime or attempted crime whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state. (f) "Coordinated segment 1 driver education course" means a segment 1 course provided by 2 or more certified driver education providers in the use of auxiliary aids and services as that term is defined in 42 USC 12103. (g) "Curriculum" means a written plan that guides the instruction given in a driver education course and includes performance objectives, a content outline, detailed learning activities, and assessment tools. (h) "Designated representative or coordinator" means the individual that a driver education provider employs, enlists, or appoints, or contracts with to supervise, manage, and administer the day-to-day responsibilities of the provider's driver education school operation. Often this individual is an owner, partner, officer, or director of the driver education provider. (i) "Driver education course" means a program of study offered by a certified driver education provider, that enables a student to acquire the basic knowledge, skill, and attitude necessary to operate a motor vehicle upon a highway transportation system. (j) "Driver education course certificate of completion" means a written or electronic authorization issued by a certified driver education provider to a student who has successfully completed segment 1, segment 2, or entry-level driver training of a driver education course offered by the provider. (k) "Driver education instructor" means a person who the secretary of state certifies has met the instructor qualifications of this act to instruct a student in a driver education course. (l) "Driver education instructor certificate" means a written or electronic authorization issued by the secretary of state to indicate that a person has met the instructor qualifications of this act to instruct a student in a driver education course. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.625 - Definitions; D to M.

Sec. 5. As used in this act: (a) "Driver education instructor preparation program" means a program of driver education instructor preparation courses offered by a college or university or by a person approved by the secretary of state. (b) Except as otherwise provided in this act, "driver education instructor preparation courses" means the courses that are required to obtain a driver education instructor certificate. (c) "Driver education provider" or "provider" means a person that meets the requirements in subparagraph (i), if not excluded under subparagraph (ii), as follows: (i) Maintains or obtains the facilities and certified instructors to give instruction in the driving of a motor vehicle or maintains or obtains the facilities and certified instructors to prepare an applicant for an exam given by the secretary of state for a license as defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25, or a vehicle endorsement issued under section 312e of the Michigan vehicle code, 1949 PA 300, MCL 257.312e. (ii) Driver education provider does not include a person that provides instruction as follows: (A) Only for the benefit of its employees if that instruction is not open to the public. (B) In the driving or operating of a motorcycle as defined in section 31 of the Michigan vehicle code, 1949 PA 300, MCL 257.31, or the preparing of an applicant for an exam given by the secretary of state for a motorcycle endorsement issued under section 312a of the Michigan vehicle code, 1949 PA 300, MCL 257.312a. (C) On an unpaid, casual basis to a relative or friend, that excludes commercial vehicle use or instruction. (d) "Driver education provider certificate" means a written or electronic authorization issued by the secretary of state to indicate that a person has met the driver education provider qualifications of this act. (e) "Educational institution" means a public school, nonpublic school, or public school academy as those terms are defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5; a consortium that is defined to mean a partnership, association, or alliance of 2 or more school districts in a common venture; a community college, a 4-year college, a university, or any other body of higher education. (f) "Established office location" means a building that meets all of the following requirements: (i) Is of a permanent nature where the provider's communications and notices are received. (ii) Is heated, lighted, and ventilated and contains appropriate space to properly store and preserve the information, records, or other documents required to be maintained under this act. (iii) Complies with applicable zoning and municipal requirements. (g) "Governmental agency" means an agency of the federal government, a state government, a county, city, village, or township, or a combination of any of these entities. (h) "Graduated driver license" means a license issued by the secretary of state under section 310e of the Michigan vehicle code, 1949 PA 300, MCL 257.310e. (i) "Multiple vehicle driving facility" means that part of a driver education course that enables the driver education instructor, from a position outside the vehicle, and using electronic or oral communication, to teach and supervise several students simultaneously, each of whom is operating a vehicle at an off-street facility specifically designed for that type of instruction. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.627 - Definitions; P to T.

Sec. 7. As used in this act: (a) "Performance objective" means a certain level of knowledge and skill a student is expected to acquire to successfully complete a driver education course. (b) "Person" means an individual, partnership, corporation, association, limited liability company, educational institution, governmental agency or other legal or commercial entity, and their legal successors. (c)

"Practicum" means classroom and behind-the-wheel instruction in a driver education course under the direction of an instructor employed, enlisted, or appointed by a college or university or by a person approved by the secretary of state and a cooperating instructor, providing practical application of theory and experience for a student in an approved driver education instructor preparation program. As used in this subdivision, "cooperating instructor" means a driver education instructor approved by the secretary of state to participate in a practicum course to mentor an uncertified driver education instructor in the practicum. (d) "Professional development requirements" means training prescribed by the secretary of state to update the instructional knowledge and skill of a driver education instructor. (e) "Revocation" means the termination of a driver education provider's certification or a driver education instructor's certification. (f) "Segment 1" means a teen driver education course that meets the requirements in section 37. (g) "Segment 2" means a teen driver education course that meets the requirements in section 39. (h) "Simulator device training" means that part of a driver education course where a driver education instructor uses interactive simulator units and programs to reproduce driving situations likely to occur in actual driving on a street and the student is required to evaluate risk, make decisions, and respond to the situations presented. (i) "Suspension" means the temporary withdrawal of a person's certification to engage or offer to engage in activities as a driver education provider or a driver education instructor during the period of suspension. (j) "Teen driver training" means driver training instruction provided through a segment 1 or segment 2 driver education course that allows an individual 17 years of age or less to apply for a level 1 or level 2 graduated driver license. (k) "Theory instruction" means that term as defined in 49 CFR 380.605. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.629 - Driver Education Provider Certificate; Application; Classifications; Investigation; Eligibility Requirements; Evidence; Bond or Renewal Certificate; Stipulation of Agreement to Service of Process; Applicability of Subsection (3); Classroom Facility; Liability Insurance; Multiple Driving Facility; Orientation and Education Program; Fees.

Sec. 9. (1) A person may apply to the secretary of state for a driver education provider certificate in 1 or more of the following classifications: (a) Adult driver training. (b) Teen driver training. (c) Commercial vehicle driver training. (2) The secretary of state shall not grant an original driver education provider certificate under this act until an investigation is made of the applicant's qualification. (3) Except as provided in this act, an applicant must do or submit evidence that he or she has done or will do, as applicable, all of the following to be eligible to receive a driver education provider certificate: (a) Submit a properly completed application signed by the applicant. (b) Maintain an established office location. (c) Maintain classroom facilities in a public or commercial setting. (d) Maintain the surety bond required under this section. (e) Require each of their designated representatives or coordinators to complete a criminal history check as described in section 29. (f) Provide the name and address of each designated representative or coordinator of the applicant, if applicable. (g) Provide the name, address, date of birth, and Social Security number of each owner or partner and, if a corporation, of each of the principal officers. (h) Provide a statement of the previous history, record, and associations of the applicant and of each owner, partner, officer, director, and designated representative or coordinator. The statement must be sufficient to establish to the satisfaction of the secretary of state the business reputation and character of the applicant. (i) Provide a statement indicating whether the applicant or its designated representative or coordinator has ever applied for a driver education provider certificate in this state or any other state, and the result of that application. (j) Provide a statement indicating whether the applicant or its designated representative or coordinator has ever been denied a driver education provider certificate or has ever been the holder of a certificate that was suspended or revoked. (k) If the applicant is a corporation or partnership, provide a statement indicating whether a partner, employee, officer, director, or its designated representative or coordinator has ever been denied a driver education provider certificate or has ever been the holder of a certificate that was suspended or revoked. (l) Certify that the applicant or another person named on the application is not acting as the alter ego of any other person or persons in seeking the certificate. For the purpose of this subdivision, "alter ego" means a person that acts for and on behalf of, or in the place of, another person for purposes of obtaining a driver education provider certificate. (m) Affirm that the established office location meets all applicable zoning and municipal requirements. (n) Obtain written or electronic verification from the state fire marshal or his or her representative that the proposed classroom facilities have been inspected and approved by the state fire marshal or his or her representative according to state and local building code and public occupancy requirements. (o) Obtain written or electronic verification from an insurer that the applicant maintains or will maintain bodily injury and property damage liability insurance on each motor vehicle used in a driver education course. (p) Except as otherwise provided in this subdivision, submit a nonrefundable application processing fee with each application for a separate established place of business where records will be maintained as follows: (i) $225.00 for a driver education provider that offers adult or teen driver training. (ii) $360.00 for a driver education provider that offers commercial vehicle driver training. (iii) A fee is not required for an additional location that is used for the sole purpose of conducting classroom instruction and at which records are not maintained, enrollments are not made, and staff is not ordinarily assigned, except for the purpose of conducting classroom instruction. (q) Provide a statement indicating whether the applicant will use a multiple vehicle driving facility in a driver education course. If a facility will be used, all of the following apply, as applicable: (i) The statement must include a detailed description of the facility as determined necessary by the secretary of state and its address. (ii) The facility range must be large enough to accommodate any driver skills testing maneuver required by 49 CFR part 380. The facility range may be reset between maneuvers as necessary to complete all required maneuvers. (iii) A multiple vehicle driving facility review and approval fee of $125.00 must accompany the applicant's

application for a driver education provider certificate. (r) Provide other information and documents as prescribed by the secretary of state necessary to determine whether the applicant meets the requirements of this act. (4) An application for an original driver education provider certificate must include a properly executed surety bond or renewal certificate with the application. If a renewal certificate is used, the bond is considered renewed for each succeeding year in the same amount and with the same effect as an original bond. The bond or certificate must be maintained continuously without interruption to protect the contractual rights of students. The bond or certificate of an adult or teen driver education provider with 999 or fewer students in a calendar year must be in the principal sum of $20,000.00 with good and sufficient surety to be approved by the secretary of state. The bond or certificate of an adult or teen driver education provider with 1,000 or more students in a calendar year must be in the principal sum of $40,000.00 with good and sufficient surety to be approved by the secretary of state. The bond or certificate of a commercial vehicle driver education provider must be in the principal sum of $50,000.00 with good and sufficient surety to be approved by the secretary of state. The bond must indemnify or reimburse a student, financing agency, or governmental agency for monetary loss caused through fraud, cheating, or misrepresentation in the conduct of the driver education provider's business where the fraud, cheating, or misrepresentation was made by the provider or by an employee, agent, instructor, or salesperson of the provider. The surety shall make indemnification or reimbursement for a monetary loss only after judgment based on fraud, cheating, or misrepresentation has been entered in a court of record against the provider. The aggregate liability of the surety must not exceed the sum of the bond. The surety on the bond may cancel the bond by giving 30 days' written or electronic notice to the secretary of state and after giving notice is not liable for a breach of condition occurring after the effective date of the cancellation. (5) A driver education provider that offers adult driver training, teen driver training, and commercial vehicle driver training shall furnish a separate bond for each driver education provider certificate issued by the secretary of state to the applicant. When the secretary of state receives written or electronic notice that a driver education provider's surety bond required under subsection (4) or insurance coverage required under subsection (10) has been canceled, the secretary of state shall notify the provider that the provider's certificate will be automatically canceled unless the secretary of state receives a new surety bond or a new insurance certificate within 30 days or less. If the provider fails to submit a new surety bond or insurance certificate to the secretary of state within 30 days or less, the secretary of state may automatically cancel the provider's certificate. A driver education provider that changes or terminates the provider's surety bond or the insurance coverage before the expiration date of the bond or insurance coverage shall immediately furnish the secretary of state with written or electronic notice as prescribed by the secretary of state of that change or termination and proof of a new bond or insurance coverage. (6) As a condition precedent to the granting of a certificate, an applicant must file with the secretary of state, on a form prescribed by the secretary of state, an irrevocable written or electronic stipulation. The stipulation must be signed by the applicant and state that the applicant agrees that legal process affecting the applicant, served on the secretary of state against the applicant or the applicant's successor in interest for a violation of this act, a rule promulgated under this act, or an order issued under this act, has the same effect as if personally served on the applicant. This appointment remains in force as long as the provider has any outstanding liability within this state under this act. (7) Subsections (3)(d), (g), and (p) and (4) do not apply to an educational institution or a governmental agency. (8) Subsection (3)(c) does not apply to a classroom location currently in use that was approved by the secretary of state in writing before October 1, 2006. (9) A classroom facility may not be located in a person's residence or a structure attached or adjacent to the person's residence unless the classroom facility was used and approved by the secretary of state in writing before October 1, 2006. (10) A driver education provider shall maintain bodily injury and property damage liability insurance on a motor vehicle used in driver education course instruction. The insurance must insure the liability of the driver education provider, the driver education instructors, and a person taking instruction in the amount of $100,000.00 for bodily injury to or the death of 1 person in 1 accident, and, subject to the limit for 1 person; $300,000.00 for bodily injury to or the death of 2 or more persons in 1 accident; and $50,000.00 for damage to the property of others in 1 accident. The insurer shall be authorized to do insurance business in this state. The insurer shall not cancel the insurance before its expiration date unless it gives the secretary of state written or electronic notice as prescribed by the secretary of state of the insurer's intent to cancel the insurance at least 30 days before the cancellation. (11) The secretary of state shall review and, in writing, approve or deny the use of a multiple vehicle driving facility under this act as determined necessary by the secretary of state. The secretary of state shall only approve a facility if it meets criteria prescribed by the secretary of state. The secretary of state shall perform an on-site inspection of a multiple vehicle driving facility as determined necessary by the secretary of state. (12) The secretary of state may develop and prescribe an orientation and education program that a person must complete before the secretary of state issues that person an original driver education provider certificate under section 13. (13) Nonrefundable application processing and multiple vehicle driving facility review and approval fees collected under this section must be deposited into the driver education provider and instructor fund created in section 83. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.631 - Renewal Application; Criminal History Check; Effect of Expired Certificate; Review and Approval or Denial of Multiple Vehicle Driving Facility; Fees.

Sec. 11. (1) A certified driver education provider may apply for the renewal of a driver education provider certificate. The renewal application must be submitted to the secretary of state every other year in a format and as prescribed by the secretary of state. A renewal application must include all of the following: (a) A properly completed application signed by the applicant. (b) A nonrefundable application processing fee as follows: (i) $225.00 for a driver education provider that offers adult or teen driver training. (ii) $360.00 for a driver education provider that offers commercial vehicle driver training. (c) If applicable, either of the

following: (i) A certification that the applicant has used a multiple vehicle driving facility in a driver education course and that the facility has not been altered or changed since the secretary of state inspected that facility after October 1, 2006. A nonrefundable multiple vehicle driving facility review and approval fee of $75.00 must accompany the applicant's application for a renewal of its driver education provider certificate. (ii) A statement that the applicant will use a multiple vehicle driving facility in a driver education course, a detailed description of the facility as determined necessary by the secretary of state, and its address. A multiple vehicle driving facility review and approval fee of $125.00 must accompany the applicant's application for a renewal of its driver education provider certificate. (d) Other information and documents prescribed by the secretary of state as needed to determine whether the applicant meets the requirements of this act. (2) The designated representative or coordinator of a certified driver education provider shall complete a criminal history check as described in section 29 to the satisfaction of the secretary of state every 4 years on an application to renew the driver education provider's certificate. (3) If the secretary of state receives a properly completed renewal application before the applicant's driver education provider's current certificate expires, the certificate continues in full force and effect until the secretary of state either approves or denies the renewal application. If the secretary of state does not receive a properly completed renewal application before the driver education provider certificate expires, the driver education provider shall not offer to engage or engage in the activity of a driver education provider until the secretary of state issues the holder of the expired certificate an original or renewal driver education provider certificate as provided in this act. (4) The secretary of state shall not issue a renewal certificate more than 30 days after a driver education provider certificate expires unless the provider has submitted a properly completed renewal application within 30 days after the certificate's expiration date. A provider that applies for a certificate renewal later than 30 days after the certificate expires shall apply to the secretary of state for an original driver education provider certificate. (5) The secretary of state shall review and, in writing, approve or deny the use of a multiple vehicle driving facility under this act as determined necessary by the secretary of state. The secretary of state may only approve a facility that meets criteria prescribed by the secretary of state. The secretary of state shall perform an on-site inspection of a multiple vehicle driving facility as determined necessary by the secretary of state. (6) Subsection (1)(b) does not apply to an educational institution or a governmental agency. (7) Nonrefundable application processing and multiple vehicle driving facility review and approval fees collected under this section must be deposited into the driver education provider and instructor fund created under section 83. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.633 - Original or Renewal Driver Education Provider Certificate; Issuance; Identifying Number; Classification; Validity; Duration; Transfer or Assignment Prohibited.

Sec. 13. (1) The secretary of state may issue an original or renewal driver education provider certificate if the secretary of state is satisfied the applicant meets the requirements for that certificate under this act. A driver education provider that conducts commercial vehicle driver training must be registered with the Federal Motor Carrier Safety Administration through the training provider registry. The secretary of state may assign an identifying number to a driver education provider and put that number on the provider's certificate. The secretary of state may indicate the adult, teen, or commercial vehicle driver training classification applicable on the driver education provider's certificate. (2) A driver education provider certificate issued under this act is valid for 2 years. The original expiration date is exactly 2 years from the date the secretary of state issues the provider an original certificate. A provider's renewal certificate expires 2 years after its issuance on the same day and month that the original certificate expired. (3) A person shall not transfer or assign a driver education provider certificate to another person, and any purported transfer or assignment is not effective. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.635 - Change in Owner, Partner, Officer, Director, or Designated Representative or Coordinator; Change in Address; Notification; Duties of Person Who Stops Operating as Driver Education Provider; Noncompliance as Misdemeanor; Penalty.

Sec. 15. (1) A driver education provider shall immediately notify the secretary of state in a manner prescribed by the secretary of state of a change in an owner, partner, officer, director, or the designated representative or coordinator of the provider. Immediately upon notifying the secretary of state, the provider shall also submit a request to the department of state police for a criminal history check as described in section 29 of the changed owner, partner, officer, director, or the designated representative or coordinator of the provider. (2) A driver education provider shall immediately notify the secretary of state in a manner prescribed by the secretary of state of a change of address for the established office location or the classroom facilities of the provider. The provider shall also submit with that address change notification any information, record, report, or other document prescribed by the secretary of state or required under this act. (3) A person who stops operating as a driver education provider or no longer qualifies as a certified driver education provider shall immediately in a format prescribed by the secretary of state do all of the following: (a) Return the certificate issued under section 13 to the secretary of state. (b) Prepare a final inventory listing each segment 1 or segment 2 driver education course certificate of completion that the secretary of state issued to the provider during the past year. (c) Return to the secretary of state each segment 1 or segment 2 driver education course certificate of completion in the provider's possession that the provider did not issue to a student. (d) Inform the secretary of state of the location where the information, records, or other documents that the provider is required to maintain under this act will be stored for no less than 4 years after the provider stops operating as a driver education provider or fails to qualify for certification as a provider. (4) A person who fails to immediately

comply with subsection (3)(a), (b), or (c) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $2,000.00, or both. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.637 - Driver Education Instructor Certificate; Classification; Investigation; Evidence; Stipulation of Agreement to Service of Process; Photograph of Applicant; Expiration; Misdemeanor; Penalty; Completion of Orientation and Education Program; Preparation Courses; Behind-the-Wheel Commercial Vehicle Driver Instructor Certificate; Theory Commercial Vehicle Driver Instructor Certificate.

Sec. 17. (1) A person may apply to the secretary of state for a driver education instructor certificate in 1 or more of the following classifications: (a) Adult driver training. (b) Teen driver training. (c) Commercial vehicle driver training. (2) The secretary of state shall not issue an original driver education instructor certificate under this act until an investigation is made of the applicant's qualification under this act. (3) The secretary of state may issue a person an adult or teen driver education instructor certificate if the person presents satisfactory evidence to the secretary of state in a format and as prescribed by the secretary of state that the person meets all of the following requirements: (a) Submits a properly completed application signed by the applicant. (b) Is not less than 21 years of age on the date of application. (c) Provides the applicant's driver license number. (d) Possesses a valid driver license that has been in continuous effect for not less than 5 years immediately preceding the application. (e) Provides a statement indicating whether the applicant has ever applied for a driver education instructor certificate in this state or any other state, and the result of that application. (f) Provides a statement indicating whether the applicant has ever been the holder of a driver education instructor certificate that was revoked or suspended, in this state or any other state. (g) Completes a criminal history check as described in section 29 to the satisfaction of the secretary of state. (h) Certifies that the applicant does not have a pending criminal matter or an outstanding arrest, warrant, or conviction since submitting a request for a criminal history check under section 29. (i) Submits a nonrefundable application processing fee of $45.00. (j) Submits a certified medical examination report that is not older than 90 days and that is prepared by a physician, a physician's assistant, or a certified nurse practitioner licensed to practice in this state or in the applicant's state of residence. The report must include a statement by the person that certified the report that the applicant is medically qualified to operate a motor vehicle and to train others to operate a motor vehicle. (k) Until December 31, 2007, for an original application for a driver education instructor certificate for teen driver training, submits an official transcript from an approved college or university that currently offers driver education instructor preparation programs. Beginning January 1, 2008, for an original application for a driver education instructor certificate for teen or adult driver training, submits an official transcript from an approved college, university, or person to verify the completion of the driver education instructor preparation courses required under the driver education instructor preparation program described in section 23. Except for a driver education instructor issued a temporary approval under former 1974 PA 369, an applicant approved as a driver education instructor by the secretary of state before December 31, 2007 is considered to have complied with this transcript requirement. (l) An applicant who is not a resident of this state shall submit an up-to-date certified driving record from the applicant's state of residence to the secretary of state. The applicant shall agree in writing or electronically as prescribed by the secretary of state to submit an up-to-date certified driving record every 60 days for as long as the applicant is not a resident of this state. (m) Other information and documents prescribed by the secretary of state to determine an applicant's qualifications for certification under this section. (4) As a condition precedent to the granting of a certificate, an applicant shall file with the secretary of state, on a form prescribed by the secretary of state, an irrevocable written or electronic stipulation. The stipulation must be signed by the applicant and state the applicant agrees that legal process affecting the applicant, served on the secretary of state against the applicant or the applicant's successor in interest for a violation of this act, a rule promulgated under this act, or an order issued under this act, has the same effect as if personally served on the applicant. This appointment remains in force as long as the applicant has any outstanding liability within this state under this act. (5) The secretary of state may require an applicant to submit a photograph of the applicant, may prescribe the size and format of the photograph, and may include a reproduction of the photograph on the driver education instructor certificate. The secretary of state may receive the applicant's written or electronic permission to use the image of the applicant captured and retained under section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307, on the driver education instructor certificate. (6) A person who engages or offers to engage in activity as a driver education instructor before being certified by the secretary of state is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $2,000.00, or both. (7) The secretary of state may develop and prescribe an orientation and education program that a person must complete before receiving an original driver education instructor certificate issued under this act. (8) Beginning December 31, 2007, an applicant for an original driver education instructor certificate is required to complete the driver education instructor preparation courses described in section 23. This subsection does not apply to an applicant for a driver education instructor certificate to conduct commercial vehicle driver training. (9) The secretary of state may issue a person a behind-the-wheel commercial vehicle driver instructor certificate for behind-the-wheel instruction if, as prescribed by the secretary of state, the person presents satisfactory evidence that the person meets the requirements of a behind-the-wheel instructor as defined in 49 CFR 380.605. (10) The secretary of state may issue a person a theory commercial vehicle driver instructor certificate for theory instruction if, as prescribed by the secretary of state, the person presents satisfactory evidence that the person meets the requirements of a theory instructor as defined in 49 CFR 380.605. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act

(256.621 - 256.705)Section 256.639 - Original or Renewal Driver Education Instructor Certificate; Issuance; Requirements; Display of Driver Education Certificate Card.

Sec. 19. (1) The secretary of state may issue a person an original or renewal driver education instructor certificate if the secretary of state is satisfied that the person meets the requirements for that certificate under this act. A certificate may include the following: (a) The name of the instructor. (b) An image of the instructor. (c) An identification number assigned to the instructor. (d) One or more driver education training classifications. (e) Other information determined necessary by the secretary of state. (2) A driver education instructor shall display the driver education instructor certificate card issued by the secretary of state to that instructor at all times while providing instruction to a student. A driver education instructor shall provide a copy of his or her certificate to a driver education provider who utilizes the instructor's services. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.641 - Renewal of Driver Education Instructor Certificate; Application; Format; Effect of Expired Certificate; Criminal History Check; Validity and Duration of Certificate; Fee.

Sec. 21. (1) A certified driver education instructor may apply to the secretary of state for renewal of his or her driver education instructor certificate. The application shall be in a format as prescribed by the secretary of state and shall include all of the following: (a) A properly completed application signed by the applicant. (b) A certification that the applicant complies with the professional development requirements of this act and any additional verification regarding compliance with the professional development requirements of this act as prescribed by the secretary of state. (c) A nonrefundable application processing fee of $45.00. (d) Every 2 years, a new certified medical examination report that is not older than 90 days and that is prepared by a physician, a physician's assistant, or a certified nurse practitioner licensed to practice in this state or in the applicant's state of residence. The report shall include a statement by the person that certified the report that the applicant is medically qualified to operate a motor vehicle and to train others to operate a motor vehicle. (e) Other information and documents prescribed by the secretary of state. (2) If the secretary of state receives a properly completed renewal application before the applicant's driver education instructor's current certificate expires, the certificate continues in full force and effect until the secretary of state either approves or denies the renewal application. If the secretary of state does not receive a properly completed renewal application before the driver education instructor certificate expires, the driver education instructor shall not offer to engage or engage in the activity of a driver education instructor until the secretary of state issues the holder of the expired certificate an original or renewal driver education instructor certificate as provided in this act. (3) The secretary of state shall not issue a renewal certificate more than 30 days after a driver education instructor certificate expires unless the instructor has submitted a properly completed renewal application within 30 days after the certificate's expiration date. An instructor that applies for a certificate renewal later than 30 days after the certificate expires shall apply to the secretary of state for an original driver education instructor certificate. (4) A certified driver education instructor shall complete a criminal history check as described in section 29 to the satisfaction of the secretary of state every 4 years on a renewal application for a driver education instructor certificate. (5) A driver education instructor certificate issued under this act is valid for 2 years. The original expiration date is exactly 2 years from the date the secretary of state issues the instructor an original certificate. An instructor's renewal certificate expires 2 years after its issuance on the same day and month that the original certificate expired. (6) A nonrefundable application processing fee collected under this section shall be deposited into the driver education provider and instructor fund created under section 83. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.643 - Driver Education Instructor Preparation Program.

Sec. 23. (1) A college or university or a person approved by the secretary of state may present a driver education instructor preparation program. A college, university, or person shall not offer to engage or engage in the activity of presenting a driver education instructor preparation program without the prior approval of the secretary of state. (2) A college, university, or person may apply to the secretary of state for approval to conduct a driver education instructor preparation program. A college, university, or person seeking approval shall present satisfactory evidence to the secretary of state as prescribed by the secretary of state that the college's, university's, or person's proposed program meets the requirements of this section. (3) The secretary of state shall review and approve a driver education instructor preparation program that meets the requirements of this section. The secretary of state shall give the college, university, or person requesting approval a written notice of the secretary of state's approval or denial, including the reason for any denial. (4) The secretary of state shall prepare a driver education instructor preparation program guide as a model for how to conduct a driver education instructor preparation program. The model program guide must identify the content of each course identified in subsection (7). (5) Beginning September 1, 2007, a driver education instructor preparation program must consist of not less than 4 driver education preparation courses. (6) A college, university, or person seeking approval of a driver education instructor preparation course shall present evidence satisfactory to the secretary of state that the proposed course meets the requirements of this section. The secretary of state shall review a driver education instructor preparation course and determine whether that course meets the requirements of this act. The secretary of state shall prescribe the administration and curriculum of a driver education instructor preparation course. The secretary of state shall give the college, university, or person requesting approval written notice of the secretary of state's approval or denial, including the reason for any denial. (7) A driver education instructor preparation program must consist of not less than 4 driver education instructor preparation courses. The 4

required courses must each concentrate on only 1 of the following concepts, and all of the following concepts must be covered in the minimum 4 courses required: (a) Driver task analysis. (b) Developing classroom and program knowledge. (c) Developing vehicle operation skills. (d) Practicum. (8) A driver education instructor preparation course must consist of not less than 2 semester hours per course or the equivalent of not less than 2 semester hours per course as approved by the secretary of state. A driver education instructor preparation course must extend for not less than 3 weeks. (9) An instructor who teaches a driver education instructor preparation course shall meet the following requirements: (a) Have a master's degree in education from an accredited college or university. (b) Hold a valid driver education instructor certificate issued by the secretary of state. (c) Any other requirement the secretary of state determines is necessary to determine instructor qualifications. (10) A college, university, or person approved by the secretary of state that offers a driver education instructor preparation course shall include in the course registration material information explaining the driver education instructor qualifications required under this act. (11) The secretary of state shall review each driver education instructor preparation program approved under this section at least once every 3 years. (12) A driver education preparation course credit earned through a college, university, or another entity in another state may be accepted on the same basis as the equivalent credit earned through a driver education instructor preparation program conducted by a college or university or by a person approved by the secretary of state, if approved by the secretary of state. A person seeking approval of a driver education course credit earned in another state shall present satisfactory evidence to the secretary of state that the other state's course substantially meets the requirements of this state. The secretary of state shall review a driver education preparation course credit earned in another state and determine whether that course content meets the requirements of this act. The secretary of state shall give the person a written notice of the secretary of state's approval or denial, including the reason for any denial. (13) This section does not apply to an applicant for a driver education instructor certificate that is limited to the commercial vehicle driver training classification. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.645 - Conditional Driver Education Instructor Certificate; Issuance; Requirements.

Sec. 25. (1) A person shall not participate in a practicum course conducted by a college or university or by a person approved by the secretary of state unless the person possesses a conditional driver education instructor certificate. (2) A person shall apply to the secretary of state for a conditional driver education instructor certificate. The secretary of state may issue a person a conditional driver education instructor certificate after the person presents satisfactory evidence to the secretary of state that the applicant complies with both of the following: (a) Meets all of the driver education instructor application requirements under section 17 except for completion of a practicum course. (b) Is enrolled in a practicum course conducted by a college or university or by a person approved by the secretary of state. (3) This section does not apply to an applicant for a driver education instructor certificate that is limited to the commercial vehicle driver training classification. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.647 - Professional Development Requirements; Establishment; Publication; Provisions.

Sec. 27. Beginning January 1, 2008, the secretary of state shall establish professional development requirements for a certified driver education instructor. The secretary of state shall publish the requirements in a format and manner prescribed by the secretary of state. Professional development requirements shall provide the following: (a) The criteria a driver education instructor shall follow to select an activity to meet the professional development requirements. (b) The date by which an instructor shall complete the professional development requirements. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.649 - Criminal History Record Information Check.

Sec. 29. (1) A fingerprint-based criminal history check required under this act shall be performed by the department of state police and the federal bureau of investigation. (2) A person required to have a criminal history record information check shall submit his or her fingerprints and send a request for a criminal history record information check to the department of state police in a format and method determined by the department of state police. The person shall send the fees required by the department of state police and the federal bureau of investigation to conduct the criminal history check with his or her request for a criminal history record information check. (3) The department of state police shall conduct a criminal history record information check within 45 days after receiving a proper request and the required fee for a criminal history record information check under this section. After conducting the criminal history record information check and within that same 45 days, the department of state police shall provide the secretary of state with a report of the criminal history record information check. The report shall contain any criminal history record information on the person maintained by the department of state police. (4) Except as otherwise provided in this act, the secretary of state shall not approve an original or renewal driver education provider or driver education instructor certificate before receiving and reviewing the applicable criminal history record information checks from the department of state police and the federal bureau of investigation. (5) The secretary of state shall use criminal history record information received under this act only for evaluating an applicant's qualifications to receive a driver education provider or driver education instructor certificate under this act. The secretary of state shall discuss the report or its contents only with staff of the department of state police or a person who was involved in the prosecution of a criminal matter noted in a report for purposes of clarifying whether an offense is a crime described in section 59. A

person who uses criminal history record information in violation of this subsection is guilty of a misdemeanor punishable by a fine of not more than $10,000.00. (6) As used in this section, "criminal history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2012, Act 258, Imd. Eff. July 2, 2012

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.651 - Use of Motor Vehicle; Requirements.

Sec. 31. (1) A motor vehicle used by a driver education provider shall: (a) Comply with the motor vehicle safety standards required under both federal law and the laws of this state when used as a driver educationvehicle. (b) Display an identity, in a size and design prescribed by the secretary of state, that the vehicle is used in a driver education course. (c) Display a driver education provider's identity, in a size and design prescribed by the secretary of state, that uses the vehicle in a driver education course. (2) A driver education provider shall not allow a driver education instructor to use a motor vehicle in a driver education course with more occupants than the number of safety belts installed in the vehicle. (3) A passenger motor vehicle used by a driver education provider in a driver education course shall be a dual-controlled vehicle. For the purpose of this subsection, a "dual-controlled vehicle" means a motor vehicle that is equipped with a duplicate brake or, if applicable, a duplicate brake and clutch pedal that is positioned on the right front floorboard of the vehicle. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.653 - Teen Driver Training; Duties of Driver Education Provider.

Sec. 33. A driver education provider issued a driver education provider certificate that is classified for teen driver training under this act shall comply with all of the following: (a) Verify that a person enrolled in a driver education course complies with the following: (i) Is 14 years, 8 months of age or older before beginning a segment 1 curriculum. A student's initial attendance or participation in a class shall not begin or commence on a date after the first day of that scheduled class without good cause. Except as otherwise provided in this subsection, the student being less than 14 years and 8 months on the first day of class is not good cause. (ii) If less than 14 years, 8 months of age, that the secretary of state has issued the person an approval, as prescribed by the secretary of state, for a minor restricted driver license under section 312 of the Michigan vehicle code, 1949 PA 300, MCL 257.312. (iii) Meets the physical or mental requirements for a motor vehicle operator's license under section 309 of the Michigan vehicle code, 1949 PA 300, MCL 257.309. (b) Provide a driver education course that has been approved by the secretary of state under this act. (c) Administer a knowledge test approved by the secretary of state under this act to each student at the completion of a driver education course in accordance with the standards prescribed by the secretary of state under this act. (d) For a student or customer who is less than 18 years of age, sign a written agreement with the student or customer or the student's or customer's parent or legal guardian. The agreement shall provide that the driver education provider shall have not less than 2 students in the vehicle used by the student or customer during behind-the-wheel instruction. A student's or customer's parent or legal guardian may waive this requirement only in writing. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.655 - Teen Driver Training; Model Curriculum.

Sec. 35. (1) The secretary of state shall prescribe a model curriculum for teen driver training under this act. After September 1, 2007, a driver education provider classified for teen driver training shall use the secretary of state's prescribed model curriculum or may use an alternative curriculum only after it has been reviewed and approved by the secretary of state. The secretary of state may approve an alternative curriculum if it substantially meets or exceeds the standards of the secretary of state's prescribed model curriculum. (2) Under a segment 1 curriculum and segment 2 curriculum combined, each student shall receive no less than 30 hours of classroom instruction and 6 hours of behind-the-wheel driver education course experience. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2012, Act 258, Imd. Eff. July 2, 2012

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.657 - Driver Education Course; Segment 1 Curriculum; Teen Driver Training; Definitions; Section Known and Cited as "Nathan Bower act."

Sec. 37. (1) A segment 1 curriculum shall include both classroom and behind-the-wheel driver education course experience. The classroom instruction and behind-the-wheel instruction shall be integrated, relate to each other, and meet the following requirements: (a) Each student shall receive not less than 24 hours of classroom instruction. Classroom instruction shall be scheduled to occur as follows: (i) Classroom instruction shall occur not more than 2 hours per day. (ii) Classroom instruction shall occur over the course of 3 or more weeks. (iii) Classroom instruction of 4 or more hours shall be received before the student begins to receive behind-the-wheel instruction. (iv) Classroom instruction shall include not less than 1 hour of information concerning the laws pertaining to bicycles, motorcycles, and other vulnerable roadway users, including pedestrians, and shall emphasize awareness of their operation on the streets, roads, and highways of this state. The laws of this state pertaining to awareness of bicycles, motorcycles, and other vulnerable roadway users, including pedestrians, shall also be incorporated into other subject areas of the curriculum where appropriate. The requirements of this subparagraph apply to both the model curriculum and an approved curriculum described in section 35. The information required by this subparagraph may be incorporated into the segment 1

curriculum or the segment 2 classroom course described in section 39(b). (v) Classroom instruction shall include information concerning the proper actions to be taken by a driver during a traffic stop. (vi) Behind-the-wheel instruction of 3 or more hours shall be completed before classroom instruction terminates. (b) Each student shall receive not less than 6 hours of behind-the-wheel instruction or substitute hours permitted under this subsection. Behind-the-wheel instruction shall be scheduled to occur as follows: (i) A student shall receive not more than 1 hour of behind-the-wheel instruction per day. (ii) Not more than 1 student shall occupy the front seat of the vehicle with the instructor. (iii) A driver education motor vehicle shall contain not more than 4 students during behind-the-wheel instruction. (iv) Not later than 3 weeks after the last classroom instruction has been completed, a student shall complete any remaining required behind-the-wheel instruction. (v) Except as otherwise provided in this section, a student may receive instruction while operating a motor vehicle at a multiple vehicle driving facility. One hour of instruction received at a multiple vehicle driving facility may substitute as credit for 1 hour of behind-the-wheel experience. A maximum of 2 hours of behind-the-wheel experience can be substituted with instruction received at a multiple vehicle driving facility. (c) A student shall receive 4 or more hours of behind-the-wheel observation time. (2) A driver education provider classified for teen driver training shall not substitute behind-the-wheel instruction with multiple vehicle driving facility experience until the secretary of state gives the provider written approval for that substitution as provided in this act. (3) A driver education provider classified for teen driver training shall not substitute behind-the-wheel driving experience with simulator device training. (4) As used in this section: (a) "Integrated" means classroom and behind-the-wheel instruction scheduled to include a mix of classroom and behind-the-wheel instruction throughout the duration of the driver education course, except as otherwise provided in this section. (b) "Observation time" means the time a student in a driver education course sits in the rear seat of a vehicle and observes another student in the front seat behind the wheel operating the controls of the vehicle, responding to driving situations, and with an instructor sitting in the front seat. (5) This section shall be known and may be cited as the "Nathan Bower act". History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2014, Act 317, Eff. Mar. 31, 2015 ;-- Am. 2018, Act 276, Eff. Sept. 27, 2018 ;-- Am. 2018, Act 277, Eff. Mar. 29, 2019

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.659 - Segment 2 Curriculum Course.

Sec. 39. A segment 2 curriculum course provided under this act must meet all of the following requirements: (a) Be offered only to a student who has done all of the following: (i) Successfully completed a segment 1 curriculum driver education course. (ii) Held a valid level 1 graduated driver license for not less than 3 continuous months. (iii) Acquired 30 or more hours driving experience on a level 1 graduated driver license that includes, except as otherwise provided in this subparagraph, not less than 2 hours of night driving with a licensed parent or legal guardian, or with the permission of a parent or legal guardian, with any licensed driver who is 21 years of age or older. The nighttime hours requirement does not apply to a person who has been issued a graduated driver license that permits daylight driving only as provided in R 257.3 of the Michigan Administrative Code. (b) Contain 6 or more hours of classroom instruction that is scheduled so the student receives not more than 2 hours of classroom instruction per day. (c) Provide instruction explaining the right to make an anatomical gift in the event of death under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. Instructional materials to effectuate this subdivision must be developed in cooperation with the federally designated organ procurement organization for this state and must include information on how to join the state organ, tissue, and eye donor registry. The following apply to instruction provided under this subdivision: (i) If instruction material is provided at no cost to the driver education provider in an electronic medium and the provider uses a compatible type of electronic medium in providing instruction under this section, the provider shall show the instruction material to its students. (ii) If instruction material is provided at no cost to the driver education provider in the form of a brochure or other written material, the provider shall provide the material to its students. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2010, Act 16, Imd. Eff. Mar. 18, 2010 ;-- Am. 2019, Act 34, Imd. Eff. June 25, 2019

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.661 - Classroom Instruction; Number of Students; Limitation.

Sec. 41. (1) Except as otherwise provided in this section, a segment 1 or segment 2 classroom shall not contain more than 36 students when classroom instruction is given. (2) A segment 2 class size may exceed 36 students with the prior approval of the secretary of state. The secretary of state may approve a segment 2 class size to exceed 36 students for up to 60 minutes per day when justified by a special presentation. (3) The number of students in a class shall not exceed the number of students allowed by the fire marshal. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.663 - Driver Education Course Certificate of Completion; Issuance to Student.

Sec. 43. (1) A driver education provider classified to provide teen driver training shall issue a driver education course certificate of completion to a student who successfully passes a written knowledge test prescribed by the secretary of state for that segment and successfully completes the other course work for that segment. The secretary of state shall prescribe the knowledge test administered to a teen student, including establishing a passing score and the maximum number of times a student may take the test. (2) A driver education provider shall not issue a driver education course certificate of completion for segment 1 if the student is not eligible for a graduated driver license. (3) A driver education provider shall not issue a driver education course certificate of completion for segment 2 to a student unless the student has been issued a graduated driver license. (4) A driver education provider classified to

provide entry-level driver training shall issue a driver education course certificate of completion to a student who successfully passes theory or behind-the-wheel training prescribed in 49 CFR part 380, appendices A to F. A certificate of completion issued to an entry-level driver training student must contain the information outlined in 49 CFR 380.513 and 380.717. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.665 - Course Schedule Report, Course Completion Report; Requirements.

Sec. 45. (1) Before holding a class, a driver education provider shall file a projected driver education course schedule report with and as prescribed by the secretary of state. The course schedule report must contain: (a) The name of the school. (b) The dates and times of the class. (c) The classroom location. (d) The names of the instructors. (e) Any other information the secretary of state determines is needed to administer this act or ensure the health, safety, and welfare of a student or the public. (2) If a change occurs in the information contained in a report filed under subsection (1), the driver education provider shall immediately file an updated projected driver education course report with the secretary of state or later if authorized by the secretary of state. (3) Upon completion of a class, a driver education provider shall file a course completion report with and as prescribed by the secretary of state. The course completion report must contain: (a) The name of the school. (b) The dates the class was held. (c) The name, address, and birth date of each student issued a certificate of completion. (d) The inventory control number of each certificate of completion issued to a student. (e) Any other information the secretary of state determines is needed to administer this act or ensure the health, safety, and welfare of a student or the public. (4) A driver education provider classified for commercial vehicle driver training shall file a report with and as prescribed by the secretary of state on April 15 and October 15 of each year. Each report must contain: (a) The name, address, and driver license number of each student enrolled since the provider's last report under this subsection. (b) The name of each student who completed a training program. (c) Any other information the secretary of state determines is needed to administer this act or ensure the health, safety, and welfare of a student or the public. (5) A driver education provider shall file a year-end report with and as prescribed by the secretary of state on or before January 31 of each year. The year-end report must contain all of the following: (a) The name of the school. (b) The number of students who passed and failed each type of instruction given. (c) A list of the instructors who taught during the year. (d) A list of classroom locations utilized during the year. (e) The tuition charged for each type of instruction. (f) Any other information the secretary of state determines is needed to administer this act or ensure the health, safety, and welfare of a student or the public. (6) A driver education provider shall maintain a record of the instruction given to a student as prescribed by the secretary of state. A student instruction record must contain all of the following: (a) The dates and number of hours of classroom and behind-the-wheel instruction given the student, signed by the instructors that gave the instruction. (b) Complete registration and achievement records for the student. (c) A list of the student's payments for tuition, fees, and purchase or rental of supplies or equipment. (d) A copy of the signed contract between the school and the student. (e) The information contained on a course completion report for the student. (f) Any other information the secretary of state determines is needed to administer this act or ensure the health, safety, and welfare of a student or the public. (7) The secretary of state shall prescribe the manner and method that any information, forms, reports, and other documents required in this act are submitted to the secretary of state, including electronic submission. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.667 - Written Agreement Between Provider and Student; Terms.

Sec. 47. (1) A driver education provider shall have a written agreement with each of its students. A driver education provider shall not give instruction to a student until after the provider and the student have entered into the written agreement. The agreement shall be dated and signed by both the provider and the student. The agreement shall contain all the terms of the agreement between the provider and the student and include all of the following: (a) The student's name, address, birth date, and telephone number. (b) If the student is a minor, the parent's or legal guardian's name, address, and telephone number. (c) A description of the instruction to be given by that provider. (d) The amount of the fee or tuition charged and paid for the instruction. (e) A notice statement prescribed by the secretary of state. (f) Other information prescribed by the secretary of state. (2) Before instruction begins, the driver education provider shall give the student a signed copy of the agreement, accompanied by a copy of all of the provider's applicable policies. (3) This section does not apply to an educational institution or a governmental agency that does not charge a student a fee for driver education instruction. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.669 - Coordinated Segment 1 Driver Education Course; Approval of Secretary of State; Written Agreement Between Provider and Student; Terms.

Sec. 49. (1) The secretary of state may approve the giving of a coordinated segment 1 driver education course. A driver education provider shall not give a coordinated segment 1 driver education course without the prior written approval of the secretary of state. The provider shall file a request for approval with the secretary of state in a format as prescribed by the secretary of state. The secretary of state may review a request on a case-by-case basis. (2) A driver education provider shall not give instruction under this section until after the provider and the student have entered into a written agreement as provided in this subsection. The agreement shall be dated and signed by both the provider and the student. The agreement shall contain all the terms of agreement between the

provider and the student and include all of the following: (a) The student's name, address, birth date, and telephone number. (b) If the student is a minor, the parent's or legal guardian's name, address, and telephone number. (c) The name of each provider that will give instruction. (d) A description of the instruction that each provider will give. (e) A description of the assessment or test to be administered by each provider. (f) The amount of the fee or tuition charged and paid for the instruction. (g) The name of the provider responsible for issuing a segment 1 driver education course certificate of completion. (h) A statement of who is responsible for maintaining each part of the student's records as required under this act. (i) Other information prescribed by the secretary of state. (3) Before instruction begins, the driver education provider shall give the student a signed copy of the agreement. (4) This section does not apply to an educational institution or a governmental agency that does not charge a student a fee for driver education instruction. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.671 - Reports; Maintenance; Format; Manner; Availability; Failure to Comply; Duration.

Sec. 51. (1) The secretary of state may require that information, a record, or any document required to be maintained under this act be maintained in a format and manner prescribed by the secretary of state. (2) The secretary of state may prescribe the format, manner, and deadline for filing a report with the secretary of state under this act. Except as otherwise provided in this act, the secretary of state shall notify a person required to file a report with the secretary of state of the applicable filing deadline. The secretary of state shall provide that notice not less than 15 days before the report is due, unless the secretary of state has reason to believe the report is needed more quickly to protect the health, safety, and welfare of a student or the public or to properly administer this act. (3) The secretary of state may require information, a record, or other document that is required to be maintained or filed under this act to be maintained or filed electronically or as prescribed by the secretary of state. (4) A driver education provider shall maintain information, a record, a report, or other document required under this act at its established office location. (5) A driver education provider shall make information, a record, or other document maintained under this act available for inspection by the secretary of state or his or her authorized representative at reasonable times. (6) If a driver education provider fails to make information, a record, or other document required under this act available for inspection at reasonable times, the secretary of state may suspend the driver education provider's certificate after notice and opportunity for a hearing. (7) A driver education provider shall maintain a record required under this act for not less than 4 calendar years after the student has ceased receiving instruction from the provider. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.673 - Verification of Instructor's Certificate Status.

Sec. 53. (1) A driver education provider shall verify that a driver education instructor possesses a valid driver education instructor certificate issued under this act, before employing, hiring, contracting, or otherwise engaging the person as an instructor for a driver education course. (2) The secretary of state may prescribe the method and manner that a driver education provider shall use to verify an instructor's certificate status. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.675 - Instruction to Adult or Commercial Vehicle Driver Training Student; Verification of Valid Temporary Instruction Permit or Out-of-State Commercial Learner's Permit.

Sec. 55. (1) Before a driver education provider provides behind-the-wheel driver education course instruction to an adult or commercial vehicle driver training student, the provider shall verify that the student has a valid temporary instruction permit issued by the secretary of state under section 306 of the Michigan vehicle code, 1949 PA 300, MCL 257.306, or that the student has a valid commercial learner's permit issued by another state. (2) The secretary of state may prescribe the method and manner that a driver education provider uses to verify a student's temporary instruction permit under this section. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2016, Act 322, Eff. Feb. 20, 2017 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.677 - Conviction of Violation; Notification to Secretary of State.

Sec. 57. A certified driver education provider or instructor or a provider's designated representative or coordinator shall immediately notify the secretary of state if convicted of a violation or attempted violation listed in section 59. A certified driver education instructor or designated representative or coordinator of a provider shall also notify his or her driver education provider employer. A notice required under this section shall be in a format as prescribed by the secretary of state and comply with all of the following: (a) Identify the conviction. (b) Identify the date of the conviction. (c) Identify the court that imposed the conviction. (d) Contain other information as prescribed by the secretary of state. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.679 - Conviction Information; Establishment of Automated Fingerprint Identification System Database; Automatic Denial or Revocation of Application or Certificate.

Sec. 59. (1) Except as otherwise provided in this section, the secretary of state shall automatically deny an original or renewal

application for a driver education provider or instructor certificate and shall automatically immediately revoke a certificate issued to a person as a driver education provider or driver education instructor without the necessity for notice and an opportunity for a hearing if a criminal history record information check indicates that the applicant, instructor, provider, or the designated representative or coordinator of the applicant or provider has been convicted of a violation or attempted violation, or the secretary of state receives reliable notice under this section or section 57 of a conviction for a violation or attempted violation, of any of the following: (a) Criminal sexual conduct, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct, in any degree under sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g. (b) A felony involving a criminal assault or battery on an individual. (c) A crime involving felonious assault on a child, child abuse in the first degree, cruelty, torture, or indecent exposure involving a child. (d) A felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance. (e) A felony conviction involving fraud as an element of the crime. (2) A denial or revocation imposed under this section shall continue for not less than 10 years from the date of the conviction. (3) In collaboration with the department of state police, the department of technology, management, and budget shall establish an automated fingerprint identification system database that allows the department of state police to store and maintain all fingerprints submitted under this act and that provides for automatic notification at the time a subsequent criminal arrest fingerprint card submitted into the system matches a set of fingerprints previously submitted in accordance with this act. Upon that notification, the department of state police shall immediately notify the department and the department shall review the information in accordance with the criminal history record information criteria for an instructor under this act. Information in the database established under this subsection is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes. (4) When the secretary of state receives reliable notice of a conviction for a violation or attempted violation under this section or section 57 by an applicant's or provider's designated representative or coordinator, the secretary of state shall automatically deny an original or renewal application for a driver education provider certificate or automatically immediately revoke a provider's certificate under this section if the applicant or provider fails to immediately terminate the designated representative's or coordinator's designation or employment as the provider's designated representative or coordinator. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2012, Act 258, Imd. Eff. July 2, 2012

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.681 - Automatic Denial or Revocation of Application or Certificate; Duration.

Sec. 61. (1) Except as otherwise provided in this section, the secretary of state shall automatically deny a driver education provider's or instructor's application or revoke a provider's or instructor's certificate without notice and an opportunity for a hearing if for any reason a driver education provider or instructor is removed from the Federal Motor Carrier Safety Administration training provider registry under 49 CFR 380.721 and 380.723. The denial or revocation remains in effect until the applicant, instructor, provider, or the designated representative or coordinator of the applicant or provider completes 5 consecutive years without a conviction for a violation or attempted violation for which 4 or more points are assessed under section 320a of the Michigan vehicle code, 1949 PA 300, MCL 257.320a. (2) The secretary of state shall automatically deny a driver education provider's or instructor's application or revoke a provider's or instructor's certificate without notice and an opportunity for a hearing until the driving record of the applicant, instructor, provider, or the designated representative or coordinator of the applicant or provider does not have within the prior 2 years 1 or more of the following: (a) Three or more driver license denials, suspensions, or revocations, or any combination of 3 or more denials, suspensions, or revocations, imposed by the secretary of state for the failure to appear in court or a failure to comply with a court judgment under section 321a of the Michigan vehicle code, 1949 PA 300, MCL 257.321a. (b) A conviction or finding of responsibility for a traffic violation in connection with 2 or more motor vehicle accidents. (c) An accumulation of 6 or more points under section 320a of the Michigan vehicle code, 1949 PA 300, MCL 257.320a. (d) A conviction under section 624a, 625(6), or 626b of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.625, and 257.626b. (3) When the driving record of an applicant's or provider's designated representative or coordinator is the cause for the secretary of state to deny an application or revoke a certificate under this section, the secretary of state shall automatically deny an original or renewal application for a driver education provider certificate or automatically revoke a provider's certificate under this section if the applicant or provider fails to immediately terminate the designated representative's or coordinator's designation or employment as the provider's designated representative or coordinator. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.683 - Denial, Suspension, Revocation, or Cancellation of Driver License; Suspension or Revocation of Driver Education Instructor's Certificate; Reinstatement.

Sec. 63. (1) The secretary of state shall automatically suspend or revoke a driver education instructor's certificate without notice and an opportunity for a hearing if the instructor's driver license is denied, suspended, revoked, or canceled by this state or another state. A driver education instructor whose driver license is denied, suspended, revoked, or canceled by this state or another state shall immediately return his or her instructor's certificate to the secretary of state. (2) The secretary of state may reinstate a driver education instructor's certificate suspended under this section if the instructor's driver license denial, suspension, revocation, or cancellation terminates before the instructor's certificate expires and the instructor submits a written request to the secretary of state, as prescribed by the secretary of state, for that reinstatement. (3) The secretary of state shall not reinstate a driver education

instructor certificate that is revoked under this section. A driver education instructor whose certificate is revoked may apply to the secretary of state for an original driver education instructor certificate. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.685 - Investigation; Complaint; Mediation; Conditions for Probation and Cancellation.

Sec. 65. (1) The secretary of state may make, on its own initiative or in response to a complaint, a reasonable and necessary investigation within or outside this state and gather evidence against a person that violated, allegedly violated, or is about to violate this act, a rule promulgated under this act, or an order issued under this act, concerning whether a person, an applicant, a driver education provider, or a driver education instructor is in compliance with this act or a rule promulgated under this act. (2) A person may file a complaint against a person, an applicant, a driver education provider, or a driver education instructor with the secretary of state. A complaint must be made in a format as prescribed by the secretary of state. The complaint must be based upon a violation or attempted violation of this act or a rule promulgated under this act and must contain all of the following information: (a) The complainant's name, address, and telephone number. (b) A complete statement describing the basis for the complaint. (c) A copy of any record, report, or document that is the basis for the complaint, including a copy of the student contract, driver education course certificate of completion issued, or other documents. (d) The complainant's signature and the date the complaint was signed. (e) Other information as prescribed by the secretary of state. (3) The secretary of state may mediate a dispute between a driver education provider or driver education instructor and a student or the student's parent or legal guardian when a dispute arises from a violation or attempted violation of this act or a rule promulgated under this act. (4) The secretary of state may develop conditions of probation for the operation of a driver education provider or the training conducted by a driver education instructor. Conditions must be set forth in a written agreement and signed by the driver education provider or driver education instructor and the secretary of state. Conditions of probation may be agreed to in place of further disciplinary proceedings. (5) If an investigation by the secretary of state finds reason to believe that a written knowledge test or entry-level driver training was not administered in accordance with the standards prescribed in 49 CFR part 380, the secretary of state shall cancel the course completion reported by the provider and any license subsequently issued unless the student retakes and passes the test within 30 days. History:2006, Act 384, Eff. Oct. 1, 2006 ;-- Am. 2022, Act 192, Imd. Eff. Oct. 4, 2022

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.687 - Deceptive or Unconscionable Methods, Acts, or Practices.

Sec. 67. A driver education provider or instructor shall not engage in a deceptive or unconscionable method, act, or practice. The following are deceptive or unconscionable methods, acts, or practices: (a) Using, adopting, or conducting business under a name that is the same as, like, or deceptively similar to, the name of another driver education provider. (b) Except as otherwise provided in this subsection, using the word "state", "government", "municipal", "city", or "county" as part of the name of the driver education provider. This provision does not apply to an educational institution or a governmental agency. (c) Advertising, representing, or implying that a driver education provider is supervised, recommended, or endorsed by, or affiliated or associated with, or employed by, or an agent or representative of this state, the secretary of state, or a bureau of the secretary of state. (d) Advertising or publicizing under a name other than the provider's full business name as identified on the provider's application for a driver education provider certificate. (e) Advertising that the provider is open for business before the secretary of state issues a driver education provider certificate to the provider. (f) Soliciting business on the premises of any facility rented, leased, owned, or used by the secretary of state. (g) Misrepresenting the quantity or quality of the instruction provided or the requirements for a driver license, endorsement, minor restricted or temporary permit, or driver education certificate. (h) Failing to promptly restore any deposit, down payment, or other payment that a person is entitled to after an agreement is rescinded, canceled, or otherwise terminated as required under the agreement or applicable law. (i) Taking advantage of a student's or potential student's inability to reasonably protect his or her interest because of a disability, illiteracy, or inability to understand the language of an agreement, if the driver education provider knows or reasonably should have known of the student's or potential student's inability. (j) Failing to honor a term of a student's, parent's, or legal guardian's agreement. (k) Falsifying a document, agreement, record, report, or certificate required under this act or a rule promulgated under this act. (l) Causing or allowing a student, parent, or legal guardian to sign a document in blank. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.689 - Sanctions.

Sec. 69. (1) Except as otherwise provided in this act, the secretary of state may impose 1 or more of the sanctions in subsection (2) after notice and opportunity for a hearing if the secretary of state determines that a person, a driver education provider, a driver education instructor, or an applicant for either a provider or instructor certificate did 1 or more of the following: (a) Failed to meet a requirement under this act or a rule promulgated under this act. (b) Violated this act or a rule promulgated under this act. (c) Made an untrue or misleading statement of a material fact to the secretary of state or concealed a material fact in connection with an application for a provider or instructor certificate. (d) Permitted fraud or engaged in a fraudulent method, act, or practice in connection with a driver license or temporary driving permit application submitted to the secretary of state, or induced or countenanced fraud or a fraudulent method, act, or practice on the part of an applicant for a driver license or permit. (e) Engaged in an unfair or deceptive method, act, or practice or made an untrue statement of a material fact. (f) Violated a condition of probation

or suspension or an order issued under this act. (g) Failed to maintain good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47, in connection with business operations. (2) After the secretary of state determines that a person, a driver education provider, a driver education instructor, or an applicant for a provider or instructor certificate committed a violation listed in subsection (1), the secretary of state may impose upon the person, provider, instructor, or applicant 1 or more of the following sanctions: (a) Denial of an application for a driver education provider certificate or a driver education instructor certificate. (b) Suspension or revocation of a driver education provider certificate or a driver education instructor certificate. (c) An administrative fine paid to the secretary of state in an amount not to exceed $1,000.00 for each violation. (d) A requirement to take the affirmative action determined necessary by the secretary of state, including payment of restitution to a student or to an injured person. (3) A sanction may be imposed under subsection (2) in addition to criminal penalties otherwise imposed for the same violation under this act or by law. The remedies and sanctions under this act are independent and cumulative. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.691 - Cease and Desist Order; Temporary Cease and Desist Order.

Sec. 71. (1) If the secretary of state determines after notice and opportunity for a hearing that a person has committed a violation listed in section 69(1), the secretary of state may issue an order requiring the person to cease and desist from the unlawful method, act, or practice or to take an affirmative action that in the judgment of the secretary of state will carry out the purposes of this act, including, but not limited to, payment of restitution to a customer. (2) If the secretary of state makes a finding of fact in writing that the public interest will be irreparably harmed by a delay in issuing an order, the secretary of state may issue a temporary cease and desist order. Before issuing a temporary cease and desist order, the secretary of state, when possible by telephone or otherwise, shall notify the person, the driver education provider, or the driver education instructor of the secretary of state's intention to issue a temporary cease and desist order. A temporary cease and desist order shall include in its terms a provision stating that upon request a hearing shall be held within 30 days to determine whether or not the order shall become permanent. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.695 - Summary Suspension; Hearing; Resolution.

Sec. 75. (1) The secretary of state may order a summary suspension of a driver education provider or driver education instructor certificate pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, upon an affidavit by a person familiar with the facts set forth in the affidavit alleging a violation or attempted violation of this act, a rule promulgated under this act, or a deceptive or unconscionable method, act, or practice. (2) The driver education provider or driver education instructor to whom the order is directed may apply to the secretary of state and shall be granted a hearing within 30 days of application pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (3) At the hearing, the order of summary suspension shall be set aside, continued, or modified by the secretary of state. (4) If the order of summary suspension concerns the issuance or authorization of driver education course certificates of completion, the secretary of state may discontinue accepting certificates of completion issued or authorized by the provider for students receiving or completing instruction after the effective date of the order. The secretary of state may decide to resolve the summary suspension matter before determining a driver license issue that involves 1 or more of the certificates of completion. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.697 - Expiration or Absence of Certificate; Proceeding With Investigation, Disciplinary Proceeding, or Other Action.

Sec. 77. The expiration or absence of a driver education provider certificate or a driver education instructor certificate does not prevent the secretary of state from proceeding with an investigation, disciplinary proceeding, or other action authorized by this act against a person, a driver education provider, or a driver education instructor. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.699 - Certificate Required; Violation as Misdemeanor; Penalty; Administrative Fine.

Sec. 79. A person shall not engage in or offer to engage in activity as a driver education provider or a driver education instructor unless the person holds a valid certificate under this act. A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $2,000.00, or both. In addition to any other remedies provided by law, the secretary of state may impose an administrative fine of $100.00 for each day the person is found to have engaged in activity as a driver education provider or a driver education instructor without being certified under this act. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.701 - Reimbursement; Disposition.

Sec. 81. In a court proceeding involving a violation of this act, the court may order the person found guilty of violating this act to

reimburse the secretary of state for the reasonable costs of the secretary of state's investigation that resulted in the conviction in addition to any other civil or criminal penalties allowed by law. Any costs collected under this section shall be deposited into the driver education provider and instructor fund created under section 83. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.703 - Driver Education Provider and Instructor Fund; Creation; Expenditures; Investment; Accounting; Administration of Act.

Sec. 83. (1) The driver education provider and instructor fund is created as a separate fund in the department of treasury. The fund shall be expended only as provided in this section. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall annually present to the secretary of state an accounting of the amount of money in the fund. Any unexpended and unencumbered money in the fund at the close of a fiscal year shall remain in the fund and shall not lapse or be transferred to the general fund. (2) A nonrefundable application processing fee, a multiple vehicle driving facility review and approval fee, and an administrative fine collected under this act shall be transferred by the secretary of state to the state treasurer, who shall credit the money to the fund created under this section. (3) The secretary of state shall expend money in the fund to administer this act. The secretary of state may deduct money from the fund to develop a driver education provider and instructor program. The secretary of state may deduct from the fund the actual administrative costs to administer this act, including any administrative costs to perform inspections, conduct investigations, or hold administrative hearings. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.704 - Deposit of Revenue Balance Into Traffic Law Enforcement and Safety Fund.

Sec. 84. After deducting the actual administrative costs of the department, the balance of the revenue from the fees collected under this act, up to an annual total of $15,000.00, shall be deposited in the traffic law enforcement and safety fund created in section 819a of the Michigan vehicle code, 1949 PA 300, MCL 257.819a. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 384 of 2006 - Driver Education Provider and Instructor Act (256.621 - 256.705)Section 256.705 - Rules.

Sec. 85. The secretary of state may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to carry out this act. History:2006, Act 384, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 391 of 1919 - Garage Keeper's Liability (256.541 - 256.545)Section 256.541 - Garage Keeper; Prima Facie Evidence of Negligence.

Sec. 1. Whenever any damage shall be done to any motor vehicle while in the possession or under the care, custody or control of the owner, his agent or servant, or the keeper of any public garage or other establishment where such vehicle shall have been accepted for hire or gain, proof of such damage shall be prima facie evidence that such damage was the result of the negligent act of such owner or keeper of the place where such vehicle was stored. History:1919, Act 391, Eff. Aug. 14, 1919 ;-- CL 1929, 4796 ;-- CL 1948, 256.541

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 391 of 1919 - Garage Keeper's Liability (256.541 - 256.545)Section 256.542 - Garage Keeper; Prima Facie Evidence of Conversion.

Sec. 2. If any integral part, appliance or equipment, any spare tire fastened to such motor vehicle or any part, appliance or equipment locked in or to such vehicle shall be removed or shall disappear therefrom while such vehicle is so held, proof of such removal or disappearance shall be prima facie evidence of conversion by the owner or keeper of the garage or other establishment where such vehicle was so held. History:1919, Act 391, Eff. Aug. 14, 1919 ;-- CL 1929, 4797 ;-- CL 1948, 256.542

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 391 of 1919 - Garage Keeper's Liability (256.541 - 256.545)Section 256.543 - Examination of Vehicle and Notice of Loss; Requirement.

Sec. 3. The provisions of this act shall not apply unless the owner of a motor vehicle so placed in any public garage or other establishment as herein provided, shall examine the same before leaving such garage or other establishment or the grounds or street immediately adjacent thereto, and, upon discovery of any loss or damage, forthwith notify the owner or keeper of such garage or other establishment of the loss or damage claimed. History:1919, Act 391, Eff. Aug. 14, 1919 ;-- CL 1929, 4798 ;-- CL 1948, 256.543

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 391 of 1919 - Garage Keeper's Liability (256.541 - 256.545)Section 256.544 - Statements of Vehicle Condition; Forms; Refusal to Sign, Effect.

Sec. 4. The owner or keeper of any such garage or other establishment may provide blank forms upon which a description of the condition of any motor vehicle when so left in his care, may be noted; and when so provided and properly filled out in duplicate, he may require the owner of such motor vehicle to sign the same before leaving such vehicle. And if such a signed description is made,

the owner or keeper of the garage or other establishment shall deliver a copy thereof to the owner of the vehicle. Refusal by the owner of such vehicle to sign such form shall be a bar to recovery under this act. History:1919, Act 391, Eff. Aug. 14, 1919 ;-- CL 1929, 4799 ;-- CL 1948, 256.544

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesAct 391 of 1919 - Garage Keeper's Liability (256.541 - 256.545)Section 256.545 - Contracts Nullifying Act; Invalidity.

Sec. 5. This act is hereby declared to be in the interest of public policy and no contract nullifying the provisions hereof shall be valid. History:1919, Act 391, Eff. Aug. 14, 1919 ;-- CL 1929, 4800 ;-- Am. 1933, Act 218, Eff. Oct. 17, 1933 ;-- Am. 1937, Act 208, Imd. Eff. July 21, 1937 ;-- CL 1948, 256.545

2024 Michigan Compiled LawsChapter 256 - Motor VehiclesE.R.O. No. 2002-5 - Executive Reorganization Order (256.571 - 256.571)Section 256.571 - Creation of Governor's Traffic Safety Advisory Commission as Type II Entity Within Department of State Police, Office of Highway Safety Planning; Transfer of Powers and Duties of Michigan State Safety Commission to Governor's Traffic Safety Advisory Commission by Type III Transfer.

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and WHEREAS, certain functions, duties and responsibilities currently assigned to the Michigan State Safety Commission can be more effectively carried out by a new Governor's Traffic Safety Advisory Commission; and WHEREAS, it is necessary in the interests of efficient administration and the effectiveness of government to effect changes in the organization of the Executive Branch of government. NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following: I. DEFINITIONS As used herein: A. The "Department of State Police" means the principal department created by Section 2 of Act No. 59 of the Public Acts of 1935, as amended, being Section 28.2 of the Michigan Complied Laws; and by Section 150 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.250 of the Michigan Compiled Laws. B. The "Michigan State Safety Commission" means the entity created by Section 1 of Act No. 188 of the Public Acts of 1941, as amended, being Section 256.561 et seq. of the Michigan Compiled Laws; that was subsequently transferred to the Department of State Police pursuant to a Type II transfer by Section 155 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.255 of the Michigan Compiled Laws. II. CREATION OF THE GOVERNOR'S TRAFFIC SAFETY ADVISORY COMMISSION A. The Governor's Traffic Safety Advisory Commission is hereby created as a Type II entity within the Department of State Police, Office of Highway Safety Planning. B. All the authority, powers, duties, functions and responsibilities of the Michigan State Safety Commission, including, but not limited to, the statutory authority, powers, duties, functions and responsibilities set forth in Act No. 188 of the Public Acts of 1941, as amended, being Section 256.561 et seq. of the Michigan Compiled Laws, are hereby transferred to the Governor's Traffic Safety Advisory Commission by a Type III transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws. The Michigan State Safety Commission is hereby abolished. C. The Governor's Traffic Safety Advisory Commission shall consist of eleven (11) members as follows: 1. The Governor, or the designee of the Governor; 2. The Director of the Department of Community Health, or the designee of the Director of the Department of Community Health; 3. The Director of the Department of Education, or the designee of the Director of the Department of Education; 4. The Secretary of State, or the designee of the Secretary of State; 5. The Director of the Department of State Police, or the designee of the Director of the Department of State Police; 6. The Director of the Department of Transportation, or the designee of the Director of the Department of Transportation; 7. The Director of the Office of Services to the Aging, or the designee of the Director of the Office of Services to the Aging; 8. The Executive Director of the Office of Highway Safety Planning; and 9. Three (3) representatives of local units of government, appointed by the Governor, with the advice and consent of the Senate, as follows: a. An individual selected under this provision shall serve as a commission member only while serving as an elected official or employee of a local unit of government. b. Except as otherwise provided, members of the Commission appointed under this provision shall hold office for a term of three (3) years. Of the members initially appointed, one (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year. c. A vacancy in a position on the commission created by this provision and caused by the expiration of a term or termination of the member's position as an elected official or employee of a local unit of government shall be filled in the same manner as the original appointment. d. A member appointed under this provision to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms. 10. The Governor shall designate one (1) member of the Commission to serve as chairperson. This member shall serve as Chair at the pleasure of the Governor. D. The Commission shall identify traffic safety challenges, and develop, promote and implement strategies to address those challenges. Specifically, the Commission shall: 1. Develop comprehensive solutions to traffic safety challenges through partnerships with all levels of government and the private sector; 2. Maximize and coordinate the use of existing financial resources, including federal highway safety planning funds administered by the Office of Highway Safety Planning; 3. Manage resources devoted to traffic safety research, ensure that research programs are effective, and identify additional needs for traffic safety research; 4. Develop and implement a communications plan that increases public awareness regarding traffic safety issues and the Commission's activities

addressing traffic safety issues; 5. Promote traffic safety education through programs developed in cooperation with the Michigan Department of Education; and 6. Encourage the use of collaborative activities in addressing traffic safety issues by identifying and recognizing best practices used by traffic safety organizations in the state. E. The Commission shall meet at least once annually and more frequently as the Chair of the Commission deems necessary. F. The Commission may adopt rules of procedure, not inconsistent with Michigan law and with this Executive Order, governing its organization and operations. A majority of the serving members constitutes a quorum for the transaction of business at a meeting, notwithstanding the existence of one (1) or more vacancies. Voting upon actions taken by the Commission shall be conducted by a majority vote. G. Members of the Commission shall not receive compensation, but may receive reimbursement for necessary travel and expenses for the performance of Commission functions, based on existing state rates. III. MISCELLANEOUS A. The Director of the Department of Department of State Police shall provide executive direction and supervision for the implementation of all transfers of authority made under this Order. B. The Director of the Department of State Police shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order. C. The Director of the Department of State Police shall immediately initiate coordination with the Michigan State Safety Commission to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred. D. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan State Safety Commission for the activities, powers, duties, functions and responsibilities transferred to the Governor's Traffic Safety Advisory Commission by this Order are hereby transferred to the Governor's Traffic Safety Advisory Commission. E. The Director of the Department of State Police, may by written instrument delegate a duty or power conferred by this Order, and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Department of State Police. F. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year. G. All rules, orders, contracts, grants and agreements relating to the functions transferred to the Governor's Traffic Safety Advisory Commission by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended or rescinded. H. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. I. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof. History:2002, E.R.O. No. 2002-5, Eff. May 26, 2002

Title: chapter-257

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 119 of 1986 - Used Motor Vehicle Parts (257.1351 - 257.1355)Section 257.1351 - Definitions.

Sec. 1. As used in this act: (a) "Agent" means an individual who, for compensation or valuable consideration, is employed either directly or indirectly by a dealer. (b) "Dealer" means any person that engages in the ordinary course of repeated and recurrent transactions of buying or receiving used motor vehicle parts from persons other than a licensee. The term includes any motor vehicle repair facility that engages in repeated and recurrent transactions of buying or receiving used motor vehicle parts from persons other than a licensee. The term does not include any of the following: (i) A scrap metal processor or automotive recycler that buys or otherwise acquires motor vehicles or motor vehicle component parts for the purpose of processing or selling the metal for remelting. (ii) An end-user, scrap tire hauler, or scrap tire processor. (iii) A disposal area that is licensed under, or a solid waste hauler that is subject to, part 115 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11501 to 324.11554. (c) "End-user" means that term as defined in section 16901 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16901. (d) "Late model vehicle" means a motor vehicle manufactured in the current model year or the 5 model years immediately preceding the current model year. (e) "Local police agency" means the police agency of a city, village, or township, or if none, the county sheriff. (f) "Major component part" means any of the following subassemblies of a motor vehicle regardless of its actual market value: front end assembly, including fenders, grills, hood, bumper, and related parts; engine; transmission; T-tops; rear clip assembly, including quarter panels and floor panel assembly; or doors. (g) "Motor vehicle" means a motor vehicle as defined in section 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33. (h) "Motor vehicle repair facility" means a place of business that engages in the business of performing or employing persons who perform maintenance, diagnosis, or repair service on a motor vehicle for compensation. (i) "Licensee" means a person that is licensed under section 248 of the Michigan vehicle code, 1949 PA 300, MCL 257.248, or similarly licensed in another state. (j) "Person" means an individual, corporation, limited liability company, partnership, association, or other legal entity. (k) "Scrap tire hauler" means that term as defined in section 16901 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16901. (l) "Scrap tire processor" means that term as defined in section 16901 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16901. (m) "Used motor vehicle part" means any of the following: (i) A major component part, dashboard, radio, stereo, or seat of a late model motor vehicle for which a certificate of title and registration plate have been issued to a consumer or dealer. (ii) A motor vehicle tire wheel or rim that is received by the dealer in conjunction with the purchase of a replacement tire or replacement tire wheel or rim. As used in this subparagraph and subparagraph (iii), "tire wheel or rim" includes a tire wheel or rim on which a tire is mounted. (iii) A motor

vehicle tire, tire wheel or rim, or continuous tire tread that is received by the dealer but is not in conjunction with the purchase of a replacement tire or replacement tire wheel or rim. History:1986, Act 119, Eff. Mar. 31, 1987 ;-- Am. 2016, Act 112, Eff. Aug. 8, 2016 ;-- Am. 2017, Act 57, Eff. Sept. 13, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 119 of 1986 - Used Motor Vehicle Parts (257.1351 - 257.1355)Section 257.1352 - Record of Transaction.

Sec. 2. (1) A dealer shall maintain a permanent record of each transaction concerning the buying or receiving of any used motor vehicle part from a person, other than an end-user or scrap tire processor that is regulated under part 169 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16901 to 324.16911, or a licensee, on a record of transaction form prescribed in subsection (5), legibly written in ink in the English language. Each record of transaction form shall be filled out in duplicate by the dealer or agent with 1 copy given to the customer and 1 copy retained by the dealer. At the time a dealer receives or purchases a used motor vehicle part from a person other than an end-user, scrap tire processor, or licensee, the dealer or agent shall accurately record all of the following information on a record of transaction form: (a) A general description of the used motor vehicle part received or purchased. (b) The vehicle identification number of the vehicle the used motor vehicle part came from. (c) The state of origin of the used motor vehicle part. (d) The date of the transaction. (e) The name of the individual who is conducting the transaction on behalf of the dealer. (f) The name, date of birth, driver's license number or state of Michigan personal identification card number, and street and house number of the individual with whom the transaction is being made, together with a legible imprint of the right thumb of the individual with whom the transaction is made, or if that is not possible, then the left thumb or a finger of that individual. However, the thumbprint or fingerprint is only required on the record of transaction form retained by the dealer. The dealer or agent shall make a thumbprint or fingerprint available to the local police agency or the department of state police only during the course of a police investigation involving a used motor vehicle part described on the record of transaction. This subdivision does not apply to a transaction involving an insurance company that has acquired ownership of a late model vehicle by the payment of damages due to an accident and a dealer that buys the vehicle from the insurance company for salvage. (g) The price paid or to be paid by the dealer for the used motor vehicle part. (h) Subject to section 2a, the form of payment made to the customer. The dealer or agent shall indicate the number of a check, money order, or bank draft and the transaction number of any direct deposit or electronic transfer to the customer's account at a financial institution. (i) The signature of the individual with whom the transaction is made. (2) A dealer or agent shall number the record of each transaction consecutively, commencing with the number 1 and the calendar year; and, if the transaction includes the buying or receiving of 1 or more used motor vehicle tires, tire wheels or rims, or continuous tire tread, shall place the transaction number on a tag that the dealer or agent must attach to each of those items the dealer or agent bought or received. (3) The record of transaction forms of a dealer and each used motor vehicle part received by a dealer as the result of a transaction are open to an inspection by the local police agency and the Michigan state police at all times during the ordinary business hours of the dealer. As a condition of doing business, a dealer is considered to have given consent to the inspection described in this subsection. The record of transaction forms of a dealer are not open to inspection by the general public. (4) A dealer shall retain each record of a transaction for at least 1 year after the transaction to which the record pertains. A dealer that goes out of business or changes the dealer's business address to another local jurisdiction either within or out of this state shall transmit to the local police agency the records of all transactions made by the dealer in the 1-year period before the dealer closes or moves. After a period of 1 year from the date of the transaction, if a police investigation concerning a used motor vehicle part described on the record of transaction has not occurred, the dealer and local police agency shall destroy, and not keep a permanent record of, the records of the transaction. (5) The form of the record of transaction shall be 8-1/2 by 11 inches in size and shall be as follows:"Record of Transaction#_____(Transaction number printedon the form)(1) Description of Property_____ _____(3) _____(Vehicle Identification Number)(State of Origin)(4) _____, ___(5) _____(Date)(Name of Dealer/Employee)(6) _____,_____, ___(Name of Customer)(Date of Birth)_____,_____(Driver's License No./(Street Address)Mich. Personal ID Number)_____(City & State)(Zip)(7) _____(Price Paid)(8) _____(Check no., bank draftno., money order no.,transaction no., or cash)_____"Thumbprint(Signature of Customer) History:1986, Act 119, Eff. Mar. 31, 1987 ;-- Am. 2016, Act 112, Eff. Aug. 8, 2016 ;-- Am. 2017, Act 57, Eff. Sept. 13, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 119 of 1986 - Used Motor Vehicle Parts (257.1351 - 257.1355)Section 257.1352a - Form of Payment.

Sec. 2a. In a transaction concerning the buying or receiving of any used motor vehicle tires, tire wheels or rims, or continuous tire tread, the only methods of payment a dealer may use to pay a customer are a check, a money order, a bank draft, or a direct deposit or electronic transfer to the customer's account at a financial institution. If a payment is made by check, money order, or bank draft under this section, the dealer must mail that payment to the customer at the address shown on the identification required under section 2(1)(f). History:Add. 2016, Act 112, Eff. Aug. 8, 2016

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 119 of 1986 - Used Motor Vehicle Parts (257.1351 - 257.1355)Section 257.1353 - Failure to Make Entry in Record as Misdemeanor or Felony; Penalties.

Sec. 3. (1) A dealer or agent who knowingly fails to make an entry of any material matter in his or her record of transactions as required by section 2 is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of $1,000.00, or both. (2) A dealer or agent who knowingly violates subsection (1) a second or subsequent time is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of $5,000.00, or both. History:1986, Act 119, Eff. Mar. 31, 1987

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 119 of 1986 - Used Motor Vehicle Parts (257.1351 - 257.1355)Section 257.1354 - Violation as Misdemeanor or Felony; Penalties.

Sec. 4. (1) A dealer or agent that knowingly violates section 2(3), (4), or (5) or section 2a is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of $1,000.00, or both. (2) A dealer or agent that knowingly violates section 2(3), (4), or (5) or section 2a a second or subsequent time is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of $5,000.00, or both. History:1986, Act 119, Eff. Mar. 31, 1987 ;-- Am. 2016, Act 112, Eff. Aug. 8, 2016

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 119 of 1986 - Used Motor Vehicle Parts (257.1351 - 257.1355)Section 257.1355 - Felonious Conduct; Penalty.

Sec. 5. A dealer or agent who does any of the following is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of $5,000.00, or both: (a) Totally fails to record a transaction on a record of transaction form as required by section 2. (b) Knowingly falsifies a record required by section 2. History:1986, Act 119, Eff. Mar. 31, 1987

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 158 of 1991 - Aftermarket Crash Parts Act (257.1361 - 257.1364)Section 257.1361 - Short Title.

Sec. 1. This act shall be known and may be cited as the "aftermarket crash parts act". History:1991, Act 158, Eff. Feb. 1, 1992

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 158 of 1991 - Aftermarket Crash Parts Act (257.1361 - 257.1364)Section 257.1362 - Definitions.

Sec. 2. As used in this act: (a) "Aftermarket crash part" means a replacement part for a nonmechanical sheet metal part or plastic part that constitutes part of the exterior of a motor vehicle, including, but not limited to, an inner or outer panel. (b) "Installer" means an individual who replaces or repairs parts of a motor vehicle. (c) "Insurer" means an insurance company authorized to transact property, fire, or casualty insurance in this state and an agent of the insurer and includes an insurance association, pool, or facility created under the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being sections 500.100 to 500.8302 of the Michigan Compiled Laws. (d) "Motor vehicle" means a self-propelled device by which a person or property may be transported upon a public highway. Motor vehicle does not include a tractor, motorcycle, moped, trailer, semitrailer, bus, power shovel, road machinery, agricultural machinery, or other machinery or vehicle not designed primarily for highway transportation, but which may incidentally transport persons or property on a public highway. Motor vehicle also does not include a device that moves upon or is guided by a track. (e) "Nonoriginal equipment manufacturer aftermarket crash part" or "non-OEM aftermarket crash part" means an aftermarket crash part not made by or for the manufacturer of a motor vehicle. (f) "Repair facility" means any motor vehicle dealer, garage, body repair shop, or other commercial entity that undertakes the repair or replacement of parts that generally constitute the exterior of a motor vehicle. History:1991, Act 158, Eff. Feb. 1, 1992

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 158 of 1991 - Aftermarket Crash Parts Act (257.1361 - 257.1364)Section 257.1363 - Non-Oem Aftermarket Crash Parts; Use.

Sec. 3. If an insurer requests the use of non-OEM aftermarket crash parts in the repair of an insured's motor vehicle, a repair facility or installer may use non-OEM aftermarket crash parts to repair a vehicle only if the insured receives a written estimate of repairs that clearly identifies each non-OEM aftermarket crash part and that contains or has attached to it in not less than 10-point bold type the following information: "This estimate has been prepared based on the use of aftermarket crash parts supplied by a source other than the manufacturer of your motor vehicle. Warranties that apply to these replacement parts are provided by the manufacturer, distributor, or insurer of these parts." History:1991, Act 158, Eff. Feb. 1, 1992

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 158 of 1991 - Aftermarket Crash Parts Act (257.1361 - 257.1364)Section 257.1364 - Effective Date.

Sec. 4. This act shall take effect February 1, 1992. History:1991, Act 158, Eff. Feb. 1, 1992

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 175 of 1958 - Regulation of Vehicles on School Property (257.961 - 257.961)Section 257.961 - School Property; Municipal Regulation of Operation, Parking and Speed of Vehicles.

Sec. 1. Every municipal legislative authority wherein the properties of any board of education, school district or community college district is situated shall have the authority to adopt ordinances governing the operation, parking without fees and the speed of motor vehicles upon the property of such board of education, school district or community college district, for the purpose of enforcement

and the imposing of penalties for the violation thereof in the same manner as other ordinances of the municipal legislative authority are enforced. No municipal legislative authority shall adopt such ordinances without first receiving a resolution from the board of education, school district or board of trustees of the community college district over whose property the ordinances shall apply requesting the adoption of such ordinances. History:1958, Act 175, Imd. Eff. Apr. 18, 1958 ;-- Am. 1967, Act 47, Eff. Nov. 2, 1967

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1701 - Short Title.

Sec. 1. This act shall be known and may be cited as the "city motor vehicle racing act of 1981". History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1702 - Definitions.

Sec. 2. As used in this act: (a) "Highway or street" means a highway or street as defined in section 20 of Act No. 300 of the Public Acts of 1949, being section 257.20 of the Michigan Compiled Laws. (b) "Motor vehicle" means a motor vehicle as defined in section 33 of Act No. 300 of the Public Acts of 1949, being section 257.33 of the Michigan Compiled Laws. (c) "Person" means an individual, sole proprietorship, partnership, corporation, or other legal entity. (d) "Racing event" means a motor vehicle race which is sanctioned by a nationally or internationally recognized racing organization, and includes preparations, practices, and qualifications for the race. History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1703 - Permit to Conduct Racing Event in City Required.

Sec. 3. A city may provide for the issuance of a permit allowing the person to whom the permit is issued to conduct a racing event on the highways or streets within the limits of the city. A person shall not conduct a racing event in a city unless the person has been issued a permit under this act. History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1704 - Permit Fee.

Sec. 4. The city may charge a reasonable fee for the issuance of a permit under this act. History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1705 - Issuance of Racing Event Permit; Conditions; Determination.

Sec. 5. Before a city issues a racing event permit under sections 3 and 4, the city shall determine all of the following: (a) That the person applying for the permit has adequate insurance to pay any damages incurred because of loss or injury to any person or property. (b) That adequate security and necessary facilities will be provided during the racing event. (c) That the person applying for the permit has demonstrated the ability to protect the health, safety, and welfare of the citizens of the city and those attending the racing event. History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1706 - Powers of Person Conducting Racing Event; Protecting Private Property Rights and Not Preventing Access to Governmental Facilities.

Sec. 6. (1) Subject to subsection (2), a person who is issued a permit under this act may do all of the following for purposes of a racing event conducted pursuant to this act: (a) Limit access to the racing event area and any area from which the racing event may be viewed. (b) Provide for viewing and pit areas or any other area necessary to conducting the racing event. (c) Charge an admission fee to persons viewing the race or entering the racing event area. (d) Take any other action reasonably necessary for purposes of a racing event under this act. (2) A person issued a permit under this act shall reasonably protect private property rights and not prevent access to governmental facilities. History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1707 - Powers of City.

Sec. 7. For purposes of a racing event held under this act, the city may do all of the following: (a) Provide for the temporary closing or obstructing of highways or streets, alleys, and sidewalks located in the city. (b) Reroute pedestrian and vehicular traffic. (c) Waive ordinances and traffic regulations including speed limits and traffic control devices. History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1708 - Racing Event and Other Actions as Being for Public Purposes.

Sec. 8. A racing event held under this act and any action taken under sections 6 and 7 shall be considered as being for public

purposes including the promotion of commerce and tourism and for the benefit of the citizens of the city and the state. History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1709 - Racing Event and Other Actions as Public or Private Nuisance.

Sec. 9. A racing event held under this act and any action taken under sections 6 and 7 shall not be considered or found to be a public or private nuisance. History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1710 - Racing Event and Other Actions as Violation of MCL 257.1 Et Seq. or MCL 247.171 Et Seq.

Sec. 10. A racing event held under this act and any action taken under sections 6 and 7 shall not be considered to be a violation of Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or Act No. 368 of the Public Acts of 1925, as amended, being sections 247.171 to 247.190 of the Michigan Compiled Laws. History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1711 - Liability for Damages.

Sec. 11. A city that issues a permit under this act shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property. After a permit is issued, the state shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property. History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 178 of 1981 - City Motor Vehicle Racing Act of 1981 (257.1701 - 257.1712)Section 257.1712 - Restoration of Highways or Streets, Alleys, Sidewalks, and Buildings Required.

Sec. 12. A person issued a permit under this act shall provide for the restoration of all highways or streets, alleys, sidewalks, and buildings to a condition substantially similar to their condition as existed before the racing event so that the highways or streets, alleys, sidewalks, and buildings are suitable for their normal use. History:1981, Act 178, Imd. Eff. Dec. 14, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1801 - Short Title.

Sec. 1. This act shall be known and may be cited as "the pupil transportation act". History:1990, Act 187, Eff. Aug. 15, 1990

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1803 - Meanings of Words and Phrases.

Sec. 3. For the purposes of this act, the words and phrases defined in sections 5 to 7 shall have the meanings respectively ascribed to them in those sections. History:1990, Act 187, Eff. Aug. 15, 1990

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1805.amended - Definitions; L to S.

***** 257.1805.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 5. (1) "Law enforcement agency" means that term as defined in section 682 of the Michigan vehicle code, 1949 PA 300, MCL 257.682. (2) "Motor bus" means bus and "motor carrier of passengers" means motor carrier as those terms are defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103. (3) "Nonpublic school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5. (4) "Public school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5. (5) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (6) "School" means either a public school or a nonpublic school, or both. (7) "School district" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6. (8) "Stop-arm camera system" means a system of 2 or more cameras affixed to a school bus that meets all of the following requirements: (a) Is synchronized to automatically record video or 1 or more sequenced photographs of a vehicle that fails to stop for a school bus or passes a school bus in violation of section 682(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.682. (b) Is capable of capturing images of all of the following: (i) The vehicle. (ii) The registration plate on the rear of the vehicle. (iii) A distance of not less than 200 feet in front of the school bus. (c) Records the date, time, and location on a video recorded or photograph captured by the system. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006 ;-- Am. 2024, Act 163, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1805 - Definitions; M to S.

***** 257.1805 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR

SESSION SINE DIE: See 257.1805.amended ***** Sec. 5. (1) "Motor bus" and "motor carrier of passengers" mean those terms as defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103. (2) "Nonpublic school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5. (3) "Public school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5. (4) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (5) "School" means either a public school or a nonpublic school, or both. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1807 - Definitions; S, T.

Sec. 7. (1) "School bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, used for the transportation of preprimary, primary, or secondary school pupils to or from school or school-related events or a multifunction school activity bus manufactured after September 2, 2003 as defined in 49 CFR 571.3, 49 CFR 571.108, and 49 CFR 571.131. School bus does not include a vehicle operated by a public transit agency or authority. A vehicle that is not a school bus is not subject to this act. For the purposes of this act, a parent, or legal guardian transporting his or her child or another child with written permission of the other child's parent or legal guardian on a school-related event is not subject to this act. (2) "Type I school bus" means a school bus with a gross vehicle weight rating of more than 10,000 pounds. (3) "Type II school bus" means a school bus with a gross vehicle rating of 10,000 pounds or less. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 1992, Act 227, Imd. Eff. Oct. 16, 1992 ;-- Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1809 - Pupil Transportation; Regulation; Routes; Vehicles and Equipment; Rules.

Sec. 9. The state board of education shall regulate pupil transportation. The state board or its authorized representative may review, confirm, set aside, or amend the action, order, or decision of a school with reference to the routes over which pupils shall be transported, and the suitability and number of the vehicles and equipment for the transportation of the pupils. The superintendent of public instruction shall promulgate rules as necessary to implement this act except that the department of state police, in cooperation with the superintendent of public instruction, may promulgate rules related to vehicle and equipment standards. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1810 - Transportation of Pupils; Federal Motor Vehicle Safety Standards; Restrictions.

Sec. 10. (1) Each school bus owned or operated by a public or private nonpublic school, an agent of a school, a private business, or a unit of government for the transportation of pupils to or from school or school-related events shall meet or exceed the federal motor vehicle safety standards applicable to the construction and sale of that school bus and for all seating positions in that vehicle. A school or an agent of a school may transport pupils with disabilities in mobile seating devices in accordance with federal standards specifically applicable to such pupils, their wheelchairs, and related wheelchair securement and occupant protection systems. (2) A vehicle, other than a school bus, with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, shall not be used to transport pupils to or from school or school-related events. This subsection does not apply to motor buses that are described in section 10a. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 1996, Act 191, Imd. Eff. May 13, 1996 ;-- Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1810a - Contract With Motor Carrier; Authorization.

Sec. 10a. (1) A school may contract with a licensed motor carrier of passengers for a motor bus to be used for occasional transportation of pupils to or from school-related events. A school shall not directly operate a motor bus for the use of pupil transportation to and from school or school-related events. A motor carrier certified by the state transportation department shall not use a motor bus to transport pupils to and from school. (2) Before the effective date of the amendatory act that amended this section, the department of education may authorize the use of a motor bus for the regular route transportation of pupils to or from school or home. The authorization shall be in writing and shall include conditions or restrictions that are necessary to safeguard the health, safety, and welfare of the pupils. Any authorization that is entered into before the effective date of the amendatory act that amended this subsection shall remain in effect for the time it is authorized. (3) A motor bus built to school bus specifications that complies with the applicable federal motor vehicle safety standards shall comply with the requirements of this act. History:Add. 1990, Act 322, Imd. Eff. Dec. 20, 1990 ;-- Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1811 - Applicability of MCL 257.1811 to 257.1821; Body Width and Height of Type I and Type II School Buses; Attachment of Bus to Chassis; Use of Spacers; Bus Floor; Doors; Steps; Emergency Exit; Insulation; Book Racks Prohibited; Electrical System; Secured Items.

Sec. 11. (1) This section and sections 13 to 21 apply to both type I and type II school buses except where specifically provided otherwise. (2) A type I school bus shall have an outside body width of not more than 102 inches; an outside overall length of not more than 45 feet; and an inside height of not less than 72 inches, aisle floor surface to ceiling. A type II school bus shall have an outside body width of not more than 102 inches and an inside height of not less than 60 inches, aisle floor surface to ceiling. (3) A bus shall be attached firmly to the chassis. A spacer shall be inserted between the body and the frame at every point of contact so that shearing stresses are not put on rivet heads. (4) A bus floor shall be of metal at least equal in strength to 14-gauge steel and constructed and maintained so that exhaust gases cannot enter the bus. The floor, including wheelhousing, aisle, and stepwell, shall be covered and maintained with a slip-resistant surface. Floors shall be coved to the walls. All closures between the body and the engine compartment shall be fitted with gaskets that effectively prevent gas from entering the body. The bus body floor, cross members, and skirts shall be completely undercoated. A transmission inspection plate, if any, need not have a slip-resistant surface but shall be firmly attached. (5) Sedan-type doors shall not be used on type I school buses. When a jackknife-type service door is used, it shall fold forward toward the front of the bus. If a split-type service door is used, it shall open outward. Sedan-type doors may be used on service entrances of type II buses. The steps of a service door entrance shall be covered with 3/16-inch molded ribbed rubber or other nonslip surface. (6) An emergency exit shall be provided as follows: (a) Type I school bus: the upper and lower portion of the central rear emergency door shall be equipped with approved safety glass. The door shall be hinged on the right side and the door handle located on the extreme left. Piano hinges shall not be used. The handle shall be in the vertical position when latched. A locking device of any kind shall not be attached to, or made a part of, the emergency door unless the locking device meets all of the following criteria: (i) The device is integrated into the ignition system. (ii) The device is tamper resistant. (iii) The device has an audible alarm system. (iv) The device has an audible alarm near the driver's seat that will sound when the door is locked and the ignition is on. (b) Type II school bus: subdivision (a) applies to type II buses except that double rear emergency doors may be used. A double rear emergency door shall have a 3-point latch. (7) A bus body shall be lined with fiberglass or a comparable nonsettling, nonabsorbent insulation. (8) Book racks shall not be installed in a school bus. (9) The electrical system shall be 12 volt D.C. provided through an alternator with a minimum of 100 amp rating and a minimum battery storage capacity of 500 CCA with gasoline engine, or 900 CCA with diesel engine provided through 1 12-volt battery, 2 12-volt batteries, or 2 6-volt batteries. There shall not be an opening through the floor of the bus to service the battery. (10) All baggage, articles, equipment, or medical supplies not held by individual passengers shall be secured in a manner that assures unrestricted access to all exits by all occupants, does not restrict the driver's ability to operate the bus, and protects all occupants against injury resulting from falling or displacement of any baggage, article, or equipment. Oxygen cylinders secured to a wheelchair shall be considered to be in compliance with this subsection if they do not impede access to any exit. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006 ;-- Am. 2018, Act 422, Eff. Mar. 20, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1812 - School Bus; Flashing Advisory Sign; Placement of Electronic Sign; Requirements; Section to Be Known as "Privacky law."

Sec. 12. (1) In addition to any other warning signals required by this act, a school bus may be equipped with a flashing advisory sign for the purpose of warning the operators of other vehicles of the presence of a traffic hazard requiring the use of unusual care in approaching, overtaking, or passing. A flashing advisory sign described in this subsection shall meet all of the following requirements: (a) The sign shall be mounted on the rear of the school bus in an area that does not interfere with compliance with the requirements of section 19 or 33. (b) The sign shall display warning messages to motorists in accordance with all of the following: (i) The sign shall be sealed and weathertight, and shall be 23.5 by 8.75 by 1.5 inches in size. (ii) The sign shall be connected to the school bus safety lights. (iii) The sign shall alternately flash the word messages "caution" and "stopping" when the amber school bus safety lights are activated. The letters in the word messages described in this subparagraph shall be amber and shall be at least 1.5 inches tall. The word messages described in this subparagraph may be controlled by the hazard lights or school bus safety light flashers. (iv) The sign shall flash the word message "stop" or "do not pass" when the red school bus safety lights are activated. The letters in the word messages described in this subparagraph shall be red and shall be at least 1.5 inches tall. The word messages described in this subparagraph may be controlled by the hazard lights or school bus safety light flashers. (v) The sign shall flash the word message "caution" or "caution stopping" when the hazard lights are activated. The letters in the word messages described in this subparagraph shall be amber and shall be at least 1.5 inches tall. The word messages described in this subparagraph may be controlled by the hazard lights or school bus safety light flashers. (vi) The sign shall flash the word message "caution" when the back-up lights are activated. The letters in the word message described in this subparagraph shall be amber and shall be at least 1.5 inches tall. The word messages described in this subparagraph may be controlled by the hazard lights or school bus safety light flashers. (vii) The sign shall have a minimum viewing angle of 15 degrees on each side of the perpendicular axis. (viii) The word messages described in subparagraphs (iii) to (vi) shall be clearly visible in direct sunlight from a distance of 500 feet along the axis of the school bus. (ix) Regardless of the type of lighting used for illumination, each warning message displayed by the sign shall include a complete light quality arrangement to fully and clearly convey the intended warning message to approaching motorists. (2) An electronic sign that displays warning messages to motorists may be placed on the front of a school bus if all of the following are satisfied: (a) A flashing advisory sign has been mounted on the rear of the school bus as provided in subsection (1)(a). (b) The sign is wired only to the amber and red school bus safety lights. (c) The sign is mounted below the windshield, vertically centered, and does not create a vision obstruction for the driver of the school bus. (3) A sign described in subsections (1) and (2) shall comply with

all of the following: (a) The sign shall be uniform in design and in operation, and each sign placed on a school bus as provided in this section shall display the same advisory warnings. (b) The sign shall automatically energize when the school bus's hazard lights are activated, shall comply with section 19(3), and shall automatically de-energize when the school bus service door is closed. (c) The sign shall be properly maintained and operated as designed by the manufacturer. (4) This section may be referred to as the "Privacky Law". History:Add. 2017, Act 233, Imd. Eff. Dec. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1813 - Air Brake System.

Sec. 13. (1) A school bus that is equipped with an air brake system shall be equipped with an emergency stopping system designed and constructed to permit modulated control of brake application and release and to prevent release by the driver unless energy is available for reapplication. The air brake system shall be provided with an electrically heated moisture ejector on each air reservoir or shall be provided with an after cooler type air dryer with an electrically heated purge valve. The use of moisture ejectors together with an air dryer is optional. Each air reservoir in the system shall be equipped with a manual petcock valve on the bottom of the tank. If the automatic moisture ejection valve is equipped with a manual drain control or built-in petcock, a separate manual petcock is not required. The air reservoir tanks shall be mounted on the chassis frame with not less than 15 inches of clearance between the ground and the lowest part of the tank or tank component. (2) A school bus manufactured after July 15, 1982 that has a rated seating capacity of 60 or more passengers is not required to be equipped with an air brake system. (3) A school bus manufactured before July 7, 1981 may use an air dryer system. History:1990, Act 187, Eff. Aug. 15, 1990

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1815 - Exterior Lamps and Signals on Bus.

Sec. 15. The location, number, and color of all exterior lamps and signals on a school bus shall be in conformance with current United States department of transportation, federal motor vehicle safety regulations found in 49 CFR part 571 and in section 698 of the Michigan vehicle code, 1949 PA 300, MCL 257.698. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2004, Act 231, Imd. Eff. July 21, 2004

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1817 - Signal Lights; Stoplights; Flasher Lamps; Applicability to School Buses Manufactured Before October 1, 1990; Conformance With Federal Regulations.

Sec. 17. (1) This section applies to school buses manufactured before October 1, 1990 that have not been retrofitted to meet the requirements of section 19. (2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2 overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level. These lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight. (3) Overhead alternately flashing stoplights shall be operated by a manually operated switch and detached from any other instrument on the bus. A flashing light shall not be connected to the brakes or the service door on school buses manufactured before October 1, 1990. A 3-inch black area shall be provided around flasher lamps front and rear. Lamps indicating alternating flashing light operation shall be visible to the driver when in a normal seated position. (4) Signal lights and stoplights under this section shall be in conformance with current United States department of transportation federal motor vehicle safety regulations found in 49 CFR part 571. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000 ;-- Am. 2004, Act 231, Imd. Eff. July 21, 2004

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1819 - Red and Amber Signal Lights; Applicability to New School Buses.

Sec. 19. (1) This section applies to new school buses manufactured on or after October 1, 1990 and to school buses manufactured before October 1, 1990 that are retrofitted to meet the requirements of this section. (2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2 overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level. (3) In addition to the 4 red lights described in subsection (2), 4 amber lights shall be installed near each red signal light, at the same level, but closer to the vertical center line of the bus. The system of red and amber signal lights shall be wired so that the amber lights are energized manually, and the red lights are automatically energized, with the amber lights being automatically de-energized, when the bus service door is opened. (4) The area around the lens of each overhead alternately flashing signal light and extending outward approximately 3 inches shall be painted black. In installations where there is no flat vertical portion of body immediately surrounding the entire lens of a light, a circular or square band of black approximately 3 inches wide, immediately below and to both sides of a lens, shall be painted on the body or roof area against which the signal light is seen from a distance of 500 feet along the axis of the vehicle. Visors or hoods with an appropriate black background to fit their shape and roofcap may also be used. These amber and red lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight. Lights indicating alternately flashing light operation shall be visible to the driver when in a normal seated position. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000 ;-- Am. 2004, Act 231, Imd. Eff. July 21, 2004

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1820.amended - Stop-Arm Camera System; Agreement With Law Enforcement Agencies.

***** 257.1820.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 20. (1) A school bus may be equipped with a stop-arm camera system in accordance with this section. (2) A school district may do any of the following: (a) Install and operate a stop-arm camera system on a school bus. (b) Enter into an agreement with 1 or more law enforcement agencies that establishes enforcement responsibilities for and the reimbursement of any costs related to a camera-based violation of section 682(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.682. (c) Enter into a contract with a private vendor to do 1 or more of the following: (i) Install, operate, and provide support to a stop-arm camera system on a school bus. (ii) Perform the school district's obligations under an agreement described in subdivision (b) on behalf of the school district. (3) If required by a contract entered into under subsection (2), a private vendor operating a stop-arm camera system shall provide all of the following information to a law enforcement agency authorized to enforce section 682(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.682, if the stop-arm camera system captures a photograph or records video showing an alleged violation of section 682(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.682: (a) A copy of the photograph captured or video recorded showing the motor vehicle. (b) The registration plate number and state of issuance of the registration plate. (c) The date, time, and place of the alleged violation. History:Add. 2021, Act 52, Eff. Oct. 11, 2021 ;-- Am. 2024, Act 163, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1820 - Stop-Arm Camera System.

***** 257.1820 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.1820.amended ***** Sec. 20. (1) A school bus may be equipped with a stop-arm camera system in accordance with this section. (2) A school may do either of the following: (a) Install and operate a stop-arm camera system on a school bus. (b) Enter into a contract with a private vendor to install and operate a stop-arm camera system on a school bus. (3) As used in this section, "stop-arm camera system" means a system of 2 or more cameras affixed to a school bus that meets all of the following requirements: (a) Is synchronized to automatically record video or 1 or more sequenced photographs of a vehicle failing to stop for a school bus or passing a school bus in violation of section 682(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.682. (b) Is capable of capturing images of all of the following: (i) The vehicle. (ii) The registration plate on the rear of the vehicle. (iii) A distance of not less than 200 feet in front of the school bus. (c) Records the date, time, and location on an image produced by the system. History:Add. 2021, Act 52, Eff. Oct. 11, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1821 - Windshield Wipers and Washers, Washer Reservoir, and Windshield.

Sec. 21. A school bus shall be equipped with windshield wipers, washers, a washer reservoir, and a windshield that meets the requirements of 49 CFR 571.103 and 571.104. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1823 - Vision; Mirrors; Sun Shades; Applicability.

Sec. 23. (1) A school bus shall be equipped in a manner that the driver, in a normal seated position, either by direct vision or by use of an indirect vision mirror system, shall be able to observe objects on the roadway in front of and beside the vehicle located inside a continuously visible rectangular area. The school bus shall comply with the visibility and equipment requirements of 49 CFR 571.111. (2) The interior mirror shall be clear view, safety glass with a reflective surface that provides a clear and reasonably unobstructed view to the rear of the vehicle and complies with 49 CFR 571.111. It shall have rounded corners and padded edges. (3) Sun shades, if installed, shall be mounted so that the mounting brackets are not likely to cause injury in the event of an accident. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 1990, Act 322, Imd. Eff. Dec. 20, 1990 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1825 - Fire Extinguisher; First Aid Kit; Fusees and Reflectors.

Sec. 25. (1) A school bus shall be equipped with at least 1, 2A-10BC dry chemical fire extinguisher, or its equivalent, that has an aluminum, brass, or bronze valve. The extinguisher shall be mounted securely in an accessible place in the driver's compartment and shall be in satisfactory operating condition at all times. (2) A school bus shall be equipped with a first aid kit which shall be firmly mounted with a quick release bracket in an accessible location in the driver's compartment and which shall contain, at a minimum, all of the following:(a) Bandage compress (sterile gauze pads), 4-inch2 packages.(b) Bandage compress (sterile gauze pads), 2-inch2 packages.(c) Adhesive compress, 1-inch2 packages.(d) Triangular bandage with 2 safety pins, 40-inch1 package.(e) Roll gauze1 package.(f) Elastic bandage, 3-inch1 package.(3) A school bus shall be equipped with 3 bidirectional emergency reflective triangles which are properly cased and securely mounted and 3 red-burning fusees which are capable of burning not less than 15 minutes and which are properly cased and securely mounted in the driver's compartment. Fusees and reflectors shall comply with the standards set forth in this act and the rules promulgated pursuant to this act. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 107,

Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1827 - Safety Glass; Push-Out Window Sash; Definition.

Sec. 27. (1) A school bus shall be equipped with safety glass wherever glass is used in doors, windows, and windshields. Rigid safety plastic which meets the test requirements of American national standards institute standard Z26.1-1966 may be used on school buses in lieu of safety glass, except that front windshields shall be equipped with safety glass. School buses shall be fitted with at least 1 push-out window sash on each side of any school bus on which the plastic panes are installed. (2) As used in this section, "safety glass" means a product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1829 - Fuel Tank or Container; Intake Pipe; Fuel Lines.

Sec. 29. Any part of a fuel tank or container or intake pipe shall not be located within or above the passenger-carrying portion of a school bus unless securely sealed off from that portion by means of a substantial metal cover. Fuel lines shall not extend above the frame rails. The gasoline container, including intake pipe, cap and vent on a school bus manufactured subsequent to December 31, 1964, shall be so designed that, in the event of overturn, the fuel will not be spilled at a rate in excess of 1 ounce per minute. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1831 - Flashing, Oscillating, or Rotating Light; Location; Color; Use; Conditions.

Sec. 31. A school bus may be equipped with a flashing, oscillating, or rotating light mounted on the roof of the bus approximately 6 feet from the rear of the vehicle which displays a white light to the front, side, and rear of the bus. If a school bus is equipped with such a light, there is no requirement that a driver use it. The light shall not be actuated by the driver unless 1 or more of the following conditions exist: (a) Inclement weather such as fog, rain, or snow. (b) When passengers are boarding or being discharged. (c) From 1/2 hour after sunset until 1/2 hour before sunrise. (d) Where conditions hinder the visibility of the school bus. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1833 - Paint; Applicability.

Sec. 33. (1) A school bus must be painted as follows: (a) The body, cowl, hood, and fenders must be national school bus chrome yellow. (b) The bumper, body trim, wheels, and lettering must be black. The wheel rims must be gray, black, white, or natural, as provided by the manufacturer. (c) The wheel covers, if painted, must be black. (d) The grill, if not chrome, must be national school bus chrome yellow. (e) The mirrors, if painted, must be black or yellow. (f) The name of the school district or contractor must be permanently affixed in black letters that are at least 6 inches high on the sides of the bus. The name of the school district or contractor must be permanently affixed on the front and back of the bus in black letters. (g) The words "school bus" must be permanently affixed on the front and back of the bus between the overhead flashers in black letters that are at least 8 inches in height. (h) The outside of a school bus must not have any other lettering, symbol, marking, or advertising, except that animal pictures, cartoon figures, and similar insignia may be affixed to the bus in a temporary manner near the entrance door, but not closer than the second window, to assist in identifying the bus route. A unique identification number may be permanently affixed on the upper corners of the back, front, or sides of the bus. A contractor shall display a USDOT number when required and in the manner required by 49 CFR parts 390 to 399. (i) Wording for school bus roof and door emergency exits, for inside and outside the bus, must comply with the motor vehicle safety standards found in 49 CFR 571.217. (j) The roof of a school bus may be white or yellow. However, no part of a school bus may be white below the drip rail above the side windows. (k) A sticker may be affixed to the side of a school bus that reads as follows: "An unauthorized person attempting to board or boarding this school bus is subject to citation for a civil infraction and may be ordered to pay a civil fine of not more than $500.00.". A sticker affixed to a school bus under this subdivision must be affixed on the left side of the service door between the bottom of the window and the black rub rails. (2) A bus, other than a school bus, must not be painted, in whole or in part, in the colors and design specified in subsection (1). This subsection does not apply to either of the following: (a) A bus leased seasonally to transport agricultural workers to and from a field for agricultural operations. (b) A bus certified by the state transportation department that is owned and operated by a private carrier primarily under contract with a school system that is also used for occasional charter service to the public or for school-related event transportation. (3) Subsection (1) does not apply to multifunction school activity buses. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2001, Act 130, Imd. Eff. Oct. 15, 2001 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006 ;-- Am. 2018, Act 422, Eff. Mar. 20, 2019 ;-- Am. 2021, Act 51, Eff. Oct. 11, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1839 - Inspections.

Sec. 39. (1) The department of state police shall inspect each school bus annually, and as the department of state police determines necessary where school bus defects have been found, to determine if the school bus meets the requirements of this act and the rules promulgated pursuant to this act. The department of state police may delegate the inspection of school buses to publicly employed inspectors if the inspection complies with this section. (2) Inspection of a school bus may be accomplished at any time, at any location, on or off a school site, and as frequently as the department of state police considers necessary to secure passenger safety. A school bus may be rejected by the inspecting state police official for further use in transportation of passengers if it does not meet the requirements of this act and the rules promulgated pursuant to this act. However, if a school bus is determined to be safe for operation even though in unsatisfactory condition, the official may determine that not more than 60 days shall be allowed to effect a specific repair. (3) A person, school, or school bus owner shall not operate or permit to be operated a school bus which has not been inspected under this section. (4) Any public or private entity that owns or uses a school bus for pupil transportation shall identify itself to the department of state police so an inspection can be scheduled. If an entity has had school buses inspected in the previous year, it is considered to have identified itself. If an entity stops pupil transportation in 1 year and restarts pupil transportation in a later year, it must identify itself to the department of state police as requiring inspection before restarting pupil transportation. An entity is considered to have identified itself by notifying a person of the department of state police responsible for conducting inspections under this act. (5) When an inspection is scheduled by the department of state police, an entity shall identify to the state police inspector all of the school buses that it intends to use for pupil transportation in that school year. Any school bus that is not submitted for inspection shall be rejected and have a red sticker affixed pursuant to section 41. (6) The department of state police may prohibit the placement and use of any device or equipment on a school bus that presents a safety hazard to the pupils, driver, or motorists during the loading, unloading, or transportation of pupils. (7) A school, before establishing a contract with a company for school bus services, shall require the company to verify in writing that the buses used by the contractor have been inspected by the department of state police and have passed that inspection. The school shall specify in a written contract that the contractor will not use any school buses that have not been inspected or have failed inspection, and that a violation of this provision of the contract will result in revocation of the contract. The contract shall specify that the contractor shall submit, in writing, the inspection results of its entire fleet of buses to the school within 30 days of the completion of the department of state police inspection. A school shall identify to the department of state police all of the contractors the school is using upon request. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 107, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1841 - Rejection; Red Sticker; Yellow Sticker; Reinspection; Passing Sticker.

Sec. 41. (1) A school bus may be rejected by the inspecting state official for use in transporting passengers if it does not meet the requirements of this act and the rules promulgated pursuant to this act. (2) A vehicle that is determined by a state police official to be unsafe for further operation as a school bus shall not be used. An unsafe vehicle shall have affixed to its windshield, by the state police official, a red sticker which shall read as follows: "This vehicle may not be driven. Utilization of this vehicle is in violation of law. {reverse side} Do not remove without State Police authorization." The sticker shall remain until the condition is corrected. A school bus may be transported to a maintenance facility for repair if the school bus driver provides written proof of destination to a state police official upon request. (3) A school bus that is considered to be in unsatisfactory condition, but that is safe for operation, shall have affixed to its windshield by the state police official a yellow sticker which shall read as follows: "This vehicle has equipment defects. {reverse side} Repairs and reinspection shall be obtained on or before _____. Do not remove without State Police authorization." If, upon reinspection, the vehicle defect has not been repaired, replaced, or corrected, the state police official shall remove the yellow sticker and affix a red sticker to the vehicle. Exceptions may be made when the necessary parts or equipment has been ordered but not received at the time of reinspection. Reinspection may take place within 60 days after the original inspection. (4) A school bus that is considered to be in satisfactory condition after inspection by a state police official shall have a Michigan vehicle inspection passing sticker affixed to its windshield. The owner of a school bus shall remove or destroy the pass sticker before selling the school bus. The display of a pass sticker on a vehicle other than a school bus is a state civil infraction. All stickers are the property of the department of state police. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1843 - Inspection of New School Bus; Acceptance of Delivery.

Sec. 43. The department of state police shall inspect a new school bus before a school accepts delivery. The department of state police shall determine whether the new vehicle is acceptable for delivery. The department of state police may delegate the inspection of new school buses to publicly employed inspectors if the inspection complies with this subsection. A school shall not accept delivery of a new school bus unless the new vehicle has been inspected and passed by the department of state police under this subsection and title to the school bus has been obtained by the school in compliance with this act. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1849 - Age of Driver; Chauffeur's License, Vehicle Group Designation, Passenger Vehicle Indorsement, and School Bus Indorsement Required; Persons Prohibited From Operation of School Bus; Administration of

Commercial Driver License Skills Test.

Sec. 49. (1) A person, whether or not licensed under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, who is 17 years of age or less shall not drive a school bus. (2) A person shall not operate a school bus unless that person possesses a valid chauffeur's license, the appropriate vehicle group designation, a passenger vehicle indorsement, and a school bus indorsement as required under section 312e of the Michigan vehicle code, 1949 PA 300, MCL 257.312e. A person with a commercial driver license shall not operate a school bus, and a school, school bus owner, or lessee shall not allow a person with a commercial driver license to operate a school bus, unless the operation is in compliance with the drug and alcohol testing regulations under 49 CFR parts 40 and 382. (3) A person shall not operate a school bus or a school administrator or a person or entity under contract with a school to provide pupil transportation services shall not knowingly permit a person to operate a school bus for the transportation of pupils to and from school or school-related events if that person has 7 or more penalty points for moving violations on his or her driving record under section 320a of the Michigan vehicle code, 1949 PA 300, MCL 257.320a, or if the person has a restricted license due to a conviction for a violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625. (4) A commercial driver license skills test shall be administered by a state authorized commercial driver license examiner to a school bus driver who has had 1 or more of the following: (a) Had his or her driver license or commercial driver license suspended, canceled, or denied under section 303 or 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.303 and 257.319. (b) Has been disqualified from operating a commercial motor vehicle. (c) Has been convicted of any of the disqualifying offenses in 49 CFR 383.51(b) while operating a commercial motor vehicle or any offense in a noncommercial motor vehicle that would be a disqualifying condition under 49 CFR 383.51(b) if committed in a commercial motor vehicle. (d) Has more than 1 conviction of any of the serious traffic violations defined in 49 CFR 383.51(c), while operating a commercial motor vehicle within the last 3 years. (e) Has been convicted of any motor vehicle traffic violation that resulted in an accident while operating a commercial motor vehicle. (f) Has been disqualified from operating a school bus under subsection (3). (g) A driver who is required to take a test under this subsection shall not operate a school bus until the driver has passed the test. The commercial driver license skills test shall be conducted by an examiner not employed or under contract with the same agency or school of the driver being tested. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 1994, Act 309, Eff. Mar. 30, 1995 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006 ;-- Am. 2018, Act 422, Eff. Mar. 20, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1851 - School Bus Safety Education; Training Program.

Sec. 51. (1) A driver of a school bus transporting passengers shall have in his or her possession a certificate stating that he or she has enrolled in the entry level school bus safety education course or has successfully completed a course in school bus safety education within the immediately preceding 2 years. The entry level course shall be available to the school bus driver within 90 days of enrollment. Except as otherwise provided in this subsection, enrollment certificates shall expire 10 days after the end of the entry level course in which the driver is enrolled. A second enrollment certificate shall not be issued. If a person completes the entry level school bus safety education course after June 30 of any given year and before completing the subsequent 6-hour continuing education course, the duration of the entry level certificate may be extended to the completion of the next available subsequent 6-hour continuing education course. The entry level course and subsequent 6-hour continuing education course shall be approved by the superintendent of public instruction and shall be provided by an approved educational agency. The certificate of successful completion of each course shall be prescribed by the superintendent of public instruction and successfully completed by an instructor of the course. Failure to successfully complete the entry level course or to complete the 6-hour continuing education course within 2 years after certification of successful completion of a prior course shall be reported by the instructional agency to the department of education and to the school which employs the driver. A driver who fails to successfully complete the entry level course within 90 days after enrollment or to meet the continuing education requirements shall not be permitted to drive a school bus transporting passengers. (2) The person or persons in charge of school bus operations at a school shall have, at a minimum, successfully completed a training program in his or her first year serving as the person or persons in charge of the operation. The person or persons in charge of school bus operations at a school shall successfully complete 6 hours of supervisory continuing education every 2 years after the successful completion of a training program. The superintendent of public instruction shall approve all training programs required of a person or persons in charge of school bus operations at a school, and those training programs shall be provided by an approved educational agency. (3) The cost of any course instruction and the base rate of compensation of the driver shall be reimbursed by the state on an equal basis for public and nonpublic schools as provided for by the department of education. Attendance by a person at an entry level course, a continuing education course, or an on-road driver skills test as required by this section or section 52 shall be considered compensable work time by the school and the person shall be paid at not less than their base rate as determined by their individual contract of employment or their contractual rate as negotiated between the school and the person's collective bargaining representative. (4) The legislature shall appropriate the funds necessary to implement this section. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006 ;-- Am. 2010, Act 93, Imd. Eff. June 22, 2010 ;-- Am. 2018, Act 422, Eff. Mar. 20, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1853 - Drivers of School Buses; Qualifications; Records; Background Check; Prohibition on Smoking; Alcoholic Liquor or Controlled Substance on Bus; Third Party Reimbursement or Certain Benefits Not Required.

Sec. 53. (1) A driver of a school bus shall, at a minimum, meet the following qualifications: (a) The requirements of sections 49 and 51. (b) The requirements to ensure that a person is qualified to operate a school bus found in 49 CFR 391.41 to 391.49, including the appendices of each section. (c) An employer who has reason to believe that a driver is not physically qualified to drive may require a physical examination for that driver at more frequent intervals. If an employer requests a physical examination under this subdivision, the employer shall indicate in writing what physical impairment the driver is to be examined for and shall only be entitled to that portion of the examination results that pertain to that impairment. An examination requested by the employer under this subdivision must be paid for by the employer. (d) A copy of the medical certificate for a driver must be carried by that driver while he or she is operating a school bus. (2) A record of each employed school bus driver, including a copy of his or her medical certificate, department of education certification, driver license, certificate of road test application for employment, and any other information that relates to driver qualification or ability to safely drive a school bus, must be maintained in the employer's administrative office. (3) A school shall submit transportation safety related documents, such as driver qualification records, and vehicle maintenance records upon request for inspection and copying to motor carrier officers or vehicle safety inspectors of the department of state police. (4) Upon receipt of an application from a person for the position of school bus driver, a school shall request from the department of state police a background check to determine whether the person was convicted of any of the following offenses: (a) Criminal sexual conduct in any degree. (b) Assault with intent to commit criminal sexual conduct. (c) An attempt to commit criminal sexual conduct in any degree. (d) Felonious assault on a child, child abuse, or cruelty, torture, or indecent exposure involving a child. (e) A violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c. (5) A person shall not smoke on a school bus. (6) A person shall not possess or consume alcoholic liquor or a controlled substance on a school bus. (7) This section does not require new or additional third party reimbursement or worker's compensation benefits for services rendered. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2002, Act 647, Imd. Eff. Dec. 23, 2002 ;-- Am. 2004, Act 131, Imd. Eff. June 3, 2004 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006 ;-- Am. 2010, Act 93, Imd. Eff. June 22, 2010 ;-- Am. 2021, Act 131, Imd. Eff. Dec. 17, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1855 - Actuation of Alternately Flashing Lights; Procedures for Receiving and Discharging Pupils From Bus; Crossing Road; Prohibited Stops; Instruction on Proper School Bus Etiquette; Reimbursement; "Required to Cross the Roadway" Explained; Visibility.

Sec. 55. (1) A school bus driver shall actuate alternately flashing lights only when the school bus is stopped or stopping on a highway or private road for the purpose of receiving or discharging pupils in the manner provided in this act. A school bus driver shall not actuate the alternately flashing lights when operating on a public highway or private road and transporting passengers primarily other than school pupils. (2) The driver of a school bus while operating upon the public highways or private roadways open to the public shall receive or discharge pupils from the bus in the following manner: (a) If pupils are required to cross the roadway, the driver of a school bus equipped with only the alternately flashing overhead red lights in accordance with section 17 shall activate the alternately flashing overhead red lights not less than 200 feet before the stop, stop the school bus on the roadway or private road to provide for the safety of the pupils being boarded or discharged, and continue to activate the alternately flashing overhead red lights while receiving or discharging pupils. The bus shall stop in the extreme right-hand lane when boarding or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed. (b) If the pupils are required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus on the roadway or private road to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. The bus shall stop in the extreme right-hand lane for the purpose of boarding or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed. (c) If the pupils are not required to cross the roadway, the driver of a school bus equipped with only the alternately flashing overhead red lights in accordance with section 17 shall activate the alternately flashing overhead red lights not less than 200 feet before the stop, stop the bus as far off the roadway or private road as practicable to provide for the safety of the pupils being boarded or discharged, and continue to activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed. (d) If the pupils are not required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus as far off the roadway or private road as practicable to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed. (e) If the pupils are not required to cross the roadway and where the road has adequate width for the school bus to be pulled to the far right of or off the roadway or private road allowing traffic to flow and to provide for the safety of pupils being boarded or discharged, the driver shall activate the hazard warning lights before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed if the lawful speed limit is 50 miles

per hour or less. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or person or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a), (b), (c), or (d) as if pupils were not required to cross the roadway. (f) Except as provided in subdivision (e), if the pupils are not required to cross the roadway and where the school bus may be pulled off the roadway or private road or where the road has adequate width for the school bus to be pulled off to the far right of the roadway or private road leaving the normal traffic flow unobstructed and to provide for the safety of pupils being boarded or discharged, the driver shall activate the hazard warning lights before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a), (b), (c), or (d) as if pupils were not required to cross the roadway. (g) The distance of not less than 200 feet required for light activation by this subsection shall be measured on the roadway or private road on which the stop is made for receiving or discharging pupils. (3) Pupils crossing the roadway upon being discharged from a school bus shall cross in front of the stopped school bus. If a school district authorizes its school bus drivers to signal pupils to cross in front of the stopped school bus, the signal shall be uniform throughout the school district. (4) The driver of a school bus shall not stop the bus for the purpose of receiving or discharging pupils in the following instances: (a) Within 200 feet of a public or private roadway intersection unless the stop is approved by the school administrator or entity under contract with a school to provide pupil transportation services. (b) Upon a limited access highway or freeway, or upon any other highway or roadway that has been divided into 2 roadways by leaving an intervening space, a physical barrier, or clearly divided sections so constructed as to impede vehicular traffic if the pupils are required to cross the roadway. (c) Upon a roadway constructed or marked to permit 3 or more separate lanes of vehicular traffic in either direction if the pupils are required to cross the roadway. (5) The driver of a school bus when using the alternately flashing overhead red lights shall not stop the bus on any highway or roadway for the purpose of receiving or discharging pupils under the following conditions: (a) If the lawful speed limit is more than 35 miles per hour and the stopped bus is not clearly and continuously visible to approaching vehicles on that highway or roadway for at least 400 feet. When the distance from the stopped bus to the end of the highway or roadway is less than 400 feet, clear and continuous visibility must be available from the bus to the end of the highway or roadway. (b) If the lawful speed limit is 35 miles per hour or less and the stopped bus is not clearly and continuously visible to approaching vehicles on that highway or roadway, for at least 200 feet. When the distance from the stopped bus to the end of the highway or roadway is less than 200 feet, clear and continuous visibility must be available from the bus to the end of the highway or roadway. (c) Within 50 feet of an intersection if the intersection is controlled by a traffic control signal. (6) A school may provide instruction on proper school bus etiquette which may include, but not be limited to, boarding and leaving the bus, evacuation of the bus in an emergency, and road crossing procedures and the correct hand signal in the district, if any. If a school uses school bus drivers for this instruction, the state board may reimburse the school for this training. (7) For the purpose of this section, "required to cross the roadway" does not include crossing the roadway with the assistance of a traffic control signal, or with the assistance of a school crossing guard as defined in section 57b of the Michigan vehicle code, 1949 PA 300, MCL 257.57b, and applies only to the roadway on which the stop is being made. (8) For purposes of this section, a school bus is clearly and continuously visible if both of the following standards are satisfied: (a) Approaching traffic is able to see the front of a school bus extending from the roofline to and including the headlamps at the distances specified in subsection (5). (b) Approaching traffic is able to see the back of a school bus extending from the roofline to and including the tail lamps and stop lamps at the distances specified in subsection (5). History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 1990, Act 322, Imd. Eff. Dec. 20, 1990 ;-- Am. 1991, Act 184, Imd. Eff. Dec. 27, 1991 ;-- Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000 ;-- Am. 2004, Act 231, Imd. Eff. July 21, 2004 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006 ;-- Am. 2006, Act 320, Imd. Eff. July 20, 2006 ;-- Am. 2018, Act 422, Eff. Mar. 20, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1857 - Driver of School Bus at Railroad Track Grade Crossing; Requirements; “Inactive Railroad Track” Defined; Exemptions; Violation as Civil Infraction; Fine; Processing.

Sec. 57. (1) Except as provided in subsections (2), (3), (4), and (5), the driver of a school bus, before crossing a railroad track at grade, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail, activate hazard warning lights, turn off all interior switches including fans, heaters, and radios, open the passenger door and driver-side window, and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks. (2) A stop need not be made at a railroad track grade crossing where a uniformed police officer or a traffic-control signal directs traffic to proceed. (3) A stop need not be made at an inactive railroad track grade crossing. As used in this subsection, "inactive railroad track" means a railroad track that meets both of the following requirements: (a) The track has been completely paved over or removed. (b) All signs, signals, and other warning devices are removed. (4) A stop shall not be made at a railroad track grade crossing on a freeway or limited access highway where the crossing is protected by a clearly visible signal, crossing gate, or barrier at a time when the signal, crossing gate, or barrier is not activated. (5) A stop shall not be made at a railroad grade crossing marked with a sign reading "exempt". Exempt signs may be

erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by the primary railroad operating over that crossing. (6) A person who violates this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $100.00. A civil infraction under this subsection shall be processed in the same manner as a civil infraction under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 1996, Act 170, Imd. Eff. Apr. 18, 1996 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006 ;-- Am. 2015, Act 129, Imd. Eff. July 15, 2015

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1859 - Persons Eligible for Transportation; Applicability of Subsection (1); Limitation as to Seating; Violation as Civil Infraction; Fine; Processing; "Authorized Person" Defined.

Sec. 59. (1) A driver of a school bus shall not transport or permit to be transported on a school bus while transporting pupils to and from school an individual other than pupils, individuals enrolled in a school-sponsored preschool program authorized by state or federal statute, teachers or chaperons of the pupils or other individuals authorized by the school for the protection of property or the health, safety, and welfare of the pupils or individuals attending other school related functions, or both. This subsection does not apply during the transportation of individuals under section 65. (2) After the fourth Friday following Labor Day of each school year, a school bus must not be used to transport more than 100% of the number of individuals for which the school bus has a rated seating capacity. (3) A person that violates or directs a violation of subsection (1) or (2) is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $100.00. A civil infraction under this subsection must be processed in the same manner as a civil infraction under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. (4) An individual other than an authorized person shall not enter a school bus without the permission of the driver of the school bus. As used in this subsection, "authorized person" means any of the following: (a) A pupil. (b) A person enrolled in a school-sponsored preschool program. (c) A teacher or other school employee. (d) A chaperone of the pupils authorized by a school. (e) A person authorized by a school or the operator of the school bus for the protection of property or the health, safety, and welfare of the occupants of the school bus. (5) A person shall not impede the progress or operation, or both, of a school bus. (6) A person that violates subsection (4) or (5) is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $500.00. A civil infraction under this subsection must be processed in the same manner as a civil infraction under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 1996, Act 170, Imd. Eff. Apr. 18, 1996 ;-- Am. 2021, Act 49 , Eff. Oct. 11, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1861 - Speed Limits; Violation; Penalty.

Sec. 61. A person operating a school bus shall not exceed the speed limits established for this type of vehicle under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. A person who violates this section is subject to the penalty assessed for violation of section 627 of the Michigan vehicle code, 1949 PA 300, MCL 257.627. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 86, Imd. Eff. Apr. 3, 2006 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1865 - Use of School Bus for Transporting Persons Other Than Pupils; Mileage, Insurance, Fees, and Other Costs; Priority; Purchase of Additional School Buses; Checking and Servicing School Buses; Definition; Rights of School Employees; Collective Bargaining Agreements.

Sec. 65. (1) Pursuant to an agreement made under subsection (4), a school may permit the use of a school bus that is not otherwise being used for school purposes by an organization or group for purposes of transporting senior citizens or retired or disabled persons, or by a nonprofit organization for purposes of providing transportation to attendees to or from an activity, event, or outing, if the school determines that suitable or economically feasible public or private transportation is not available for this purpose. Mileage, insurance, and other costs may be paid by the group or organization or may be waived by the school. (2) A school may permit the use of a school bus for the purposes of transporting persons other than pupils to school-sponsored events. The school may collect a fee for transporting persons other than pupils to or from school-sponsored events to cover expenses for the trips involved. Insurance to indemnify the school, its officers, or employees against liability for damages arising out of the use of school buses shall be obtained before persons other than pupils are transported and fees charged. The pupils of the school shall be given first priority for any transportation furnished by the school. (3) A school shall not purchase additional school buses for the sole purpose of implementing this section. (4) A local unit of government, including a city, county, village, or township, may enter into an agreement with a school within its area for the use of school buses to transport senior citizens or retired or disabled persons, or attendees of an activity, event, or outing sponsored by a nonprofit organization, subject to subsections (1) and (5). (5) A school may contract with a federal, state, or local unit of government or an authorized government subcontractor for the use of a school bus to transport persons, if all of the following conditions exist: (a) The school bus is not being used for school purposes. (b) The persons are to be transported to or from an activity that is sponsored or operated by the unit of government. (c) The school bus is not to be used for transporting freight, goods, or merchandise other than that which is carried on the laps of individual passengers. (d) A subcontractor of a unit of government has obtained written evidence of a contract with the governmental agency that shows that the subcontractor is authorized to expend funds for the transportation for which the use of a school bus is requested. (e) Other suitable or

economical transportation is not available. (6) A school bus shall be returned in adequate time to be properly checked and serviced for its scheduled route assignment. (7) As used in this section, "nonprofit organization" means 1 of the following: (a) A corporation organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192. (b) A corporation to which the nonprofit corporation act applies as provided in sections 121 and 123 of the nonprofit corporation act, 1982 PA 162, MCL 450.2121 and 450.2123. (c) A group, society, organization, or association organized to carry out any lawful purpose not involving pecuniary profit or gain for its officers, trustees, or members. (8) Nothing in this section shall be construed to eliminate, modify or restrict any of the rights or collective bargaining agreements school employees have under 1947 PA 336, MCL 423.201 to 423.217. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2018, Act 422, Eff. Mar. 20, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1867 - Contract for Use of School Bus by Government; Costs; Insurance; Stipulation; Limitation.

Sec. 67. (1) In compliance with section 65(8), if a determination is made that economically feasible private transportation does not exist, a school may contract with a federal, state, or local unit of government, or a subcontractor of these units, for the use of a school bus to transport persons to or from an activity or function sponsored or operated by the unit of government. The governmental agency, or subcontractors of the governmental agency, shall pay the full costs incurred in the use of a school bus. A school bus may be contracted out only in compliance with the provisions of the school insurance policy and any joint stipulations of the school and the school bus drivers including, but not limited to, any collective bargaining agreements in force or if no collective bargaining agreement exists, agreement with the bargaining agent if it has been designated. A school shall not purchase additional school buses for the sole purpose of implementing this provision of law. (2) The provision of school buses for the purpose provided in subsection (1) shall not be made if bus service for pupils of the school would be compromised. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1869 - Purchasing School Buses; Rehabilitation of School Buses; Costs; Rules.

Sec. 69. The cost of purchasing school buses and the rehabilitation of school buses to extend the period of usefulness shall conform with the rules promulgated by the department of education to provide state aid to eligible school districts for the purchase of school buses and the cost of rehabilitation of school buses to extend the period of usefulness. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1870 - Advisory Committee; Establishment; Purpose; Membership; Duties.

Sec. 70. (1) The department of education shall establish an advisory committee to advise the department on issues and topics concerning school buses and school bus safety. The advisory committee shall consist of a member from each of the following departments or organizations: (a) The department. (b) The department of state police. (c) The state transportation department. (d) The department of state. (e) The Michigan association for pupil transportation. (f) The Michigan association of school business officials. (g) The Michigan association of school administrators. (h) The training agency association of Michigan. (i) A member representing nonpublic schools. (j) The Michigan education association. (k) The Michigan association of school boards. (l) Other organizations representing school bus drivers as the department considers appropriate. (m) Any other organizations or groups the department considers necessary. (2) The advisory committee shall include members representing bus drivers and supervisors in rural areas, suburban areas, and cities in the Lower and Upper Peninsula. (3) The advisory committee shall assist the department in the development of continuing education courses for school bus drivers and supervisors, any modifications to the introductory school bus safety course, the program to evaluate driving skills and on-road procedural performance skills of each school bus driver, and the minimum threshold for a required safety evaluation, which may include, but is not limited to, number of points on a driving record, operating impaired or under the influence of alcohol, at-fault accidents, or violations of safety procedures, for requiring drivers to take the on-road driver skills test. (4) The advisory committee shall assist the department in updating physical examination requirements as necessary to comply with changes in federal and state law or rules. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1871 - Instruction and Training on New Procedures.

Sec. 71. A school shall provide instruction and training for its drivers on any new procedures required by this act not more than 30 days after the effective date of this act. History:1990, Act 187, Eff. Aug. 15, 1990

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1873 - Violation as Civil Infraction or Felony; Powers of Motor Carrier Officers.

Sec. 73. (1) A person who violates this act is responsible for a state civil infraction and shall be assessed a fine of not more than $500.00, unless that violation is by this act or other law of this state declared to be a felony or a civil infraction. (2) Motor carrier officers appointed by the director of the department of state police shall have all the powers conferred upon peace officers by the

general laws of this state to enforce this act and the rules promulgated pursuant to this act. History:1990, Act 187, Eff. Aug. 15, 1990 ;-- Am. 2006, Act 108, Eff. Aug. 15, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1875 - Effective Date.

Sec. 75. This act shall take effect August 15, 1990. History:1990, Act 187, Eff. Aug. 15, 1990

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 187 of 1990 - The Pupil Transportation Act (257.1801 - 257.1877)Section 257.1877 - Conditional Effective Date.

Sec. 77. This act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law: (a) Senate Bill No. 843. (b) Senate Bill No. 844. History:1990, Act 187, Eff. Aug. 15, 1990Compiler's Notes:Senate Bill No. 843, referred to in this section, was filed with the Secretary of State July 20, 1990, and became P.A. 1990, No. 188, Eff. Aug. 15, 1990.Senate Bill No. 844, also referred to in this section, was filed with the Secretary of State July 20, 1990, and became P.A. 1990, No. 189, Eff. Aug. 15, 1990.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1101 - Motor Vehicle Accident Claims Act; Short Title.

Sec. 1. This act shall be known and may be cited as the "motor vehicle accident claims act". History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1102 - Definitions.

Sec. 2. As used in this act: (a) "Secretary" means the secretary of state acting as director of the fund. (b) "Treasurer" means the state treasurer acting as the custodian of the fund. (c) "Fund" means the motor vehicle accident claims fund. (d) "Uninsured motor vehicle" means a motor vehicle as to which there is not in force a liability policy that meets the requirements of section 3009 of the insurance code of 1956, 1956 PA 218, MCL 500.3009, and that is not owned by a holder of self-insurance as provided in section 3101d of the insurance code of 1956, 1956 PA 218, MCL 500.3101d. (e) "Person" includes natural persons, firms, copartnerships, associations, and corporations, except this state or an agency or political subdivision of this state. Person does not include a municipal corporation or a corporation owned or operated by this state or a political subdivision of this state. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1967, Act 274, Imd. Eff. July 20, 1967 ;-- Am. 1971, Act 211, Imd. Eff. Dec. 29, 1971 ;-- Am. 2012, Act 572, Imd. Eff. Jan. 2, 2013

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1103 - Motor Vehicle Accident Claims Fund; Financial Statement; Audit; Deposits or Investments; Reversion of Unexpended Moneys; Powers of Commissioner of Insurance; Report; Annual Statement; Examination of Records; False Evidence of Insurance as Misdemeanor; Use of Records or Information; Prohibition; Penalty.

Sec. 3. (1) There shall be a fund to be known as the motor vehicle accident claims fund. A detailed financial statement of the condition of the fund shall be published by the secretary of state annually. This fund shall be subject to a financial audit by the auditor general. The treasurer shall deposit or invest an unappropriated portion of the fund, in the same manner and subject to all provisions of law with respect to the deposit or investment of state funds by the state treasurer, and interest earned by portions of the fund deposited or invested by the treasurer shall be collected by him and placed to the credit of the fund. Unexpended moneys appropriated from the fund shall revert to the fund at the end of each fiscal year. (2) The commissioner of insurance shall have the power of visitation and examination of the affairs of the fund as though the fund were an insurer and shall report to the governor and the legislature on its financial position, actuarial soundness, and general condition. A copy of the report shall be filed with the auditor general for his use in auditing the fund. The fund shall file an annual statement relating to business and affairs on a form the commissioner shall prescribe. (3) As of the close of the fiscal year ending June 30, 1970, and at the end of each fiscal year thereafter, the insurance bureau of the department of commerce shall examine the records of the fund in accordance with insurance accounting principles and file its report with the secretary before the succeeding April 1. (4) A person who furnishes false evidence of insurance upon the issuance or transfer of registration under this section is guilty of a misdemeanor. In addition his operator's or chauffeur's license or motor vehicle registration, or both, may be suspended by the secretary for not more than 1 year. (5) A person shall not use records or information produced as a result of the administration of this act for the purpose of soliciting the sale or purchase of motor vehicle liability insurance. A person who violates this subsection is guilty of a misdemeanor and shall be imprisoned for not more than 1 year, or fined not more than $1,000.00, or both. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965 ;-- Am. 1967, Act 274, Imd. Eff. July 20, 1967 ;-- Am. 1968, Act 223, Eff. July 1, 1968 ;-- Am. 1971, Act 19, Imd. Eff. May 5, 1971 ;-- Am. 1971, Act 63, Imd. Eff. July 28, 1971 ;-- Am. 1974, Act 223, Imd. Eff. July 26, 1974 ;-- Am. 1975, Act 322, Imd. Eff. Jan. 2, 1976

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1103a - Transfer of Cash to General Fund; Reimbursement.

Sec. 3a. (1) Upon the effective date of this amendatory act, the state treasurer is authorized to transfer the sum of $20,000,000.00 from the motor vehicle accident fund to the state general fund. The state accounting division shall treat the transfer as revenue from other funds. (2) To reimburse the motor vehicle accident claims fund for the cash transferred pursuant to subsection (1), there is appropriated from the general fund for the fiscal year beginning July 1, 1976, the sum of $15,000,000.00 and for the fiscal year beginning July 1, 1977, the sum of $5,000,000.00. There is appropriated from the general fund each fiscal year from the effective date of this act through the fiscal year beginning July 1, 1976, an amount sufficient to pay any due and payable claims which exceed available revenue of the motor vehicle accident claims fund, which amount shall be deducted from the subsequent $5,000,000.00 appropriation contained in this section to the motor vehicle accident claims fund. History:Add. 1971, Act 19, Imd. Eff. May 5, 1971 ;-- Am. 1976, Act 89, Imd. Eff. Apr. 17, 1976

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1105 - Service of Process; Secretary of State as Agent; Procedure; Failure to Serve as Bar to Recovery; Intervention; Exception; Limitation on Payment.

Sec. 5. The secretary is deemed to be an agent of the owner or operator of every uninsured motor vehicle for service of process in an action in this state arising out of the use or operation in this state of the uninsured motor vehicle. Where an action is commenced, summons and complaint shall be served on the secretary by certified or registered mail or by leaving a copy thereof with or at the office of the secretary who shall forward a copy of the summons and complaint forthwith by certified mail to the defendant at his last address as recorded with the secretary. In an action to recover damages arising out of the use or operation of an uninsured motor vehicle, failure to serve summons and complaint upon the secretary shall constitute a bar to recovery from the fund. In actions where summons and complaint have been served upon the secretary, the secretary shall have the right to intervene in the action as a party defendant. This act does not apply to an accident occurring after the effective date of this amendatory act for which benefits are payable in whole or in part under sections 3101 to 3179 of Act No. 218 of the Public Acts of 1956, as amended. A payment shall not be made under this act for an accident occurring after the effective date of this amendatory act to an owner or registrant of a motor vehicle for which security under sections 3101 to 3179 of Act No. 218 of the Public Acts of 1956, as amended, is required. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1967, Act 274, Imd. Eff. July 20, 1967 ;-- Am. 1974, Act 223, Imd. Eff. July 26, 1974

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1106 - Death or Injury by Uninsured Motorist; Application for Payment From Fund; Disputing Liability; Payment; Subrogation; Suspension; Default in Payments.

Sec. 6. (1) Where the death of or personal injury or property damage to any person or property is occasioned in this state by an uninsured motor vehicle, any person who would have a cause of action against the owner or driver of the uninsured motor vehicle in respect to the death or personal injury, or property damage except a person entitled to make an application under section 7, may make application, in a form prescribed by the secretary, for payment out of the fund subject to the limitations provided in this act for all damages in respect to the death or personal injury and for damages in excess of $200.00 in respect to property damage. (2) Upon receipt of application under this section, the secretary shall forward, by certified mail, notice of the application to the owner and driver of the uninsured motor vehicle against whom liability for damages is alleged, to their last addresses as recorded with the secretary. If any person to whom a notice is sent replies in writing within 20 days of the date upon which the notice was sent, disputing his liability, the provisions of subsection (5) shall be suspended as to such person, until such person executes a written consent to such payment or the secretary obtains a judgment for such payment against such person in a court of law. (3) In respect to the application, the secretary may make payment out of the fund, subject to section 23, of an amount that he deems proper if the applicant executes a written release of all claims arising out of the accident to be paid from the fund. (4) Where an amount is paid out of the fund under this section, the secretary is subrogated to the rights of the person to whom the amount is paid and may maintain an action in his own name or in the name of the person against the person responsible for the use or operation of the uninsured motor vehicle. (5) Where payment is made under this section, the operator's or chauffeur's license and owner's registration or registrations of the persons to whom the notice was forwarded under this section shall be forthwith suspended by the secretary and shall not be reinstated until such person or persons have: (a) Repaid in full to the fund the amount paid out; or (b) Commenced installment repayments in accordance with an agreement made with the secretary, and filed proof of financial responsibility until the amount paid out in settlement of the claim by the motor vehicle accident claims fund has been repaid in full. (6) Where a person who has commenced repayment of an amount paid out of the fund is in default in any payment for a period of 10 days, or fails to maintain proof of financial responsibility as required by this act, the secretary shall forthwith suspend the operator's or chauffeur's license and vehicle registration or registrations of the person. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965 ;-- Am. 1967, Act 274, Imd. Eff. July 20, 1967 ;-- Am. 1968, Act 223, Eff. July 1, 1968

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1107 - Judgment for Damages Caused by Uninsured Motorist; Application for Payment; Notice to Applicant of Objection to Payment; Action Against All Defendants.

Sec. 7. (1) Subject to section 8, where a person recovers in any court in this state a judgment for damages on account of injury to or the death of any person or property damage occasioned in this state by an uninsured motor vehicle owned or operated by the

judgment debtor within this state, upon the determination of all proceedings, including appeals, he may make application, in the form prescribed by the secretary and the secretary shall pay the amount of the judgment or of the unsatisfied portion thereof, subject to the limitations provided in this act with respect to death or personal injury and the amount of the judgment or of the unsatisfied portion thereof, in excess of $200.00, with respect to property damage out of the fund. (2) Where an application is made under this section, the secretary, at any time within 30 days of the receipt of the application, may give written notice to the applicant of any objection to payment of such judgment or any part of it. Where the secretary gives the notice the applicant may apply to the court entering judgment for a finding or determination in respect of any matter in connection with the application for payment out of the fund. (3) The secretary shall not pay out of the fund any amount in respect of a judgment unless the judgment was given in an action brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and prosecuted against every such person to judgment or dismissal. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1108 - Default Judgment; Notice to Secretary of State; Reopening; Settlements.

Sec. 8. (1) Section 7 does not apply in the case of a judgment entered in an action in which the defendant did not enter an appearance, did not file an answer, or did not appear in person or by counsel at the trial, or judgment was entered upon the consent or with the agreement of the defendant, unless the secretary has been given notice in writing of the failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection (2). (2) Where the secretary is served with notice in writing under this section, he may enter an appearance within 30 days, file an answer, make payment into court, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and thereupon, on behalf and in the name of the defendant, may conduct his defense, and may consent to judgment in such amount as he may deem proper in all the circumstances, and all acts done in accordance therewith shall be deemed to be the acts of the defendants. (3) Where pleadings have been closed, the secretary, upon giving notice to the court and to all proper parties to the action that he intends to defend the action on behalf and in the name of the defendant, may reopen the pleadings upon praecipe. (4) In any action to recover damages arising out of the use or operation of an uninsured motor vehicle any settlement made between the plaintiff and defendant shall not be binding upon the secretary or the fund unless the secretary consents thereto. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1968, Act 223, Eff. July 1, 1968

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1109 - Prerequisite to Payments From Fund; Settlement of Claim.

Sec. 9. The secretary shall not pay out of the fund any sum under section 7 until the judgment creditor assigns the judgment to him. The secretary may make settlement of a claim which is brought pursuant to section 13 and pay out of the fund any sum necessary to satisfy the settlement. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1971, Act 19, Imd. Eff. May 5, 1971

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1110 - Suspension of Licenses; Reinstatement, Conditions.

Sec. 10. Where the secretary pays out of the fund any amount in satisfaction of a judgment, the operator's or chauffeur's license and vehicle registration or registrations of the judgment debtor on whose behalf the payment is made shall be forthwith suspended by the secretary and shall remain suspended until he has: (a) Repaid in full to the fund the amount paid out; or (b) Commenced installment repayments in accordance with an agreement entered into with the secretary, and filed proof of his financial responsibility until the amount paid out to satisfy the judgment by the motor vehicle accident claims fund has been repaid in full. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1967, Act 274, Imd. Eff. July 20, 1967

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1111 - Default in Installment Payment; Suspension of Licenses.

Sec. 11. When a person is in default of any installment payment for a period of 10 days, or fails to maintain proof of financial responsibility as required by this act, the secretary shall forthwith suspend the operator's or chauffeur's license and vehicle registration of the person. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1967, Act 274, Imd. Eff. July 20, 1967

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1112 - Death or Injury by Unidentified Vehicle or Driver; Action Against Fund; Condition Precedent.

Sec. 12. Where the death of or personal injury to any person is occasioned in this state by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect to the death or personal injury may bring an action against the secretary, either alone or as a codefendant with others alleged to be responsible for the death or personal injury. In any action commenced under this section, physical contact by the unidentified vehicle with the plaintiff or with a vehicle occupied by the plaintiff, is a condition precedent to such action. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965 ;-- Am. 1968, Act 223, Eff. July 1, 1968

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101

- 257.1133)Section 257.1113 - Death or Injury by Unidentified Vehicle or Driver; Adding Secretary as Defendant; Condition.

Sec. 13. Where an action has been commenced in respect of the death of or injury to any person occasioned in this state by a motor vehicle and it is alleged that the death or injury was caused or contributed to by another motor vehicle, the identity of which and the owner and the driver thereof cannot be established, the secretary may be added as a defendant on the application of any party and shall be added as a defendant on his own application. The secretary may not be added as a defendant under this section unless physical contact by the unidentified motor vehicle with the plaintiff or with the vehicle occupied by the plaintiff or with such other vehicle which was involved in the accident has been established. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965 ;-- Am. 1968, Act 223, Eff. July 1, 1968

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1115 - Death or Injury by Stolen Vehicle; Action Against Secretary of State.

Sec. 15. When the death of or personal injury or property damage to any person or property is occasioned in this state by a motor vehicle at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner and the identity of the person in possession of the motor vehicle cannot be established, any person who would have a cause of action against the person in possession of the motor vehicle in respect of the death or injury or property damage may bring an action against the secretary. History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1116 - Death or Injury by Stolen Vehicle; General Denial by Secretary of State.

Sec. 16. In an action against the secretary, he may deny generally the allegations in respect to the unidentified motor vehicle and unidentified owner and driver thereof and shall not be required to set forth the facts upon which he relies. History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1117 - Death or Injury by Stolen Vehicle; Judgment Against Secretary of State, Prerequisites.

Sec. 17. In an action against the secretary, a judgment against him shall not be granted unless the court in which the action is brought is satisfied that all reasonable efforts have been made by the parties, other than the secretary, to ascertain the identity of the motor vehicle and of the owner and driver thereof, and that: (a) In the case of actions under section 12, the identity of the motor vehicle and of the owner and driver thereof cannot be established; or (b) In the case of actions under section 15, the identity of the driver of the motor vehicle that caused the death or injury or property damage cannot be established. History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1118 - Recovery Against Fund; Limitation of Action; Notice.

Sec. 18. In all actions in which recovery is to be sought against the fund, said action must be commenced within 3 years from the time the cause of action accrues. Recovery from the fund shall not be allowed in any event unless notice of intent to claim against the fund is served upon the secretary, on a form prescribed by him, within 6 months of the date that the cause of action shall accrue. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1968, Act 223, Eff. July 1, 1968

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1119 - Judgment Against Secretary of State; Payment; Property Damage Payment.

Sec. 19. Where judgment is obtained against the secretary upon the determination of all proceedings, including appeals, the secretary, subject to the limitations provided in this act, shall pay out of the fund to the plaintiff in the action, the entire amount of the judgment with respect to death or personal injury, and that part of the judgment in excess of $200.00, in respect to property damage. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1965, Act 389, Eff. Oct. 25, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1120 - Judgment Against Secretary of State; Application for Order Identifying Owner or Driver of Motor Vehicle; Order, Effect.

Sec. 20. Where judgment has been obtained against the secretary, he may apply at any time thereafter to the court where judgment has been obtained for an order declaring that any person was, at the time of the accident, the owner or driver of the motor vehicle that occasioned the death or injury or property damage in respect of which the judgment was obtained. Upon the making of an order declaring that any person was the owner or driver of a motor vehicle: (a) The person, for the purpose of this act, shall be deemed to be the defendant in the action in which judgment was given against the secretary, and the judgment against the secretary shall be deemed to be a judgment against the person; and (b) The secretary shall be deemed to have a judgment against the person for the amount of all moneys paid out of the fund in respect of the judgment and accordingly has all the rights of a judgment creditor, including the right to recover any moneys that would have been payable in respect of the death or injury or property damage under any policy of insurance that was in force at the time of the accident. History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1121 - Judgment Against Secretary of State; Secretary Not Personally Liable to Satisfy Judgment.

Sec. 21. In an action brought against the secretary, he is not personally liable to satisfy a judgment obtained in the action. History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1122 - Payment From Fund; Prohibited When Damages Paid or Payable From Insurance.

Sec. 22. (1) No payment shall be made out of the fund for payment of damages arising out of motor vehicle accidents occurring in this state prior to January 1, 1966. (2) No payment shall be made out of the fund in respect to a claim or judgment for damages or in respect to a judgment against the secretary, of any amount paid or payable by an insurer by reason of the existence of a policy of insurance or of any amount paid or payable by any other person by reason of the existence of any policy, contract, agreement or arrangement, providing for the payment of compensation, indemnity or other benefits. (3) No amount sought to be paid out of the fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of insurance, or in lieu of making a claim or receiving a payment that is payable by reason of the existence of any policy, contract, agreement or arrangement, providing for the payment of compensation, indemnity or other benefits, to which the claimant would be entitled in the absence of this act. (4) In determining the amount which is payable from the fund under subsections (2) and (3) of this section and section 23, of this act, no consideration shall be given to any amount received or receivable by or paid or payable to or for the benefit of any person, under a policy of life insurance or under any policy, contract or agreement, providing for the payment of any hospital or medical expenses. (5) No amount sought to be paid out of the fund shall be sought, directly or indirectly, for payment to or on behalf of any insurer or other person to reimburse or indemnify the insurer or such other person for any amount paid or payable by the insurer or such other person, by reason of the existence of any policy of insurance or any contract, agreement or arrangement, providing for the payment of any compensation, indemnity or other benefits. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1123 - Payments for Injury, Death, or Property Damage; Limitations; Recovery of Excess Payments.

Sec. 23. (1) In respect to applications under this act for payment of damages arising out of motor vehicle accidents occurring in this state on or after January 1, 1966, the secretary shall not pay out of the fund, (a) more than $20,000.00, exclusive of costs, on account of injury to or the death of 1 person, and, subject to such limit for any one person so injured or killed, not more than $40,000.00, exclusive of costs, on account of injury to or the death of 2 or more persons in any one accident; and (b) more than $10,000.00, exclusive of costs, for loss of or damage to property resulting from any one accident. (2) Where any amount is recovered from any other source in partial discharge of the claim or judgment, or where a claim or judgment for damages is reduced by an amount paid or payable by an insurer or any other person, as provided in subsections (2) or (3) of section 22, then the limitations set forth in subsection 1 of this section shall be applicable to the excess of the claim or judgment over the amount by which the claim or judgment is partially satisfied or is reduced under subsections (2) or (3) of section 22. Any amount paid out of the fund in excess of the amount authorized by this section may be recovered by action brought by the secretary. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965 ;-- Am. 1971, Act 119, Eff. Oct. 1, 1971

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1124 - Residence; Date of Determination.

Sec. 24. In this act, residence shall be determined as of the date of the motor vehicle accident as a result of which the damages are claimed. History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1125 - Nonresident; Payment From Fund Prohibited, Exception.

Sec. 25. The secretary shall not pay out of the fund any amount in favor of a person who resides outside of this state unless the person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this act is afforded to residents of this state, but no payment shall include an amount that would not be payable by the law of the jurisdiction in which the person resides. History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1126 - Administration of Act by Secretary of State; Employment of Assistants; Use of Staff of Attorney General; Wages and Professional Fees, Payment.

Sec. 26. The secretary may employ such office, clerical and professional help and claims investigators as is necessary to carry out the provisions of this act. The attorney general shall assign members of his staff to assist the secretary and may contract with such private attorneys as are necessary to defend actions against the fund. All wages and professional fees for services hereunder shall be charged to and payable from the fund. History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1127 - Administration of Act; Costs, Payment; Appropriation.

Sec. 27. All costs incurred by the secretary in the administration of this act shall be charged to and paid from the fund. There is appropriated from the motor vehicle accident claims fund sufficient amounts to make all payments for claims or judgments for damages which are proper and in accordance with the law governing such payments upon approval and audit of the department of state. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1968, Act 223, Eff. July 1, 1968

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1128 - Claims or Actions Against Fund; Limitation.

Sec. 28. All claims or actions under which any person seeks to recover from the fund shall be filed or commenced within 3 years from the date of accident. History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1129 - Coverage by Workmen's Compensation Law; Recovery From Fund; Exception.

Sec. 29. Any person covered with respect to such injury or death by workmen's compensation law or the personal representative of such person shall not be permitted to recover from the fund except for property damage. History:1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1969, Act 103, Eff. Mar. 20, 1970

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1130 - Practice and Procedure in Courts Where Application Made; Appeals.

Sec. 30. The practice and procedure of the supreme court or the court in which the application or action is brought, including the right of appeal and the practice and procedure relating to appeals, apply to an application or action brought under this act. History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1131 - Effective Date of Act.

Sec. 31. This act shall become effective November 1, 1965. History:1965, Act 198, Eff. Nov. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1132 - Total Loss of Vehicle; Surrender of Title, Junking.

Sec. 32. When payment is made for property damage to a vehicle which payment represents the total value of the vehicle less the $200.00 deductible the secretary may require that the certificate of title of the vehicle be surrendered for cancellation as a junk vehicle. When the certificate of title is surrendered under this section the secretary shall issue a memorandum of title which will enable the owner of the vehicle to dispose of it as junk or salvage. History:Add. 1969, Act 252, Imd. Eff. Aug. 11, 1969

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 198 of 1965 - Motor Vehicle Accident Claims Act (257.1101 - 257.1133)Section 257.1133 - Act Inapplicable to Accidents Occurring After January 2, 1976.

Sec. 33. This act does not apply to accidents occurring after the effective date of this amendatory act. History:Add. 1975, Act 322, Imd. Eff. Jan. 2, 1976

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 2 of 1960 - Tax on Public Transportation Vehicles (257.971 - 257.973)Section 257.971 - Definitions.

Sec. 1. As used in this act: (a) "Public transportation vehicles" means vehicles having a passenger capacity of 9 or more operating as part of a public transportation system within and not more than 10 miles from the boundaries of a municipality or not beyond the county or transportation regional boundaries when the vehicles are operated by a private person, firm, or corporation. (b) "City, intercity, and suburban bus operator" means any person, firm, or corporation operating 1 or more motor buses in this state having a seating capacity of 10 or more passengers under a franchise from a municipality, under a license granted by a municipality, or pursuant to an agreement entered into between the person, firm, or corporation and a municipality of this state, or a certificate of public convenience and necessity issued by the Michigan public service commission under section 5 of article 2 of Act No. 254 of the Public Acts of 1933, being section 476.5 of the Michigan Compiled Laws, and which is engaged in the transportation of passengers in and between 1 or more cities or villages or engaged in the transportation of passengers over regularly scheduled routes under a certificate of public convenience and necessity. History:1960, Act 2, Imd. Eff. Feb. 27, 1960 ;-- Am. 1980, Act 106, Imd. Eff. May 2, 1980

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 2 of 1960 - Tax on Public Transportation Vehicles (257.971 - 257.973)Section 257.972 - Tax Payable in Lieu of Specific Weight Taxes; Exception.

Sec. 2. From and after January 1, 1960, in lieu of the specific weight taxes authorized by section 801 of Act No. 300 of the Public Acts of 1949, as amended, being section 257.801 of the Michigan Compiled Laws, city, intercity, and suburban bus operators and

public transportation operators shall pay the sum of $25.00 per vehicle for each vehicle operated as specified in section 1, which shall exempt the vehicle from all other taxation except the fees and taxes required by Act No. 254 of the Public Acts of 1933, as amended, being sections 475.1 to 479.49 of the Michigan Compiled Laws. History:1960, Act 2, Imd. Eff. Feb. 27, 1960 ;-- Am. 1980, Act 106, Imd. Eff. May 2, 1980

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 235 of 1969 - Control of Traffic in Parking Areas (257.941 - 257.943)Section 257.941 - Definitions.

Sec. 1. As used in this act: (a) "Parking area" means an area used by the public as a means of access to and egress from, and for the free parking of motor vehicles by patrons of a shopping center, business, factory, hospital, institution, or similar building or location. (b) "Shopping center" means a minimum area of 3 acres of land on which there is located 1 or more stores or business establishments, and where there is provided a parking area. History:1969, Act 235, Imd. Eff. Aug. 11, 1969 ;-- Am. 1978, Act 630, Imd. Eff. Jan. 8, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 235 of 1969 - Control of Traffic in Parking Areas (257.941 - 257.943)Section 257.942 - Local Ordinances.

Sec. 2. The governing body of a city or village, or the board of a township, may, upon the request of either the owner or the person in charge of the general operation and control of the parking area, by local ordinance: (a) Order stop signs, yield signs, or other traffic control devices erected at specified entrance or exit locations to a parking area or at an intersection in the parking area. (b) Regulate traffic in the parking area, including regulation by means of traffic control signals. (c) Prohibit or regulate the turning of vehicles or specified types of vehicles at intersections or other designated locations in the parking area. (d) Regulate the crossing of a roadway in the parking area by pedestrians. (e) Designate a separate roadway, drive, or lane in the parking area for 1-way traffic. (f) Prohibit, regulate, restrict, or limit the stopping, standing, or parking of vehicles in specified areas of the parking area. (g) Designate safety zones, loading zones, and other restricted area in the parking area. (h) Provide for the removal and storage of vehicles parked or abandoned in the parking area during snowstorms, floods, fires, or other public emergencies, or found unattended in the parking area, if the vehicles constitute an obstruction to traffic or if stopping, standing, or parking is prohibited, and for the payment of reasonable charges for the removal and storage by the owner or operator of the vehicle. (i) Adopt additional reasonable rules with respect to traffic and parking in a parking area as local conditions may require for the safety and convenience of the public or of the users of the parking area. History:1969, Act 235, Imd. Eff. Aug. 11, 1969 ;-- Am. 1978, Act 630, Imd. Eff. Jan. 8, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 235 of 1969 - Control of Traffic in Parking Areas (257.941 - 257.943)Section 257.942a - Designation of Parking Spaces for Persons With Disabilities; Ordinance.

Sec. 2a. The governing body of a city or village, or the board of a township, shall provide, by local ordinance, for parking spaces specifically designated for persons with disabilities in numbers to conform with the requirements of section 2 of 1966 PA 1, MCL 125.1352, in each shopping center parking area within its jurisdiction. If on the effective date of this section a shopping center is in compliance with a local ordinance relating to the number of parking spaces that the shopping center is required to provide, the shopping center shall not be held in violation of that ordinance if the designation of parking space required by this section reduces the number of parking spaces below the minimum number required by the local ordinance. History:Add. 1978, Act 88, Eff. Mar. 30, 1979 ;-- Am. 1998, Act 40, Imd. Eff. Mar. 18, 1998

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 235 of 1969 - Control of Traffic in Parking Areas (257.941 - 257.943)Section 257.942b - Signs or Other Traffic Control Devices.

Sec. 2b. A sign or other traffic control device required in a parking area shall conform to the requirements of the Michigan manual of uniform traffic control devices. History:Add. 1978, Act 630, Imd. Eff. Jan. 8, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 235 of 1969 - Control of Traffic in Parking Areas (257.941 - 257.943)Section 257.943 - Violation as Civil Infraction; Processing Violation.

Sec. 3. A person who violates an ordinance promulgated pursuant to this act is responsible for a civil infraction. Violation of an ordinance promulgated pursuant to this act shall be processed in the same manner as a civil infraction under Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws. History:1969, Act 235, Imd. Eff. Aug. 11, 1969 ;-- Am. 1978, Act 516, Eff. Aug. 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1241 - Short Title.

Sec. 1. This act shall be known and may be cited as the "vehicle protection product act". History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1243 - Definitions.

Sec. 3. As used in this act: (a) "Administrator" means a third party other than the warrantor who is designated by the warrantor to be responsible for the administration of vehicle protection product warranties in this state. (b) "Department" means the department of labor and economic growth. (c) "Incidental costs" means expenses specified in a warranty incurred by a warranty holder and related to the failure of a vehicle protection product to perform as provided in the warranty. Incidental costs may include, but are not limited to, insurance policy deductibles, rental vehicle charges, the difference between the actual value of a stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees, and mechanical inspection fees. (d) "Person" means an individual, partnership, corporation, limited liability company, association, or other legal entity. (e) "Vehicle protection product" means a vehicle protection device, system, or service that is installed on or applied to a vehicle and is designed to prevent loss or damage to a vehicle from a specific cause. Except as provided in this subdivision, the term includes, but is not limited to, alarm systems, body part marking products, steering locks, window etch products, pedal and ignition locks, fuel and ignition kill switches, and electronic, radio, and satellite tracking devices. The term does not include a vehicle protection device, system, or service that is installed on or applied to a vehicle by the vehicle manufacturer at the vehicle assembly facility. (f) "Vehicle protection product warrantor" or "warrantor" means a person that is contractually obligated to a warranty holder under the terms of a vehicle protection product warranty agreement. Warrantor does not include an insurer regulated under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302. (g) "Vehicle protection product warranty" or "warranty" means a written agreement by a warrantor that provides if a warranted product fails to prevent loss or damage to a vehicle from a specific cause covered by the warranty, the warrantor shall pay the warranty holder specified incidental costs that result from the failure of the warranted product to perform. (h) "Warranted product" means a vehicle protection product covered by a written warranty. (i) "Warranty holder" means a person who purchases a warranted product or who is a permitted transferee. (j) "Warranty reimbursement insurance policy" means a policy of insurance that is issued to a vehicle protection product warrantor to provide reimbursement to the warrantor or to pay on behalf of the warrantor all covered contractual obligations incurred by the warrantor under the terms and conditions of an insured vehicle protection product warranty sold by a warrantor. History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1245 - Sale of Warranted Product; Compliance Required; Exception.

Sec. 5. (1) A person shall not sell or offer for sale a warranted product in this state unless the seller, warrantor, and any administrator comply with the provisions of this act. (2) A vehicle protection product warrantor, a seller of a warranted product, or an administrator that complies with this act is not required to comply with and is not subject to the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302. History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1247 - Notice; Form; Filing; Contents; Availability to Public; Fee; Failure to File Notice; Exception.

Sec. 7. (1) A person may not act as a warrantor or represent to the public that the person is a warrantor unless the person files a notice with the department, on a form prescribed by the department, that contains all of the following information: (a) The warrantor’s name, any assumed or fictitious names under which the warrantor does business in this state, and the warrantor's principal office address and telephone number. (b) The name and address of the warrantor’s designated agent for service of process in this state if it is not the warrantor. (c) The names of the warrantor’s executive officer or officers directly responsible for the warrantor’s warranted product business. (d) The name, address, and telephone number of any administrators designated by the warrantor to be responsible for the administration of vehicle protection product warranties in this state. (e) A copy of the warranty reimbursement insurance policy or policies or other financial information required in section 9. (f) A copy of each warranty the warrantor proposes to use in this state. (g) A statement indicating that the warrantor qualifies to do business in this state as a warrantor under section 9. (2) The department shall make the information described in subsection (1)(a) and (b) available to the public. (3) The department may charge each warrantor a reasonable fee to offset the cost of processing a notice and maintaining the records. The fee shall not exceed $250.00 per year. (4) If a warrantor fails to file a notice by the renewal deadline established by the department, the department shall give the warrantor written notice of the failure and the warrantor has 30 days to file its completed notice before the warrantor is suspended from acting as a warrantor in this state. (5) An administrator or person who sells or solicits a sale of a warranted product but who is not a warrantor is not required to file a notice under this section or be licensed under the insurance laws of this state to sell warranted products. History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1249 - Warranty Reimbursement Insurance Policy; Other Financial Security Requirements or Financial Standards Not Required; Additional Requirements.

Sec. 9. (1) Every warranted product sold or offered for sale in this state shall have a warranty reimbursement insurance policy guaranteeing the warrantor's obligations under the warranty to the warranty holder. The department shall not require any other financial security requirements or financial standards from a warrantor. (2) In addition to the requirements described in section 11, a warranty reimbursement insurance policy provided by a vehicle protection product warrantor for purposes of subsection (1) must meet all of the following: (a) Be filed with the department. (b) Provide that the insurer will reimburse or pay on behalf of the warrantor all covered sums that the warrantor is legally obligated to pay or will provide all services the warrantor is legally obligated

to perform according to the warrantor's contractual obligations under the warrantor's vehicle protection product warranty. (c) Provide that if payment due under the warranty is not provided by the warrantor within 60 days after the warranty holder files proof of loss according to the terms of the warranty, the warranty holder may file proof of loss directly with the warranty reimbursement insurance company for reimbursement. (d) Provide that the premium for the policy is considered paid if the warranty holder paid for the warranted product and the insurer's liability under the policy is not reduced or relieved by a failure of the warrantor, for any reason, to report the issuance of a warranty to the insurer. (e) Contain all of the following provisions regarding cancellation of the policy: (i) That the issuer of the reimbursement insurance policy shall not cancel that policy until a notice of cancellation in writing has been mailed or delivered to the department and each insured warrantor. (ii) That the cancellation of the reimbursement insurance policy shall not reduce the issuer's responsibility for warranted products sold before the date of cancellation. (iii) That if an insurer cancels a policy that a warrantor has filed with the department, the warrantor shall do 1 of the following: (A) File a copy of a new policy with the department before the termination of the prior policy so there is no lapse in the warranty holder's coverage after the termination of the prior policy. (B) Discontinue acting as a warrantor as of the termination date of the policy until a new policy becomes effective and is accepted by the department. History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1251 - Requirements.

Sec. 11. (1) A person shall not sell or offer for sale in this state a warranted product unless the warranty on the vehicle protection product meets all of the following requirements: (a) Is written in clear, understandable language and is printed or typed in easy-to-read type, size, and style. (b) Conspicuously states that the obligations of the warrantor to the warranty holder are guaranteed under a warranty reimbursement insurance policy. (c) Conspicuously states that if a warranty holder must make a claim against a party other than the warranty reimbursement insurance policy issuer, the warranty holder is entitled to make a direct claim against the insurer upon the failure of the warrantor to pay any claim or meet any obligation under the terms of the warranty within 60 days after proof of loss has been filed with the warrantor. (d) Conspicuously states the name and address of the issuer of the warranty reimbursement insurance policy. (e) Identifies the warrantor, the seller, and the warranty holder. (f) Contains the total purchase price for the warranty. However, the parties may negotiate the purchase price at the time of sale and it is not required that the purchase price be preprinted on the warranty. (g) Describes the procedure for making a claim, including a telephone number. (h) Conspicuously states the existence of any deductible amount. (i) Specifies the payments or performance provided under the warranty, including, but not limited to, any payments for incidental costs, the manner of calculation or determination of payments or performance, and any limitations, exceptions, or exclusions. (j) Describes the conditions under which substitution of parties or performance is allowed. (k) Conspicuously sets forth all of the obligations and duties of the warranty holder, including, but not limited to, any duty to protect against any further damage to the vehicle, the obligation to notify the warrantor in advance of any repair, or any other similar requirements. (l) Sets forth any terms, restrictions, or conditions governing any right to transfer the warranty. (m) Contains a disclosure that reads substantially as follows: "This agreement is a product warranty and is not insurance.". (2) At the time of sale, the seller or warrantor shall provide 1 of the following to the purchaser: (a) A copy of the vehicle protection product warranty. (b) A receipt or other written evidence of the purchase of the warranted product. A warrantor or seller that provides a receipt or other evidence under this subdivision shall provide the purchaser with a copy of the warranty within 30 days after the date of purchase. History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1253 - Cancellation of Sale and Warranty; Terms and Conditions; Notice.

Sec. 13. (1) A person shall not sell or offer for sale in this state a warranted product unless the vehicle protection product warranty clearly states any terms and conditions governing the cancellation of the sale and warranty. (2) A warrantor may only cancel a warranty if the warranty holder does any of the following: (a) Fails to pay for the warranted product. (b) Makes a material misrepresentation to the seller or warrantor. (c) Commits fraud. (d) Substantially breaches the warranty holder's duties under the warranty. (3) A warrantor canceling a warranty shall mail written notice of cancellation to the warranty holder at the last address of the warranty holder in the warrantor's records at least 30 days before the effective date of a cancellation. The notice shall state the effective date of the cancellation and the reason for the cancellation. History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1255 - Prohibited Conduct.

Sec. 15. (1) Unless licensed as an insurance company, a vehicle protection product warrantor shall not use in its name, contracts, or literature any of the words "insurance", "casualty", "surety", or "mutual" or any other words descriptive of the insurance, casualty, or surety business or use any name or words in its name that are deceptively similar to the name or description of any insurer or surety or any other vehicle protection product warrantor. However, a warrantor may use the term "guaranty" or a similar word in the warrantor's name. (2) A vehicle protection product warrantor shall not make, permit, or cause any false or misleading statements, either oral or written, in connection with the sale, offer to sell, or advertisement of a warranted product. (3) A vehicle protection product warrantor shall not permit or cause the omission of any material statement in connection with the sale, offer to sell, or advertisement of a warranted product, which under the circumstances the warrantor should make in order to make the statements in the warranty not misleading. (4) A vehicle protection product warrantor shall not make, permit, or cause any false or misleading

statements, either oral or written, about the performance required or payments that are available under the vehicle protection product warranty. (5) A vehicle protection product warrantor shall not make, permit, or cause any statement or practice that has the effect of creating or maintaining a fraud. (6) A warranted product seller or warrantor may not require as a condition of sale or financing that a retail purchaser of a motor vehicle purchase a warranted product that is not installed on the motor vehicle at the time of sale. History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1257 - Accounts, Books, and Records.

Sec. 17. (1) A vehicle protection product warrantor shall keep accurate accounts, books, and records concerning transactions regulated under this act. (2) A vehicle protection product warrantor's accounts, books, and records shall include all of the following: (a) Copies of all vehicle protection product warranties. (b) The name and address of each warranty holder. (c) The dates, amounts, and descriptions of all receipts, claims, and expenditures. (3) A vehicle protection product warrantor shall retain all required accounts, books, and records pertaining to each warranty holder for at least 2 years after the specified period of coverage has expired. A warrantor discontinuing business in this state shall maintain its records until it furnishes the department satisfactory proof that it has discharged all obligations to warranty holders in this state. (4) A vehicle protection product warrantor shall make its accounts, books, and records concerning transactions regulated under this act available to the department for the purpose of examination. History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1259 - Rules; Promulgation.

Sec. 19. The department may promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, necessary to implement and administer this act. The rules may include disclosure requirements for the benefit of warranty holders, record-keeping requirements, and procedures for public complaints. History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1261 - Applicability of Act.

Sec. 21. Each of the following applies concerning the applicability of this act: (a) This act applies to all warranted products sold or offered for sale on or after the effective date of this act. (b) The failure of any person to comply with this act before its effective date is not admissible in any court proceeding, administrative proceeding, arbitration, or alternative dispute resolution proceeding and may not otherwise be used to prove that the action of any person or the affected warranted product is unlawful or otherwise improper. This subdivision does not limit the availability of any claim or cause of action for a violation of any other state or federal law. History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 263 of 2005 - Vehicle Protection Product Act (257.1241 - 257.1263)Section 257.1263 - Enforcement; Powers of Attorney General.

Sec. 23. The attorney general has all of the following enforcement powers with respect to a person that violates this act: (a) To bring an action for a temporary or permanent injunction in the manner provided in section 5 of the Michigan consumer protection act, 1976 PA 331, MCL 445.905. (b) To accept an assurance of discontinuance in the manner provided in section 6 of the Michigan consumer protection act, 1976 PA 331, MCL 445.906. (c) To apply for the issuance of subpoenas in the manner provided in sections 7 and 8 of the Michigan consumer protection act, 1976 PA 331, MCL 445.907 and 445.908. (d) To bring a class action in the manner provided in section 10 of the Michigan consumer protection act, 1976 PA 331, MCL 445.910. History:2005, Act 263, Eff. June 14, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.1 - Michigan Vehicle Code; Words and Phrases Defined.

Sec. 1. The following words and phrases as defined in this chapter and as herein enumerated when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this chapter. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.10 - "Cross-Walk" Defined.

Sec. 10. "Cross-walk" means: (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable highway. (b) Any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.11 - "Dealer" Defined.

Sec. 11. (1) Except as otherwise provided in this section, "dealer" means a person who is 1 or more of the following: (a) A person who in a 12-month period did 1 or more of the following: (i) Engaged in the business of purchasing, selling, exchanging, brokering, leasing, or dealing in vehicles of a type required to be titled under this act. (ii) Engaged in the business of purchasing, selling, exchanging, brokering, or dealing in salvageable parts of 5 or more vehicles. (iii) Engaged in the business of buying 5 or more vehicles to sell vehicle parts or process into scrap metal. (b) A person engaged in the actual remanufacturing of engines or transmissions. (2) There is a rebuttable presumption that a person who in a 12-month period buys and sells, exchanges, brokers, leases, or deals in 5 or more vehicles, or buys and sells, exchanges, brokers, or deals in salvageable parts for 5 or more vehicles, or buys 5 or more vehicles to sell vehicle parts or to process into scrap metal is engaged in a business of being a dealer as described in subsection (1). (3) Dealer does not include any of the following: (a) A financial institution, as defined in section 10 of 1909 PA 99, MCL 129.40, or an entity wholly owned by 1 or more financial institutions. (b) A bank holding company. (c) A person who buys or sells remanufactured vehicle engine and transmission salvageable vehicle parts or who receives in exchange used engines or transmissions if the primary business of the person is the selling of new vehicle parts and the person is not engaged in any other activity that requires a dealer license under this act. (d) For purposes of dealer licensing, a person who negotiates the lease of a vehicle of a type required to be titled under this act for a lease term of less than 120 days. (e) A person whose business is the financing of the purchase, sale, or lease of vehicles of a type required to be titled under this act and that is not otherwise engaged in activities of a dealer as described in subsection (1). (f) An employee or agent of a dealer acting in the scope of his or her employment or agency. (g) An insurer, as defined in section 106 of the insurance code of 1956, 1956 PA 218, MCL 500.106. (h) A person engaged in leasing vehicles solely for commercial or other nonhousehold use. (i) A lessor selling 1 or more off lease vehicles. (j) A person who has received a vehicle under section 252g(3)(a) for the purpose of selling that vehicle to a dealer licensed under this act. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 507, Eff. July 1, 1979 ;-- Am. 1990, Act 154, Imd. Eff. June 28, 1990 ;-- Am. 2002, Act 652, Eff. Jan. 1, 2003 ;-- Am. 2003, Act 37, Imd. Eff. July 3, 2003 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.11a - “Demonstrator” Defined.

Sec. 11a. "Demonstrator" means a motor vehicle used by a prospective customer or a motor vehicle dealer or his agent for testing and demonstration purposes. History:Add. 1975, Act 314, Imd. Eff. Dec. 22, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.11b - “Dealer License” Defined.

Sec. 11b. "Dealer license" means an authorization from the secretary of state for a person to engage in business as a dealer. History:Add. 1978, Act 507, Eff. July 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.12 - “Department” Defined.

Sec. 12. "Department" means the department of state. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1978, Act 139, Eff. May 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.12a - “Distressed Vehicle” Defined.

Sec. 12a. "Distressed vehicle" means a vehicle that has a major component part that has been wrecked, destroyed, damaged, stolen, or missing to the extent that the total estimated cost of repairs to rebuild or reconstruct the vehicle, including parts and labor, is equal to or exceeds 75% of the actual cash value of the vehicle in its predamaged condition. The estimated costs of the repair parts shall be determined by using the current published retail cost of original manufacturer equipment parts or an estimate of the actual cost of the repair parts. The estimated labor costs shall be computed by using the hourly rate and time allocations which are reasonable and commonly assessed in the repair industry in the community where the repairs are performed. For the purpose of this section, "actual cash value" means the retail dollar value of a vehicle as determined by an objective vehicle evaluation using local market resources such as dealers or want ads or by an independent vehicle evaluation or appraisal service or by a current issue of a nationally recognized used vehicle guide for financial institution appraisal purposes in this state. History:Add. 1978, Act 507, Eff. July 1, 1979 ;-- Am. 1993, Act 300, Eff. July 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.12b - “Distressed Vehicle Transporter” Defined.

Sec. 12b. "Distressed vehicle transporter" means a person engaged in the business of buying vehicles for sale only to a used vehicle parts dealer or a vehicle scrap metal processing dealer. A distressed vehicle transporter shall not sell major components or other parts for vehicle repair purposes, and shall not dismantle vehicles. History:Add. 1978, Act 507, Eff. July 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 -

257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.12c - "Digital Network" Defined.

Sec. 12c. "Digital network" means that term as defined in section 2 of the limousine, taxicab, and transportation network company act. History:Add. 2016, Act 348, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.13 - "Driver" Defined.

Sec. 13. "Driver" means every person who drives or is in actual physical control of a vehicle. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.13a - "Elected Gross Weight" Defined.

Sec. 13a. Elected gross weight means the empty weight of a vehicle or combination of vehicles, fully equipped for service, plus the weight of the maximum load which the owner has elected to carry on such vehicle or combination of vehicles. History:Add. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.13b - "Empty Weight" Defined.

Sec. 13b. Empty weight means the shipping weight of a vehicle as furnished by the manufacturer or in lieu thereof, the scale weight taken from a weight receipt furnished by the weighmaster operating scales approved and sealed by the state department of agriculture. For commercial vehicles empty weight shall also mean fully equipped for the use for which the vehicle is intended. History:Add. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.13c - "Electric Personal Assistive Mobility Device" Defined.

Sec. 13c. "Electric personal assistive mobility device" means a self-balancing nontandem 2-wheeled device, designed to transport only 1 person at a time, having an electrical propulsion system with average power of 750 watts or 1 horsepower and a maximum speed on a paved level surface of not more than 15 miles per hour. History:Add. 2002, Act 494, Imd. Eff. July 3, 2002

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.13d - "Electric Carriage" Defined.

Sec. 13d. "Electric carriage" means a horse-drawn carriage that has been retrofitted to be propelled by an electric motor instead of by a horse and that is used to provide taxi service. History:Add. 2013, Act 36, Imd. Eff. May 21, 2013

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.13e - "Electric Bicycle" Defined.

Sec. 13e. "Electric bicycle" means a device upon which an individual may ride that satisfies all of the following: (a) The device is equipped with all of the following: (i) A seat or saddle for use by the rider. (ii) Fully operable pedals for human propulsion. (iii) An electric motor of not greater than 750 watts. (b) The device falls within 1 of the following categories: (i) Class 1 electric bicycle. As used in this subparagraph, "class 1 electric bicycle" means an electric bicycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 20 miles per hour. (ii) Class 2 electric bicycle. As used in this subparagraph, "class 2 electric bicycle" means an electric bicycle that is equipped with a motor that propels the electric bicycle to a speed of no more than 20 miles per hour, whether the rider is pedaling or not, and that disengages or ceases to function when the brakes are applied. (iii) Class 3 electric bicycle. As used in this subparagraph, "class 3 electric bicycle" means an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 28 miles per hour. History:Add. 2017, Act 139, Eff. Jan. 28, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.13f - "Electric Skateboard" Defined.

Sec. 13f. "Electric skateboard" means a wheeled device that has a floorboard designed to be stood upon when riding that is no more than 60 inches long and 18 inches wide, is designed to transport only 1 person at a time, has an electrical propulsion system with power of no more than 2,500 watts, and has a maximum speed on a paved level surface of not more than 25 miles per hour. An electric skateboard may have handlebars and, in addition to having an electrical propulsion system with power of no more than 2,500 watts, may be designed to also be powered by human propulsion. History:Add. 2018, Act 204, Eff. Sept. 18, 2018 ;-- Am. 2018, Act 394, Eff. Mar. 19, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.14 - "Established Place of Business" Defined.

Sec. 14. (1) Except as provided in subsections (2), (3), and (4), "established place of business" means premises actually occupied either continuously or at regular periods by a dealer or manufacturer at which the dealer or manufacturer keeps its books and records and at which the dealer or manufacturer transacts a large share of its business. (2) For a class (a) or class (b) dealer, "established place of business" means premises that meet all of the following requirements: (a) The premises contain, except as otherwise provided in this act, a permanently enclosed building or structure that is either owned, leased, or rented by the dealer; the building or structure is not a residence, tent, temporary stand, or any temporary quarters; the building or structure is continuously occupied in good faith for the purpose of selling, buying, trading, leasing, or otherwise dealing in motor vehicles; all books, records, and files necessary to conduct the business of a class (a) or class (b) dealer are maintained in the building or structure; and the building or structure houses an office of at least 150 square feet in size, equipped with standard office furniture, working utilities, a working restroom, and a working telephone listed in the name of the business on the dealer's license. (b) The premises have land space of not less than 1,300 square feet to accommodate the display of a minimum of 10 vehicles of the kind and type that the dealer is licensed to sell and an additional 650 square feet for customer parking. (c) The display and customer parking areas described in subdivision (b) are adequately surfaced and well-lit during business hours. (d) The premises are identified by an exterior sign displaying the name of the dealership that is permanently affixed to the building or land with letters clearly visible from the roadway. (e) The premises contain a conspicuous posting of the dealer's regular hours of operation. The posted hours must not be less than 30 hours per week for not less than 48 weeks per year. Fifteen of the 30 hours per week must be between the hours of 8 a.m. and 5 p.m., Monday through Friday. The dealer may change its posted hours of operation to be less than 30 hours per week for not more than 4 weeks per year if the dealer notifies the department not less than 7 days prior to the change. The department shall waive the 7-day notification requirement under this subdivision for good cause, including, but not limited to, a medical emergency or other extenuating circumstances. (f) The premises contain a registered repair facility on site for the repair and servicing of motor vehicles of a type sold at the established place of business, unless the dealer has entered into a written servicing agreement with a registered repair facility at a location that is located within a 10-mile radius of the established place of business. If repairs are conducted under a servicing agreement, the dealer shall conspicuously post the servicing agreement in the dealer's office. (g) The premises meet all applicable zoning requirements and any other applicable municipal requirements. (3) For a wholesaler, "established place of business" means premises that meet all of the following requirements: (a) The premises contain a permanently enclosed building or structure that is either owned, leased, or rented and is not a commercial mailbox, tent, temporary stand, or other temporary quarters. Beginning January 1, 2024, the permanently enclosed building or structure must be heated and electrified. (b) Until December 31, 2023, all books, records, and files necessary to conduct the business of the wholesaler are maintained in the building or structure described in subdivision (a). Beginning January 1, 2024, all books, records, and files necessary to conduct the business of the wholesaler are maintained in an office that meets all of the following requirements: (i) Is not less than 8 feet by 8 feet with a door. (ii) Has no fewer than 4 rigid walls. (iii) Has working utilities including, but not limited to, lighting and telephone that are listed in the name of the business on the wholesaler's license. (iv) Has a working restroom. (v) Has standard office furniture including, but not limited to, a desk and a locking filing cabinet. (c) The premises are not used for the display of vehicles. However, the premises may be used for the storage of vehicles purchased by the wholesaler before sale to a licensed vehicle dealer. (d) The premises are identified by an exterior sign displaying the name of the wholesaler that is permanently affixed to the building or land with letters clearly visible from the roadway. (e) The premises meet all applicable zoning requirements and any other applicable municipal requirements. (f) The premises contain a conspicuous posting of the wholesaler's regular hours of operation that include at least 15 regular business hours each week between the hours of 8 a.m. and 5 p.m., Monday through Friday. (g) If a wholesaler receives its initial license on or after January 1, 2023, the premises are not located within 200 feet of an established place of business for another licensed wholesaler. (4) For a used or secondhand vehicle parts dealer, vehicle scrap metal processor, vehicle salvage pool operator, distressed vehicle transporter, broker, and automotive recycler, "established place of business" means premises that meet all of the following requirements: (a) Beginning January 1, 2024, the premises contain a permanently enclosed building or structure that is heated and electrified and that is either owned, leased, or rented by the business and that is not a commercial mailbox, tent, temporary stand, or other temporary quarters. (b) Beginning January 1, 2024, all books, records, and files necessary to conduct the business of the dealer, processor, operator, transporter, broker, or recycler are maintained in an office that meets all of the following requirements: (i) Is not less than 8 feet by 8 feet with a door. (ii) Has no fewer than 4 rigid walls. (iii) Has working utilities including, but not limited to, lighting and telephone that are listed in the name of the business on the dealer's, processor's, operator's, transporter's, broker's, or recycler's license. (iv) Has a working restroom. (v) Has standard office furniture including, but not limited to, a desk and a locking filing cabinet. (c) The premises are identified by an exterior sign displaying the name of the dealer, processor, operator, transporter, broker, or recycler that is permanently affixed to the building or land with letters clearly visible from the roadway. (d) The premises meet all applicable zoning requirements and any other applicable municipal requirements. (e) The premises contain a conspicuous posting of the business's regular hours of operation. The posted hours must not be less than 15 hours per week for not less than 48 weeks per year. Five of the 15 hours per week must be between the hours of 8 a.m. and 5 p.m., Monday through Friday. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2004, Act 495, Eff. Jan. 31, 2005 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2021, Act 90, Eff. Dec. 14, 2021 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.14a - “Executive” or “Manufacturer's Vehicle” Defined.

Sec. 14a. "Executive" or "manufacturer's vehicle" means a motor vehicle provided by a manufacturer for the use and possession of an employee of the manufacturer, which is titled to the manufacturer, or which is driven with special manufacturer's plates as provided in section 244. History:Add. 1975, Act 314, Imd. Eff. Dec. 22, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.15 - “Explosives” Defined.

Sec. 15. "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.16 - “Farm Tractor” Defined.

Sec. 16. "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.17 - “Flammable Liquid” Defined.

Sec. 17. "Flammable liquid" means any liquid which has a flash point of 70° F., or less, as determined by a tagliabue or equivalent closed-cup test device. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.17a - “Foreign Salvage Vehicle Dealer” Defined.

Sec. 17a. "Foreign salvage vehicle dealer" means a person who is a licensed dealer in another state and is engaged in this state in the business of purchasing, selling, or otherwise dealing on a wholesale basis in salvageable parts or vehicles of a type required to have a salvage or scrap certificate of title under this act. History:Add. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.17b - “Fund-Raising Registration Plate” and “State-Sponsored Goal” Defined.

Sec. 17b. "Fund-raising registration plate" means a registration plate that contains a design or logo representing a symbol for a Michigan university or state-sponsored goal and is issued by the secretary of state to raise funds for the respective Michigan university or state-sponsored goal. As used in this section, "state-sponsored goal" means the purpose for which a state-sponsored fund-raising registration plate is authorized under section 811e. History:Add. 2000, Act 77, Eff. Oct. 1, 2000

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.17c - “Flood Vehicle” Defined.

Sec. 17c. "Flood vehicle" means a vehicle that was submerged in water to the point that water entered the passenger compartment or trunk over the sill of the trunk floor pan or doorsill or a vehicle acquired by an insurance company as part of the settlement of a water damage claim. History:Add. 2002, Act 485, Eff. Oct. 1, 2002

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.18 - Definitions, F.

Sec. 18. (1) "Foreign vehicle" means a vehicle of a type required to be registered under this act and brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state. (2) "Former section 625(1) or (2)" means section 625(1) or (2) as amended by Act No. 391 of the Public Acts of 1978, Act No. 515 of the Public Acts of 1980, Act No. 309 of the Public Acts of 1982, or Act No. 109 of the Public Acts of 1987. (3) "Former section 625b" means section 625b as amended by Act No. 285 of the Public Acts of 1976, Act No. 515 of the Public Acts of 1980, Act No. 309 of the Public Acts of 1982, or Act No. 109 of the Public Acts of 1987. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 -

257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.18a - “Freeway” Defined.

Sec. 18a. "Freeway" means a divided arterial highway for through traffic with full control of access and with all crossroads separated in grade from pavements for through traffic. History:Add. 1961, Act 164, Eff. Sept. 8, 1961

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.18b - “Gross Combination Weight Rating” or “Gcwr” and “Gross Vehicle Weight Rating” or “Gvwr” Defined.

Sec. 18b. (1) "Gross combination weight rating" or "GCWR" means a value specified by the manufacturer of the power unit if that value is displayed on the federal motor vehicle safety standard (FMVSS) certification label required by the National Highway Traffic Safety Administration. (2) "Gross vehicle weight rating" or "GVWR" means the sum of the gross vehicle weight ratings, or the sum of the gross vehicle weights of the power unit and the towed unit or units, or any combination of the gross vehicle weight ratings and the gross vehicle weights of power unit and towed unit or units that produces the highest value. The gross combination weight rating of the power unit shall not be used in determining whether the vehicle is a commercial motor vehicle when that power unit is not towing another unit. History:Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988 ;-- Am. 2015, Act 11, Eff. July 8, 2015Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.19 - “Gross Weight” Defined.

Sec. 19. "Gross weight" means the weight of a vehicle without load plus the weight of any load thereon. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.19a - “Disabled Person” and “Person With Disabilities” Defined.

Sec. 19a. "Disabled person" or "person with disabilities" means a person who is determined by a physician, a physician assistant, or an optometrist as specifically provided in this section licensed to practice in this state to have 1 or more of the following physical characteristics: (a) Blindness as determined by an optometrist, a physician, or a physician assistant. (b) Inability to walk more than 200 feet without having to stop and rest. (c) Inability to do both of the following: (i) Use 1 or both legs or feet. (ii) Walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, or without the assistance of another person. (d) A lung disease from which the person's forced expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or from which the person's arterial oxygen tension is less than 60 mm/hg of room air at rest. (e) A cardiovascular condition that causes the person to measure between 3 and 4 on the New York heart classification scale, or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American heart association and approved by the department of public health. (f) An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk. (g) The persistent reliance upon an oxygen source other than ordinary air. History:Add. 1977, Act 19, Eff. Oct. 1, 1977 ;-- Am. 1978, Act 64, Imd. Eff. Mar. 14, 1978 ;-- Am. 1989, Act 89, Eff. Sept. 19, 1989 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 432, Imd. Eff. Jan. 6, 1995 ;-- Am. 1996, Act 198, Imd. Eff. May 17, 1996 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2002, Act 618, Imd. Eff. Dec. 23, 2002

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.19b - “Hazardous Material” Defined.

Sec. 19b. "Hazardous material" means explosives, flammable gas, flammable compressed gas, nonflammable compressed gas, flammable liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas. History:Add. 1978, Act 57, Imd. Eff. Mar. 10, 1978

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.1a - "Accessory" and "Adequate In-Person Services" Defined.

Sec. 1a. As used in this act: (a) "Accessory" means any accessory, equipment, additional part or replacement part for a vehicle for which a certificate of title is required to be issued under this act. (b) "Adequate in-person services" means providing in-person

service options, without the requirement of an advance appointment, on each day and at each location a secretary of state branch office is open for services in this state. The in-person services provided must allow for same-day transactions to be completed. History:Add. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.1b - "Ambulance" Defined.

Sec. 1b. "Ambulance" means a privately or publicly owned motor vehicle for highway use that is specially designed or constructed and equipped, and is intended to be used for and is maintained or operated for the transportation of persons who are sick, injured, wounded, or otherwise incapacitated or helpless, including dual purpose police patrol cars and funeral coaches or hearses, and which is equipped according to section 7 of Act No. 258 of the Public Acts of 1968, as amended, being section 257.1207 of the Michigan Compiled Laws. History:Add. 1975, Act 100, Eff. July 1, 1976

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.1c - "Articulated Bus" Defined.

Sec. 1c. "Articulated bus" means a vehicle designed for carrying passengers and comprised of 2 sections permanently joined by a hinge mechanism or articulated joint allowing vertical and horizontal relative movement as well as a weathertight passage for riders moving from 1 section of the bus to the other. History:Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988Compiler's Notes:Section 2 of Act 346 of 1988 provides:"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989."(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989."(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."Section 2 of Act 173 of 1989 provides:"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990."(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.1d - "Alcoholic Liquor" Defined.

Sec. 1d. "Alcoholic liquor" means any liquid or compound, whether or not medicated, proprietary, patented, and by whatever name called, containing any amount of alcohol including any liquid or compound described in section 105(2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105. History:Add. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2004, Act 62, Eff. May 3, 2004

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.2 - "Authorized Emergency Vehicle" Defined; Additional Definitions.

Sec. 2. (1) "Authorized emergency vehicle" means any 1 of the following: (a) Vehicles of the fire department, police vehicles, ambulances, privately owned motor vehicles of volunteer or paid fire fighters, or volunteer members of an emergency rescue unit if authorized by the chief of an organized fire department, a county sheriff, or the director of the department of state police, or privately owned motor vehicles of volunteer or paid members of a life support agency licensed by the department of licensing and regulatory affairs if authorized by the life support agency. (b) For purposes of section 698(5)(c) during an emergency, a vehicle owned and operated by a federally recognized nonprofit charitable organization that is used exclusively for assistance during that emergency. (c) For purposes of section 653a, a road service vehicle giving a visual signal by means of a flashing, rotating, or oscillating red or amber light. As used in this subdivision, "road service vehicle" means a vehicle that is clearly marked and readily recognizable as a vehicle used to assist disabled vehicles. (2) As used in this section: (a) "Emergency rescue unit" means an entity with training in a specialized discipline exceeding the level of training for medical first responders. (b) "Life support agency" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906. (c) "Medical first responder" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1956, Act 11, Imd. Eff. Mar. 9, 1956 ;-- Am. 1975, Act 100, Eff. July 1, 1976 ;-- Am. 1976, Act 347, Imd. Eff. Dec. 21, 1976 ;-- Am. 1997, Act 8, Imd. Eff. May 16, 1997 ;-- Am. 2004, Act 19, Eff. June 2, 2004 ;-- Am. 2011, Act 231, Imd. Eff. Nov. 22, 2011

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.20 - "Highway or Street" Defined.

Sec. 20. "Highway or street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 -

257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.20a - "Historic Vehicle" Defined.

Sec. 20a. "Historic vehicle" means a vehicle that is over 25 years old and that is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, including mechanical testing, but is not used for general transportation. For purposes of this section, use of the vehicle during the period from Memorial Day weekend through Labor Day each year is considered an exhibition. History:Add. 1996, Act 404, Eff. Dec. 21, 1996 ;-- Am. 2012, Act 239, Imd. Eff. June 29, 2012 ;-- Am. 2024, Act 34, Imd. Eff. Apr. 2, 2024

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.20b - "High-Occupancy Vehicle" or "Hov" Defined.

Sec. 20b. "High-occupancy vehicle" or "HOV" means any motor vehicle carrying no fewer than 2 occupants including the driver of the vehicle. History:Add. 2008, Act 304, Imd. Eff. Dec. 9, 2008

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.20c - "High-Occupancy Vehicle Lane" or "Hov Lane" Defined.

Sec. 20c. "High-occupancy vehicle lane" or "HOV lane" means any designated lane or ramp on a highway designated for the exclusive or preferential use of a public transportation vehicle or private motor vehicles carrying no fewer than a specified number of occupants, including the driver of the vehicle. History:Add. 2008, Act 304, Imd. Eff. Dec. 9, 2008

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.20d - "Ignition Interlock Device," "Breath Alcohol Ignition Interlock Device," or "Baiid" Defined.

Sec. 20d. "Ignition interlock device" or "breath alcohol ignition interlock device" or "BAIID" means an alcohol concentration measuring device that prevents a motor vehicle from being started at any time without first determining through a deep lung sample the operator's alcohol level, calibrated so that the motor vehicle cannot be started if the breath alcohol level of the operator, as measured by the test, reaches a level of 0.025 grams per 210 liters of breath, and to which all of the following apply: (a) The device meets or exceeds the model specifications for breath alcohol ignition interlock devices (BAIID), 78 FR 26849 – 26867 (May 8, 2013) or any subsequent model specifications. (b) The device utilizes alcohol-specific electrochemical fuel sensor technology. (c) As its anticircumvention method, the device installation uses a positive-negative-positive air pressure test requirement, a midtest hum tone requirement, or any other anticircumvention method or technology that first becomes commercially available after July 31, 2007 and that is approved by the department as equally or more effective. History:Add. 2008, Act 462, Eff. Oct. 31, 2010 ;-- Am. 2016, Act 32, Eff. June 6, 2016Compiler's Notes:Enacting section 1 of Act 32 of 2016 provides:"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.21 - “Implement of Husbandry” Defined.

Sec. 21. "Implement of husbandry" means a vehicle or trailer in use for the exclusive function of serving agricultural, horticultural, or livestock operations. Implement of husbandry includes a farm tractor, self-propelled application-type vehicle, farm wagon, farm trailer, a vehicle or trailer adapted for lifting or carrying another implement of husbandry being used in agricultural production, or any substantially similar equipment used to transport products necessary for agricultural production. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 13, Imd. Eff. Mar. 25, 1964 ;-- Am. 1967, Act 93, Imd. Eff. June 21, 1967 ;-- Am. 1985, Act 32, Imd. Eff. June 13, 1985 ;-- Am. 2012, Act 589, Eff. Mar. 28, 2013 ;-- Am. 2017, Act 94, Eff. Oct. 11, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.22 - “Intersection” Defined.

Sec. 22. "Intersection" means: (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of 2 highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. (b) Where a highway includes 2 roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes 2 roadways 30 feet or more apart, then every crossing of 2 roadways of such highways shall be regarded as a separate intersection. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.23 - “Judgment” Defined.

Sec. 23. "Judgment" means any judgment which shall become final by expiration without appeal of the time within which an appeal

might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.23a - "Juvenile Adjudication" Defined.

Sec. 23a. "Juvenile adjudication" means either of the following: (a) A finding of juvenile delinquency under chapter 403 of title 18 of the United States code, 18 U.S.C. 5031 to 5040 and 5042. (b) The entry of a judgment or order of disposition by a court of another state that states or is based upon a finding that a juvenile has violated a law of another state, which violation would have been a criminal offense if committed by an adult in that state. History:Add. 1993, Act 359, Eff. Sept. 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.23b - "Juvenile Disposition" Defined.

Sec. 23b. "Juvenile disposition" means the entry of an order of disposition for a juvenile found to be within the court's jurisdiction under chapter XIIA of 1939 PA 288, MCL 712A.1 to 712A.32. History:Add. 1998, Act 356, Eff. Oct. 1, 1999

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.24 - "Laned Roadway" Defined.

Sec. 24. "Laned roadway" means a roadway which is divided into 2 or more clearly marked lanes for vehicular traffic. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.24a - "Leased Vehicle" Defined.

Sec. 24a. "Leased vehicle" means a motor vehicle for which a person is granted possession for a contracted period of time and in return for a contracted sum. History:Add. 1975, Act 314, Imd. Eff. Dec. 22, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.24b - "Late Model Vehicle" Defined.

Sec. 24b. "Late model vehicle" means a vehicle weighing 8,000 pounds or less, manufactured in the current model year or the 5 model years immediately preceding the current model year, or, if over 8,000 pounds, a vehicle manufactured in the current model year or the 15 model years immediately preceding the current model year. History:Add. 1978, Act 507, Eff. July 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.24c - "Law of Another State" Defined.

Sec. 24c. "Law of another state" means a law or ordinance enacted by another state or by a local unit of government in another state. History:Add. 1991, Act 99, Eff. Jan. 1, 1992

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.25 - "License" Defined.

Sec. 25. "License" means any driving privileges, license, temporary instruction permit, commercial learner's permit, or temporary license issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 247, Eff. Mar. 10, 1967 ;-- Am. 2015, Act 11, Eff. July 8, 2015

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.25a - "Autocycle" Defined.

Sec. 25a. "Autocycle" means a motorcycle that is equipped with safety belts, rollbar or roll hoops, handlebars or a steering wheel, and equipment otherwise required on a motorcycle, has not more than 3 wheels in contact with the roadway at any 1 time, and is not equipped with a straddle seat. History:Add. 1984, Act 328, Imd. Eff. Dec. 26, 1984 ;-- Am. 2017, Act 94, Eff. Oct. 11, 2017 ;-- Am. 2018, Act 564, Eff. Mar. 29, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.25b - "Low-Speed Vehicle" Defined.

Sec. 25b. "Low-speed vehicle" means a self-propelled motor vehicle to which both of the following apply: (a) The vehicle conforms to the definition of low-speed vehicle under 49 CFR 571.3(b). (b) The vehicle meets the standard for low-speed vehicles under 49

CFR 571.500. History:Add. 2000, Act 82, Eff. July 1, 2000 ;-- Am. 2006, Act 377, Imd. Eff. Sept. 27, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.25c - "Limousine" Defined.

Sec. 25c. "Limousine" means that term as defined in section 2 of the limousine, taxicab, and transportation network company act. History:Add. 2016, Act 348, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.25d - "Limousine Driver" Defined.

Sec. 25d. "Limousine driver" means that term as defined in section 2 of the limousine, taxicab, and transportation network company act. History:Add. 2016, Act 348, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.26 - “Limited Access Highway” Defined.

Sec. 26. "Limited access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only, and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.27 - “Local Authorities” Defined.

Sec. 27. "Local authorities" means every municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.27a - “Major Component Part” Defined.

Sec. 27a. "Major component part" means 1 of the following parts of a vehicle: (a) The engine. (b) The transmission. (c) The right or left front fender. (d) The hood. (e) A door allowing entrance to or egress from the vehicle's passenger compartment of the vehicle. (f) The front or rear bumper. (g) The right or left rear quarter panel. (h) The deck lid, tailgate, or hatchback. (i) The trunk floor pan. (j) The cargo box of a pickup. (k) The frame, or if the vehicle has a unitized body, the supporting structure or structures that serve as the frame. (l) The cab of a truck. (m) The body of a passenger vehicle. History:Add. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.28 - “Manufacturer” Defined.

Sec. 28. "Manufacturer" means a person, firm, corporation or association engaged in the manufacture of new motor vehicles, trailers or trailer coaches or semi-trailers, as a regular business. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.29 - “Maximum Axle Load” Defined.

Sec. 29. "Maximum axle load" means the gross weight over the axle which includes vehicles and load. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.2a - “Automotive Recycler” Defined.

Sec. 2a. "Automotive recycler" means a person who engages in business primarily for the purpose of selling at retail salvage vehicle parts and secondarily for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal. History:Add. 1993, Act 300, Eff. Jan. 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.2b - Additional Definitions.

Sec. 2b. (1) "Automated driving system" means hardware and software that are collectively capable of performing all aspects of the dynamic driving task for a vehicle on a part-time or full-time basis without any supervision by a human operator. (2) "Automated motor vehicle" means a motor vehicle on which an automated driving system has been installed, either by a manufacturer of automated driving systems or an upfitter that enables the motor vehicle to be operated without any control or monitoring by a human operator. Automated motor vehicle does not include a motor vehicle enabled with 1 or more active safety systems or operator

assistance systems, including, but not limited to, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane-keeping assistance, lane departure warning, or traffic jam and queuing assistance, unless 1 or more of these technologies alone or in combination with other systems enable the vehicle on which any active safety systems or operator assistance systems are installed to operate without any control or monitoring by an operator. (3) "Automated technology" means technology installed on a motor vehicle that has the capability to assist, make decisions for, or replace a human operator. (4) "Automated vehicle roadway" means a segment of a roadway that has been designated by the state transportation department for an automated vehicle roadway system. (5) "Automated vehicle roadway lane" means any lane or ramp on an automated vehicle roadway designated for the exclusive use of motor vehicles by the state transportation department as described under section 665c. (6) "Automated vehicle roadway system" means a hardware and software system that is capable of facilitating the deployment and operation of an automated motor vehicle or a vehicle equipped with varying levels of automated technology while traveling through a segment of roadway that has been designated for such a system by the state transportation department. (7) "Automated vehicle roadway system provider" means an entity that designs, installs, constructs, operates, or maintains an automated vehicle roadway system. (8) "Automatic crash notification technology" means a vehicle service that integrates wireless communications and vehicle location technology to determine the need for or to facilitate emergency medical response in the event of a vehicle crash. (9) "Dynamic driving task" means all of the following, but does not include strategic aspects of a driving task, including, but not limited to, determining destinations or waypoints: (a) Operational aspects, including, but not limited to, steering, braking, accelerating, and monitoring the vehicle and the roadway. (b) Tactical aspects, including, but not limited to, responding to events, determining when to change lanes, turning, using signals, and other related actions. (10) "Manufacturer of automated driving systems" means a manufacturer or subcomponent system producer recognized by the secretary of state that develops or produces automated driving systems or automated vehicles. (11) "Mobility research center" means a nonprofit entity that has the ability to receive and accept from any federal, state, or municipal agency, foundation, public or private agency, entity, or individual a grant, contribution, or loan for or in aid of the planning, construction, operation, upgrade, or financing of a facility for testing advanced transportation systems, including, but not limited to, connected or automated technology or automated motor vehicles to increase mobility options. (12) "Motor vehicle manufacturer" means a person that has manufactured and distributed motor vehicles in the United States that are certified to comply with all applicable federal motor vehicle safety standards and that has submitted appropriate manufacturer identification information to the National Highway Traffic Safety Administration as provided in 49 CFR part 566. As used in this section, section 665a, and section 665b only, motor vehicle manufacturer also includes a person that satisfies all of the following: (a) Has manufactured automated motor vehicles in the United States that are certified to comply with all applicable federal motor vehicle safety standards. (b) Has operated automated motor vehicles using a test driver and with an automated driving system engaged on public roads in the United States for at least 1,000,000 miles. (c) Has obtained an instrument of insurance, surety bond, or proof of self-insurance in the amount of at least $10,000,000.00, and has provided evidence of that insurance, surety bond, or self-insurance to the department in a form and manner required by the department. (13) "On-demand automated motor vehicle network" means a digital network or software application used to connect passengers to automated motor vehicles, not including commercial motor vehicles, in participating fleets for transportation between points chosen by passengers, for transportation between locations chosen by the passenger when the automated motor vehicle is operated by the automated driving system. (14) "Participating fleet" means any of the following: (a) Vehicles that are equipped with automated driving systems that are operating on the public roads and highways of this state in a SAVE project as provided in section 665b. (b) Vehicles that are supplied or controlled by a motor vehicle manufacturer, and that are equipped with automated driving systems that are operating on the public roads and highways of this state in an on-demand automated motor vehicle network. (15) "SAVE project" means an initiative that authorizes eligible motor vehicle manufacturers to make available to the public on-demand automated motor vehicle networks as provided in section 665b. (16) "Upfitter" means a person that modifies a motor vehicle after it was manufactured by installing an automated driving system in that motor vehicle to convert it to an automated motor vehicle. Upfitter includes a subcomponent system producer recognized by the secretary of state that develops or produces automated driving systems. History:Add. 2013, Act 231, Eff. Mar. 27, 2014 ;-- Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016 ;-- Am. 2022, Act 179, Imd. Eff. July 25, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.2c.added - "Automated Speed Enforcement System" and "Automated Speed Enforcement System Operator" Defined.

***** 257.2c.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 2c. (1) "Automated speed enforcement system" means an electronic traffic sensor system that does both of the following: (a) Automatically detects a vehicle exceeding the posted speed limit using a lidar system or another technology that must not be either of the following: (i) A radar system. (ii) Less capable than a lidar system. (b) Produces a recorded image of the vehicle described in subdivision (a) that shows all of the following: (i) A clear and legible identification of the vehicle's registration plate. (ii) The location where the recorded image was taken. (iii) The date and time when the recorded image was taken. (2) "Automated speed enforcement system operator" means an individual trained and certified to operate and monitor an automated speed enforcement system by the automated speed enforcement unit within the state transportation department. History:Add. 2024, Act 164, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.3 - “Axle” Defined.

Sec. 3. "Axle" means the common axis of rotation of 1 or more wheels whether power driven or freely rotating, and whether in 1 or more segments and regardless of the number of wheels carried thereon. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.30 - “Metal Tire” Defined.

Sec. 30. "Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.30b - “Michigan University” Defined.

Sec. 30b. "Michigan university" means any of the following institutions of higher education: (a) Central Michigan University. (b) Eastern Michigan University. (c) Ferris State University. (d) Grand Valley State University. (e) Lake Superior State University. (f) Michigan State University. (g) Michigan Technological University. (h) Northern Michigan University. (i) Oakland University. (j) Saginaw Valley State University. (k) University of Michigan - Ann Arbor. (l) University of Michigan - Dearborn. (m) University of Michigan - Flint. (n) Wayne State University. (o) Western Michigan University. History:Add. 2000, Act 77, Eff. Oct. 1, 2000

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.30c - "Modified Agriculture Vehicle" Defined.

Sec. 30c. "Modified agriculture vehicle" means a vehicle that satisfies both of the following conditions: (a) It has been modified from its original use so that the transport of agricultural commodities is the vehicle's primary purpose. (b) It is certified by the United States department of transportation and United States environmental protection agency for road use before being modified as described in subdivision (a). History:Add. 2012, Act 252, Imd. Eff. July 2, 2012

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.31 - “Motorcycle” Defined.

Sec. 31. "Motorcycle" means a motor vehicle that has a saddle or seat for the use of the rider and is designed to travel on not more than 3 wheels in contact with the ground. Motorcycle includes an autocycle, but does not include a tractor. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2017, Act 94, Eff. Oct. 11, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.32a - “Motor Home” Defined.

Sec. 32a. "Motor home" means a motor vehicle constructed or altered to provide living quarters, including permanently installed cooking and sleeping facilities, and is used for recreation, camping, or other noncommercial use. History:Add. 1976, Act 26, Imd. Eff. Feb. 27, 1976

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.32b - "Moped" Defined.

Sec. 32b. (1) "Moped" means a 2- or 3-wheeled vehicle to which both of the following apply: (a) It is equipped with a motor that does not exceed 100 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. (b) Its power drive system does not require the operator to shift gears. (2) Moped does not include an electric bicycle. History:Add. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1983, Act 91, Imd. Eff. June 16, 1983 ;-- Am. 2012, Act 424, Imd. Eff. Dec. 21, 2012 ;-- Am. 2017, Act 139, Eff. Jan. 28, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.33 - "Motor Vehicle" Defined.

Sec. 33. "Motor vehicle" means every vehicle that is self-propelled, but for purposes of chapter 4, motor vehicle does not include industrial equipment such as a forklift, a front-end loader, or other construction equipment that is not subject to registration under this act. Motor vehicle does not include a power-driven mobility device when that power-driven mobility device is being used by an individual with a mobility disability. Motor vehicle does not include an electric patrol vehicle being operated in compliance with the electric patrol vehicle act, 1997 PA 55, MCL 257.1571 to 257.1577. Motor vehicle does not include an electric personal assistive mobility device. Motor vehicle does not include an electric carriage. Motor vehicle does not include a commercial quadricycle. Motor vehicle does not include an electric bicycle. Motor vehicle does not include an electric skateboard. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994 ;-- Am. 1995, Act 140, Imd. Eff. July 10, 1995 ;-- Am. 1997, Act 56, Imd. Eff. July 1, 1997 ;-- Am. 2002, Act 494, Imd. Eff. July 3, 2002 ;-- Am. 2013, Act 36, Imd. Eff. May 21, 2013 ;-- Am. 2015, Act 127, Imd. Eff. July 15, 2015 ;-- Am. 2017, Act 139, Eff. Jan. 28, 2018 ;-- Am. 2018, Act 204, Eff. Sept. 18, 2018 ;-- Am. 2018,

Act 391, Eff. Mar. 19, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.33a - “New Motor Vehicle” Defined.

Sec. 33a. "New motor vehicle" means a motor vehicle which is not and has not been a demonstrator, executive or manufacturer's vehicle, leased vehicle, or a used or secondhand vehicle. History:Add. 1975, Act 314, Imd. Eff. Dec. 22, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.33b - “Nonprofit Recycling Center” Defined.

Sec. 33b. "Nonprofit recycling center" means a nonprofit facility designed and operated solely for receiving, storing, processing, and transferring source-separated recyclable materials such as paper, metal, glass, food waste, office paper, and plastic that are kept separate and apart from residential, commercial, and institutional solid waste by the generator of the waste for the purposes of collection, disposition, and recycling. History:Add. 1995, Act 129, Imd. Eff. June 30, 1995

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.34 - “Nonresident” Defined.

Sec. 34. "Nonresident" means every person who is not a resident of this state. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.35 - “Nonresident Operating Privilege” Defined.

Sec. 35. "Nonresident operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.35a - “Operate” or “Operating” Defined.

Sec. 35a. "Operate" or "operating" means 1 or more of the following: (a) Being in actual physical control of a vehicle. This subdivision applies regardless of whether or not the person is licensed under this act as an operator or chauffeur. (b) Causing an automated motor vehicle to move under its own power in automatic mode upon a highway or street regardless of whether the person is physically present in that automated motor vehicle at that time. This subdivision applies regardless of whether the person is licensed under this act as an operator or chauffeur. As used in this subdivision, "causing an automated motor vehicle to move under its own power in automatic mode" includes engaging the automated technology of that automated motor vehicle for that purpose. History:Add. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1980, Act 515, Eff. Apr. 1, 1981 ;-- Am. 2013, Act 231, Eff. Mar. 27, 2014

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.35b - “Older Model Vehicle” Defined.

Sec. 35b. "Older model vehicle" means a vehicle weighing 8,000 pounds or less, manufactured in the sixth model year immediately preceding the current model year, or manufactured in any model year before that model year; or, if more than 8,000 pounds, a vehicle manufactured in a model year preceding the fifteenth model year before the current model year. History:Add. 1978, Act 507, Eff. July 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.35c - “Off Lease Vehicle” Defined.

Sec. 35c. "Off lease vehicle" means a motor vehicle leased for a term of more than 30 days that the lessee elects to purchase. History:Add. 2002, Act 652, Eff. Jan. 1, 2003

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.36 - “Operator” or “Operating” Defined.

Sec. 36. "Operator" means a person, other than a chauffeur, who does either of the following: (a) Operates a motor vehicle upon a highway or street. (b) Operates an automated motor vehicle upon a highway or street. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2013, Act 231, Eff. Mar. 27, 2014

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 -

257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.36a - “Owner-Operator” Defined.

Sec. 36a. "Owner-operator" means an individual who holds the legal title of a commercial vehicle and who leases the commercial vehicle under a lease or arrangement whereby the individual is employed by the lessee to operate the leased vehicle. History:Add. 1969, Act 309, Imd. Eff. Aug. 14, 1969

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.36b - "Out-of-Service" Defined.

Sec. 36b. "Out-of-service" means a declaration by an authorized enforcement officer of a state, a local unit of government of a state, the United States, Canada, or the United Mexican States that an operator, a commercial motor vehicle, or a motor carrier operation is out-of-service under 49 CFR 386.72, 392.5, 395.13, or 396.9, or a substantially similar law or ordinance, or the North American uniform out-of-service criteria. History:Add. 2011, Act 159, Imd. Eff. Sept. 30, 2011

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.36c - "Other On-Track Equipment" Defined.

Sec. 36c. "Other on-track equipment" means any car, rolling stock, or other device that, alone or coupled to another device, is operated on stationary rails. History:Add. 2018, Act 393, Eff. Mar. 19, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.37 - “Owner” Defined.

Sec. 37. "Owner" means any of the following: (a) Any person, firm, association, or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period that is greater than 30 days. (b) Except as otherwise provided in section 401a, a person who holds the legal title of a vehicle. (c) A person who has the immediate right of possession of a vehicle under an installment sale contract. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1988, Act 125, Imd. Eff. May 23, 1988

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.38 - “Parking” Defined.

Sec. 38. "Parking" means standing a vehicle, whether occupied or not, upon a highway, when not loading or unloading except when making necessary repairs. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.38a - "Park Model Trailer" Defined.

Sec. 38a. "Park model trailer" means a vehicle that meets all of the following: (a) Is built on a single chassis, mounted on wheels, and designed to be towed by a motor vehicle from time to time. (b) Depending on its size, may require a special highway movement permit under section 719a to be towed on a street or highway. (c) Is designed to provide recreational, seasonal, or temporary living quarters. (d) When used as recreational, seasonal, or temporary living quarters, may be connected to utilities necessary for the operation of installed fixtures and appliances. (e) Is not a mobile home as that term is defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302. History:Add. 2009, Act 32, Eff. Dec. 1, 2009

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.39 - "Pedestrian" Defined.

Sec. 39. "Pedestrian" means any person afoot. Pedestrian includes an individual with a mobility disability who is using a power-driven mobility device. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2018, Act 391, Eff. Mar. 19, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.39a - “Permanent Disability” Defined.

Sec. 39a. "Permanent disability" means a physical characteristic categorized as a disability that significantly limits ambulation or necessitates the use of a wheelchair for mobility, or blindness, for which there is a present medical expectation that the disability will always persist and never significantly improve. History:Add. 1987, Act 257, Eff. Apr. 1, 1988 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.3a - "Basic Driver Improvement Course" Defined.

Sec. 3a. "Basic driver improvement course" means a course of study that satisfies all of the following conditions: (a) It meets or exceeds the curriculum standards set forth in the defensive driving course instructor manual, eighth edition, published by the national safety council. (b) It provides documented evidence from a federal, state, or local government agency of course

effectiveness in reducing collisions, moving violations, or both. (c) It includes not less than 4 hours of instruction. (d) It contains such other information as is approved by the secretary of state, with or without supporting DVD material, and that is offered over the internet or through classroom instruction. History:Add. 2008, Act 568, Eff. Dec. 31, 2010 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.4 - “Bicycle” Defined.

Sec. 4. "Bicycle" means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in a tandem or tricycle arrangement, all of which are over 14 inches in diameter. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1971, Act 151, Imd. Eff. Nov. 22, 1971 ;-- Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.40 - “Person” Defined.

Sec. 40. "Person" means every natural person, firm, copartnership, association, or corporation and their legal successors. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.40a - “Pickup Camper” Defined.

Sec. 40a. "Pickup camper" means a nonself-propelled recreational vehicle, without wheels for road use, that is designed to rest all of its weight upon, and be attached to, a motor vehicle, and is primarily intended for use as temporary living quarters in connection with recreational, camping, or travel purposes. A pickup camper does not include truck covers or caps consisting of walls and a roof but that do not have floors and facilities for using the camper as a dwelling. History:Add. 1990, Act 98, Eff. Jan. 1, 1991

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.40b - "Personal Information" and “Highly Restricted Personal Information” Defined.

Sec. 40b. (1) "Personal information" means information that identifies an individual, including the individual's photograph or image, name, address (but not the zip code), driver license number, Social Security number, telephone number, digitized signature, and medical and disability information. Personal information does not include information on driving and equipment-related violations or civil infractions, driver or vehicle registration status, vehicular accidents, or other behaviorally-related information. (2) "Highly restricted personal information" means an individual's photograph or image, Social Security number, digitized signature, medical and disability information, and source documents presented by an applicant to obtain an operator's or chauffeur's license under section 307(1). Highly restricted personal information also includes the confidential address of an individual certified as a program participant in the address confidentiality program under the address confidentiality program act and the emergency contact information under section 310(13). As used in this subsection, "confidential address" means that term as defined in section 3 of the address confidentiality program act. History:Add. 1997, Act 100, Imd. Eff. Aug. 7, 1997 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.40c[1] - "Personal Vehicle" Defined.

Sec. 40c. "Personal vehicle" means that term as defined in section 2 of the limousine, taxicab, and transportation network company act. History:Add. 2016, Act 348, Eff. Mar. 21, 2017Compiler's Notes:This added section is compiled at MCL 257.40c[1] to distinguish it from another Sec. 40c deriving from 2016 PA 332.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.40c - "Platoon" Defined.

Sec. 40c. "Platoon" means a group of individual motor vehicles that are traveling in a unified manner at electronically coordinated speeds. History:Add. 2016, Act 332, Imd. Eff. Dec. 9, 2016

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.41 - “Pole-Trailer” Defined.

Sec. 41. "Pole-trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.41a - “Police Book” Defined.

Sec. 41a. "Police book" means a hardcover, bound volume or a record in a form prescribed by the secretary of state that provides a bought and sold record for each vehicle handled by a dealer, contains the information required by section 251, and includes any other information required by law or the secretary of state. History:Add. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994 ;-- Am. 1998, Act 384, Eff. Jan. 1, 1999

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.42 - "Police Officer" Defined.

Sec. 42. "Police officer" means any of the following: (a) A sheriff or sheriff's deputy. (b) A village or township marshal. (c) An officer of the police department of any city, village, or township. (d) An officer of the department of state police. (e) A peace officer or law enforcement officer who is licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615. (f) For purposes of enforcing sections 215, 255, 631(1) other than for speed by noncommercial vehicle operators, 717, 719, 719a, 720, 722, 724, 725, and 726, a duly authorized agent of a county road commission meeting the requirements of section 726c. However, an authorized agent of a county road commission shall only enforce sections 215 and 255 with respect to commercial vehicles. Except as provided in section 726c(2), an authorized agent of a county road commission is not required to be licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, to enforce any law described in this subdivision. (g) A transit police officer employed by a public body corporate established and maintained pursuant to an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, between a city that is authorized by the laws of this state to appoint or employ law enforcement officers and an authority under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, who is licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1983, Act 10, Imd. Eff. Mar. 18, 1983 ;-- Am. 1984, Act 74, Imd. Eff. Apr. 18, 1984 ;-- Am. 1989, Act 173, Imd. Eff. Aug. 22, 1989 ;-- Am. 2012, Act 529, Eff. Mar. 28, 2013 ;-- Am. 2016, Act 304, Eff. Jan. 2, 2017 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.43 - “Police Station” Defined.

Sec. 43. "Police station" means every county jail; every police station in any city, village, or township; and the headquarters and every regular subpost of the Michigan state police. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1983, Act 10, Imd. Eff. Mar. 18, 1983

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.43a - "Preliminary Chemical Breath Analysis" Defined.

Sec. 43a. "Preliminary chemical breath analysis" means the on-site taking of a preliminary breath test from the breath of a person for the purpose of detecting the presence of any of the following within the person's body: (a) Alcoholic liquor. (b) A controlled substance, as that term is defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104. (c) Any other intoxicating substance, as that term is defined in section 625. (d) Any combination of the substances listed in subdivisions (a) to (c). History:Add. 2014, Act 315, Eff. Jan. 12, 2015 ;-- Am. 2015, Act 11, Imd. Eff. Apr. 9, 2015

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.43b - "Preliminary Oral Fluid Analysis" Defined.

Sec. 43b. "Preliminary oral fluid analysis" means the on-site taking of a preliminary oral fluid test, performed by a certified drug recognition expert, as that term is defined in section 625t, from the oral fluid of a person for the purpose of detecting the presence of a controlled substance, as that term is defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104. History:Add. 2016, Act 243, Eff. Sept. 22, 2016Compiler's Notes:Enacting section 1 of Act 243 of 2016 provides:"Enacting section 1. This amendatory act shall be known and may be cited as the "Barbara J. and Thomas J. Swift Law"."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.43c - "Power-Driven Mobility Device" Defined.

Sec. 43c. "Power-driven mobility device" means a mobility device powered by a battery, fuel, or other engine and used by an individual with a mobility disability for the purpose of locomotion. Notwithstanding any other provision of this act, the requirements of this act apply to a power-driven mobility device while that device is being operated on a street, road, or highway in this state. History:Add. 2018, Act 391, Eff. Mar. 19, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.44 - “Private Driveway” and “Private Road” Defined.

Sec. 44. (1) "Private driveway" means any piece of privately owned and maintained property which is used for vehicular traffic, but is not open or normally used by the public. (2) "Private road" means a privately owned and maintained road, allowing access to more than 1 residence or place of business, which is normally open to the public and upon which persons other than the owners located thereon may also travel. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1974, Act 138, Imd. Eff. June 5, 1974

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.44a - "Probate Court Disposition" Defined.

Sec. 44a. "Probate court disposition" means the entry of an order of disposition for a juvenile found to be within the court's jurisdiction under chapter XIIA of 1939 PA 288, MCL 712A.1 to 712A.32. History:Add. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1998, Act 356, Eff. Oct. 1, 1999

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.45 - "Proof of Financial Responsibility" Defined.

Sec. 45. "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance, or use of a motor vehicle, in the amount of $20,000.00 because of bodily injury to or death of 1 person in any one accident, and, subject to said limit for 1 person, in the amount of $40,000.00 because of bodily injury to or death of 2 or more persons in any one accident, and in the amount of $10,000.00 because of injury to or destruction of property of others in any one accident. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1958, Act 155, Eff. Sept. 13, 1958 ;-- Am. 1971, Act 191, Imd. Eff. Dec. 20, 1971

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.45a - "Prosecuting Attorney" Defined.

Sec. 45a. "Prosecuting attorney", except as the context otherwise requires, means the attorney general, the prosecuting attorney of a county, or the attorney representing a local unit of government. History:Add. 1991, Act 99, Eff. Jan. 1, 1992

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.46 - "Railroad" Defined.

Sec. 46. "Railroad" means a carrier of persons or property on cars operated on stationary rails. Railroad does not include a streetcar or a street railway system. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.47 - "Railroad Sign or Signal" Defined.

Sec. 47. "Railroad sign or signal" means any sign, signal, or device erected by authority of a statute or public body or official and intended to give notice of the presence of railroad tracks or structures or the approach of a railroad train. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1958, Act 98, Eff. Sept. 13, 1958

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.48 - "Railroad Track" Defined.

Sec. 48. "Railroad track" means a stationary rail owned or used by a railroad. Railroad track does not include a stationary rail used by a streetcar or that is part of a street railway system. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.49 - "Railroad Train" Defined.

Sec. 49. "Railroad train" means an engine or other motor, with or without cars coupled to the engine or motor, operated on railroad tracks. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.49a - "Recreational Vehicle" Defined.

Sec. 49a. "Recreational vehicle" means a new or used vehicle that has its own motive power or is towed by a motor vehicle; is primarily designed to provide temporary living quarters for recreational, camping, travel, or seasonal use; complies with all applicable federal vehicle regulations; and does not require a special highway movement permit under section 719a to be operated or towed on a street or highway. The term includes, but is not limited to, a motor home, travel trailer, park model trailer that does not

require a special highway movement permit under section 719a, or pickup camper. History:Add. 2009, Act 32, Eff. Dec. 1, 2009

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.4a - “Birthday” Defined.

Sec. 4a. "Birthday" shall mean any anniversary of the original date of birth, and all persons born on February 29 shall be deemed, for the purposes of this act, to have been born on March 1. History:Add. 1953, Act 215, Eff. Oct. 2, 1953

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.4b - “Bus” Defined.

Sec. 4b. "Bus" means a motor vehicle designed for carrying 16 or more passengers, including the driver. Bus does not include a school bus. History:Add. 1964, Act 89, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1988, Act 346, Imd. Eff. Oct. 25, 1988

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.4c - “Buy Back Vehicle” Defined.

Sec. 4c. "Buy back vehicle" means a motor vehicle reacquired by a manufacturer as the result of an arbitration proceeding, pursuant to a customer satisfaction policy adopted by the manufacturer, or under 1986 PA 87, MCL 257.1401 to 257.1410, or a similar law of another state. History:Add. 2002, Act 652, Eff. Jan. 1, 2003

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.5 - "Business District" and "Commercial Business" Defined.

Sec. 5. (1) "Business district" means an area contiguous to a highway where the total widths of the adjacent buildings in use for commercial business open to the general public on both sides occupy 50% or more of the total frontage on both sides for a distance of 600 feet or more. (2) As used in this section, "commercial business" does not include a home-based business conducted from a residence or domicile, but does include a multi-use building in which a commercial business open to the general public is operated on the ground floor and residential apartments exist on upper floors. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2006, Act 85, Eff. Nov. 9, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.50 - “Registration” Defined.

Sec. 50. "Registration" means a registration certificate, plate, adhesive tab, or other indicator of registration issued under this act for display on a vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.50a - “Residence Address” Defined.

Sec. 50a. "Residence address" means the place that is the settled home or domicile at which a person legally resides as defined in section 11 of the Michigan election law, 1954 PA 116, MCL 168.11. History:Add. 1999, Act 118, Eff. Apr. 1, 2000 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.51a - “Resident” Defined.

Sec. 51a. "Resident" means every person who resides in this state and establishes that he or she is legally present in the United States. This definition applies to the provisions of this act only. History:Add. 1968, Act 106, Imd. Eff. June 7, 1968 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.52 - “Revocation” Defined.

Sec. 52. (1) "Revocation" means that the operator's or chauffeur's license and privilege to operate a motor vehicle on the public highways are terminated and shall not be renewed or restored until the later of the following: (a) The expiration of not less than 1 year after the license was revoked. (b) The expiration of not less than 5 years after the date of a subsequent revocation occurring within 7 years after the date of a prior revocation. (2) If a license has been revoked, an application for a new license may be presented and acted upon by the secretary of state as provided in section 303. (3) When referring to a dealer license, "revocation" means that a person's authorization to engage in business as a dealer is terminated and shall not be restored or renewed, except that an application for a new license may be considered at the discretion of the secretary of state. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 507, Eff. July 1, 1979 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force

when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.53 - "Right-of-Way" Defined.

Sec. 53. "Right-of-way" means the privilege of the immediate use of the highway. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.54 - "Road Tractor" Defined.

Sec. 54. "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of the vehicle or load so drawn. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.55 - "Roadway" Defined.

Sec. 55. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes 2 or more separate roadways, the term "roadway", as used herein, shall refer to any such roadway separately, but not to all such roadways collectively. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.56 - "Safety Zone" Defined.

Sec. 56. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected and so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.56a - "Salvage Vehicle" Defined.

Sec. 56a. "Salvage vehicle" means a vehicle for which a salvage certificate has been issued by the secretary of state. History:Add. 1978, Act 507, Eff. July 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.56b - "Salvageable Part" Defined.

Sec. 56b. "Salvageable part" means a major component part of a late model vehicle or a vehicle manufactured in the current model year, if the part is serviceable to the extent that it can be reused. History:Add. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.56c - "Salvage Vehicle Agent" Defined.

Sec. 56c. "Salvage vehicle agent" means a person employed by a licensed automotive recycler, used or secondhand vehicle parts dealer, or foreign salvage vehicle dealer and authorized by the secretary of state to buy, sell, acquire, or otherwise deal in distressed, late model vehicles, scrap vehicles, or salvageable parts through a salvage pool. History:Add. 1993, Act 300, Eff. July 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.57 - "School Bus" Defined.

Sec. 57. "School bus" means every motor vehicle, except station wagons, with a manufacturers' rated seating capacity of 16 or more passengers, including the driver, owned by a public, private, or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 22, Eff. Aug. 28, 1964 ;-- Am. 1981, Act 112, Imd. Eff. July 17, 1981 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011Compiler's Notes:Section 2 of Act 346 of 1988 provides:"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989."(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989."(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."Section 2 of Act 173 of 1989 provides:"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of

1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.57a - “School Crossing” Defined.

Sec. 57a. "School crossing" means a crosswalk designated by the department of state highways and transportation, a county road commission, or a local authority as a place to be used by school children for crossing a street or highway. History:Add. 1978, Act 227, Imd. Eff. June 14, 1978

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.57b - “School Crossing Guard” Defined.

Sec. 57b. "School crossing guard" means a person 17 years of age or older authorized to supervise children using a school crossing as provided in section 613c. History:Add. 1978, Act 227, Imd. Eff. June 14, 1978 ;-- Am. 2003, Act 212, Imd. Eff. Nov. 26, 2003

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.57d - “Scrap Certificate of Title” Defined.

Sec. 57d. "Scrap certificate of title" means a document issued by the secretary of state evidencing ownership of a scrap vehicle, which may be assigned only to a scrap metal processor, an automotive recycler, used or secondhand vehicle parts dealer, or a foreign salvage vehicle dealer and reassignable only to a vehicle scrap metal processor. History:Add. 1993, Act 300, Eff. July 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.57e - “Scrap Vehicle” Defined.

Sec. 57e. "Scrap vehicle" means a vehicle that is wrecked, destroyed, damaged, or that has a major component part stolen or missing to the extent that the total estimated cost of repairs to rebuild or reconstruct the vehicle, including parts and labor, is equal to or greater than 91% of the actual cash value of the vehicle in its predamaged condition or any vehicle that comes into this state with a scrap title or comparable certificate of title. The estimated cost of the repair parts shall be determined by using the current published retail cost of original manufacturer equipment parts or an estimate of the actual cost of the repair parts. The estimated labor costs shall be computed by using the hourly rate and time allocations which are reasonable and commonly assessed in the repair industry in the community where the repairs are performed. For the purpose of this section, "actual cash value" means the retail dollar value of a vehicle as determined by an objective vehicle evaluation using local market resources such as dealers or want ads or by an independent vehicle evaluation or vehicle appraisal service or by a current issue of a nationally recognized used vehicle guide for financial institution appraisal purposes in this state. History:Add. 1993, Act 300, Eff. July 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.58 - “Secretary of State” Defined.

Sec. 58. "Secretary of state" means the secretary of state of this state, acting directly or through his duly authorized deputy, investigators, agents and employees. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.58b - “Security Interest,”“security Agreement,”“secured Party,”“debtor,”“financing Statement,” and “Termination Statement” Defined.

Sec. 58b. "Security interest", "security agreement", "secured party", "debtor", "financing statement", and "termination statement" as used in this act mean those terms as defined in the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.11102. History:Add. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 2000, Act 353, Eff. Mar. 28, 2001

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.58c - “Serious Impairment of a Body Function” Defined.

Sec. 58c. "Serious impairment of a body function" includes, but is not limited to, 1 or more of the following: (a) Loss of a limb or loss of use of a limb. (b) Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb. (c) Loss of an eye or ear or loss of use of an eye or ear. (d) Loss or substantial impairment of a bodily function. (e) Serious visible disfigurement. (f) A comatose state that lasts for more than 3 days. (g) Measurable brain or mental impairment. (h) A skull fracture or other serious bone fracture. (i) Subdural hemorrhage or subdural hematoma. (j) Loss of an organ. History:Add. 2001, Act 134, Eff. Feb. 1, 2002

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.59 - “Semi-Trailer” Defined.

Sec. 59. "Semi-trailer" means every vehicle with or without motive power, other than a pole-trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. Semi-trailer does not include any implement of husbandry. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2012, Act 589, Eff. Mar. 28, 2013

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.59a - "Shoulder" and "Ditch Slope" Defined.

Sec. 59a. "Shoulder" means that portion of the highway contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway. "Ditch slope" is that portion of the highway adjacent to the shoulder if one exists or adjacent to the roadway on roads without shoulders, extending to the bottom of the roadside ditch and is not constructed or maintained for the use of any vehicles except those engaged in construction or maintenance. History:Add. 1974, Act 152, Imd. Eff. June 12, 1974

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.5a - "Cancellation" Defined.

Sec. 5a. "Cancellation" means that a license or registration is annulled and terminated because of some error or defect or because the licensee or registrant is no longer entitled to such license or registration, but the cancellation of a license or registration is without prejudice and application for a new license or registration may be made at any time after such cancellation. History:Add. 1951, Act 270, Eff. Sept. 28, 1951

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.6 - "Chauffeur" Defined.

Sec. 6. (1) Except as otherwise provided in subsection (3), "chauffeur" means any of the following: (a) A person who operates a motor vehicle as a motor carrier under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.42, or a motor carrier of passengers as defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103. (b) A person who is employed for the principal purpose of operating a motor vehicle with a GVWR of 10,000 pounds or more. (c) A person who operates a bus or school bus. (2) For purposes of subsection (1)(b), a person shall be considered to be employed for the principal purpose of operating a motor vehicle when the person's employment customarily involves transporting for gain or hire any merchandise for display, sale, or delivery. (3) "Chauffeur" does not include any of the following: (a) A farmer or an employee of a farmer operating a vehicle exclusively in connection with the farming operations of the farmer. (b) A fire fighter or a member of a fire department operating an ambulance. (c) Emergency medical services personnel operating an ambulance. As used in this subdivision, "emergency medical services personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904. (d) State transportation department employees whose work consists of operating vehicles with a gross vehicle weight rating of 10,000 pounds or more for the purpose of transporting highway and bridge maintenance materials and supplies for all aspects of state trunkline maintenance, including winter maintenance and facilities maintenance. (e) County road commission employees and other employees of local units of government who do not drive their own vehicles and whose work consists of hauling road building materials and supplies for the road commission or for other municipal purposes. (f) A person operating a motor vehicle for a volunteer program who only receives reimbursement for the costs of operating the motor vehicle. (g) A person who operates a motor home for personal pleasure. (h) A parent or parent's designee for the purpose of transporting pupils to or from school and school related events. (i) A transportation network company driver. (j) A limousine driver. (k) A taxicab driver. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1980, Act 154, Imd. Eff. June 12, 1980 ;-- Am. 1990, Act 188, Eff. Aug. 15, 1990 ;-- Am. 1992, Act 134, Eff. Oct. 1, 1992 ;-- Am. 1992, Act 297, Imd. Eff. Dec. 18, 1992 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2016, Act 348, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.60 - "Sidewalk" Defined.

Sec. 60. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of roadway, and the adjacent property lines intended for the use of pedestrians. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.61 - "Spacings Between Axles" Defined.

Sec. 61. "Spacings between axles" means the distance from axle center to axle center. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.62 - "Special Mobile Equipment" Defined.

Sec. 62. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or

property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, mobile office trailers, mobile tool shed trailers, mobile trailer units used for housing stationary construction equipment, ditch-digging apparatus, and well-boring and well-servicing apparatus. The foregoing enumeration shall be considered partial and shall not operate to exclude other vehicles which are within the general terms of this definition. Although not within the general terms of this definition, the combination of a mobile car crusher trailer permanently attached to a truck tractor or road tractor shall be considered special mobile equipment for purposes of this act. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1962, Act 66, Imd. Eff. Apr. 23, 1962 ;-- Am. 1992, Act 119, Imd. Eff. June 26, 1992

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.62a - "Standardized Field Sobriety Test" Defined.

Sec. 62a. "Standardized field sobriety test" means 1 of the standardized tests validated by the National Highway Traffic Safety Administration. A field sobriety test is considered a standardized field sobriety test under this section if it is administered in substantial compliance with the standards prescribed by the National Highway Traffic Safety Administration. History:Add. 2016, Act 242, Eff. Sept. 22, 2016

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.63 - "Streetcar" Defined.

Sec. 63. "Streetcar" means a car other than a railroad train for transporting persons or property operated on stationary rails, including a streetcar operated as part of a street railway system. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.63a - "Streetcar Track" Defined.

Sec. 63a. "Streetcar track" means a stationary rail owned by a street railway that is part of a street railway system. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.64 - “Street or Highway” Defined.

Sec. 64. "Street or highway" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.64a - "Street Railway" Defined.

Sec. 64a. "Street railway" means that term as defined under section 507 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4507. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.64b - "Street Railway System" Defined.

Sec. 64b. "Street railway system" means that term as defined under section 507 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4507. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.65 - "State" Defined.

Sec. 65. "State" means any state, territory, or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, the Dominion of Canada, or any province or territory of the Dominion of Canada. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1994, Act 449, Eff. May 1, 1995 ;-- Am. 2004, Act 62, Eff. May 3, 2004 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.66 - “Suspension” Defined.

Sec. 66. "Suspension" means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of the suspension. When referring to a dealer license, "suspension" means that a person's authorization to engage in business as a dealer is temporarily withdrawn. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 507, Eff. July 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 -

257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.67 - “Tandem Axle” Defined.

Sec. 67. "Tandem axle" means 2 axles spaced more than 3 feet 6 inches and less than 9 feet apart. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.67a - “Tandem Axle Assembly” and “Tank Vehicle” Defined.

Sec. 67a. (1) "Tandem axle assembly" means 2 axles spaced more than 3 feet 6 inches and less than 9 feet apart, 1 axle in front of the other and so attached to the vehicle wherein an attempt is made by connecting mechanism to distribute the weight equally between the 2 axles. (2) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that are either permanently or temporarily attached to the vehicle or the chassis. If a commercial motor vehicle transports 1 or more tanks manifested either as being empty or containing only residue, those tanks shall not be considered in determining whether the vehicle is a tank vehicle. History:Add. 1967, Act 277, Eff. Nov. 2, 1967 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 2015, Act 11, Eff. July 8, 2015Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.67b - “Temporary Disability” Defined.

Sec. 67b. "Temporary disability" means a physical characteristic categorized as a disability that significantly limits ambulation or necessitates the use of a wheelchair for mobility, or blindness, for which there is a present medical expectation that the disability will improve. History:Add. 1987, Act 257, Eff. Apr. 1, 1988 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.67c - "Taxicab" Defined.

Sec. 67c. "Taxicab" means that term as defined in section 2 of the limousine, taxicab, and transportation network company act. History:Add. 2016, Act 348, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.67d - "Taxicab Driver" Defined.

Sec. 67d. "Taxicab driver" means that term as defined in section 2 of the limousine, taxicab, and transportation network company act. History:Add. 2016, Act 348, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.68 - “Through Highway” Defined.

Sec. 68. "Through highway" means every state trunk line highway, or, any other highway at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.69 - "Traffic" Defined.

Sec. 69. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.6a - “Civil Infraction” Defined.

Sec. 6a. "Civil infraction" means an act or omission prohibited by law which is not a crime as defined in section 5 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.5 of the Michigan Compiled Laws, and for which civil sanctions may be

ordered. History:Add. 1978, Act 510, Eff. Aug. 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.6b - “Civil Infraction Determination” Defined.

Sec. 6b. "Civil infraction determination" means a determination that a person is responsible for a civil infraction by 1 of the following: (a) An admission of responsibility for the civil infraction. (b) An admission of responsibility for the civil infraction, "with explanation". (c) A preponderance of the evidence at an informal hearing or formal hearing on the question under section 746 or 747. (d) A default judgment, for failing to appear as directed by a citation or other notice, at a scheduled appearance under section 745(3) (b) or (4), at a scheduled informal hearing under section 746, or at a scheduled formal hearing under section 747. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.6c - “Civic Event” Defined.

Sec. 6c. "Civic event" means a convention, conference, pageant, parade, special athletic contest, commemoration, gathering, assemblage, or similar function. History:Add. 1987, Act 151, Imd. Eff. Oct. 29, 1987

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.6d - “Collector Plate” Defined.

Sec. 6d. "Collector plate" means a plate that contains a reproduction of every characteristic of a specific registration plate except for the number and letter characters, which shall be determined by the secretary of state, and that is sold as described in section 811g. A collector plate is not a registration plate. History:Add. 2000, Act 77, Eff. Oct. 1, 2000

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.7 - "Commercial Vehicle" Defined.

Sec. 7. "Commercial vehicle" includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares, or merchandise, and all motor vehicles designed and used for drawing other vehicles that are not constructed to carry a load independently or any part of the weight of a vehicle or load being drawn. Commercial vehicle does not include a limousine operated by a limousine driver, a taxicab operated by a taxicab driver, or a personal vehicle operated by a transportation network company driver. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2016, Act 348, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.70 - “Traffic Control Devices” Defined.

Sec. 70. "Traffic control devices" means all signs, signals, markings, and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.71 - “Traffic Control Order” Defined.

Sec. 71. "Traffic control order" means an order officially establishing the location of traffic control devices and traffic control signals on the highways of this state by the authority having jurisdiction over such highway and filed with the county clerk of the county traversed by such highway. A certified copy thereof shall be prima facie evidence in all courts of the issuance of such order. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.72 - “Traffic Control Signal” Defined.

Sec. 72. "Traffic control signal" means any device whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.73 - “Trailer” Defined.

Sec. 73. "Trailer" means every vehicle with or without motive power, other than a pole-trailer, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. Trailer does not include any implement of husbandry. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2012, Act 589, Eff. Mar. 28, 2013

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.74 - “Trailer Coach” Defined.

Sec. 74. "Trailer coach" means every vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and drawn by another vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 262, Eff. Sept. 28, 1951 ;-- Am. 1978, Act 568, Eff. Jan. 6, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.74a - "Travel Trailer," "Camping Trailer," and "Fifth Wheel Trailer" Defined.

Sec. 74a. (1) "Travel trailer" means a trailer coach, fifth wheel trailer, camping trailer, or other vehicle that is designed to be towed by a motor vehicle; is designed to provide temporary living quarters for recreational, camping, or travel use; and does not require a special highway movement permit under section 719a to be towed on a street or highway. (2) As used in this section: (a) "Camping trailer" means a trailer coach constructed with collapsible side walls that fold for towing and unfold to provide temporary living quarters for recreational, camping, or travel use. (b) "Fifth wheel trailer" means a trailer coach designed to be towed by a motor vehicle using a towing mechanism that is mounted above or forward of the tow vehicle's rear axle. History:Add. 2009, Act 32, Eff. Dec. 1, 2009

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.75 - “Truck” Defined.

Sec. 75. "Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.76 - “Transporter” Defined.

Sec. 76. "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer, and every person certificated by the Michigan public service commission to engage in the business of moving trailer coaches or mobile homes. This section shall not affect duly authorized permit holders. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1961, Act 4, Imd. Eff. Mar. 27, 1961

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.76a - "Transportation Network Company" Defined.

Sec. 76a. "Transportation network company" means that term as defined in section 2 of the limousine, taxicab, and transportation network company act. History:Add. 2016, Act 348, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.76b - "Transportation Network Company Driver" Defined.

Sec. 76b. "Transportation network company driver" means that term as defined in section 2 of the limousine, taxicab, and transportation network company act. History:Add. 2016, Act 348, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.76c - "Transportation Network Company Prearranged Ride" Defined.

Sec. 76c. "Transportation network company prearranged ride" means that term as defined in section 2 of the limousine, taxicab, and transportation network company act. History:Add. 2016, Act 348, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.76d - "Transportation Network Company Rider" Defined.

Sec. 76d. "Transportation network company rider" means that term as defined in section 2 of the limousine, taxicab, and transportation network company act. History:Add. 2016, Act 348, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.77 - “Truck Tractor” Defined.

Sec. 77. "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, except that a truck tractor and semitrailer engaged

in the transportation of automobiles may transport motor vehicles on part of the power unit. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1985, Act 174, Imd. Eff. Dec. 2, 1985

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.78 - "Used or Second-Hand Vehicle" Defined.

Sec. 78. "Used or second-hand vehicle" means any motor vehicle to which a certificate of title and license plates have been issued and which motor vehicle has been registered for use on the highways by a consumer or by a dealer. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 238, Eff. Sept. 28, 1951

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.78a - "Used Vehicle Parts Dealer" or "Used or Secondhand Vehicle Parts Dealer" Defined.

Sec. 78a. "Used vehicle parts dealer" or "used or secondhand vehicle parts dealer" means a person engaged in the business of buying or otherwise dealing in vehicles for the purpose of dismantling the vehicles to sell used parts and remaining scrap metal or a person engaged in the business of buying, acquiring, selling, or otherwise dealing in salvageable parts. History:Add. 1978, Act 507, Eff. July 1, 1979 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.79 - "Vehicle" Defined.

Sec. 79. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except, only for the purpose of titling and registration under this act, a mobile home as defined in section 2 of the mobile home commission act, Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1978, Act 568, Eff. Jan. 6, 1979 ;-- Am. 1992, Act 134, Eff. Oct. 1, 1992

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.79a - "Vehicle Salvage Pool" Defined.

Sec. 79a. "Vehicle salvage pool" means a person engaged in the business of storing and displaying damaged or distressed vehicles as an agent or escrow agent of an insurance company. History:Add. 1978, Act 507, Eff. July 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.79b - "Vehicle Scrap Metal Processor" Defined.

Sec. 79b. "Vehicle scrap metal processor" means a dealer engaged in the business of buying or otherwise acquiring vehicles for the purpose of processing and selling the metal for remelting. A vehicle scrap metal processor shall not sell major components or other parts for vehicle repair purposes, unless the vehicle scrap metal processor first obtains a used or secondhand vehicle parts dealer license. History:Add. 1978, Act 507, Eff. July 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.79c - "Wrecker" Defined.

Sec. 79c. "Wrecker" means a truck with a hoist, towing apparatus, or self-loading flatbed, or any combination of these items, permanently affixed to the truck, used to transport not more than 2 vehicles, except for a motor vehicle equipped with a fifth wheel or a motor vehicle that tows the second vehicle on a trailer. History:Add. 1994, Act 95, Eff. June 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.79d.amended - "Work Zone" and "Temporary Traffic Control Device" Defined.

***** 257.79d.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 79d. (1) "Work zone" means a portion of a street or highway open to vehicular traffic and adjacent to a barrier, berm, lane, or shoulder of a street or highway within which construction, maintenance, public utility work, reconstruction, repair, resurfacing, or surveying is being conducted by 1 or more individuals and that meets any of the following: (a) Is between both of the following: (i) A sign notifying the beginning of work. (ii) An "end road work" sign or, if no sign is posted, the last temporary traffic control device before the normal flow of traffic resumes. (b) Is between a "begin work convoy" sign and an "end work convoy" sign. (c) If a moving or stationary vehicle or equipment exhibiting a rotating beacon or strobe light is used, is between both of the following points: (i) A point that is 150 feet behind the rear of the vehicle or equipment or that is the point from which the beacon or strobe light is first visible on the street or highway behind the vehicle or equipment, whichever is closer to the

vehicle or equipment. (ii) A point that is 150 feet in front of the front of the vehicle or equipment or that is the point from which the beacon or strobe light is first visible on the street or highway in front of the vehicle or equipment, whichever is closer to the vehicle or equipment. (2) As used in this section, "temporary traffic control device" means a traffic control device that is installed for a limited time period during construction, maintenance, public utility work, reconstruction, repair, resurfacing, or surveying as described in subsection (1). History:Add. 2003, Act 315, Eff. Apr. 8, 2004 ;-- Am. 2024, Act 164, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.79d - “Work Zone” Defined.

***** 257.79d THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.79d.amended ***** Sec. 79d. "Work zone" means a portion of a street or highway that meets any of the following: (a) Is between a "work zone begins" sign and an "end road work" sign. (b) For construction, maintenance, or utility work activities conducted by a work crew and more than 1 moving vehicle, is between a "begin work convoy" sign and an "end work convoy" sign. (c) For construction, maintenance, surveying, or utility work activities conducted by a work crew and 1 moving or stationary vehicle exhibiting a rotating beacon or strobe light, is between the following points: (i) A point that is 150 feet behind the rear of the vehicle or that is the point from which the beacon or strobe light is first visible on the street or highway behind the vehicle, whichever is closer to the vehicle. (ii) A point that is 150 feet in front of the front of the vehicle or that is the point from which the beacon or strobe light is first visible on the street or highway in front of the vehicle, whichever is closer to the vehicle. History:Add. 2003, Act 315, Eff. Apr. 8, 2004

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.79e - "Wholesaler" Defined.

Sec. 79e. "Wholesaler" means a person who is engaged in the business of selling used vehicles to or purchasing used vehicles from a licensed motor vehicle dealer and who does not sell or offer for sale motor vehicles of any classification to a person other than a licensed motor vehicle dealer. History:Add. 2004, Act 495, Eff. Jan. 31, 2005Compiler's Notes:Former MCL 257.79e, which pertained to definition of work zone, was repealed by Act 62 of 2004, Eff. Apr. 8, 2004.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.79f - "Boat Lift" Defined.

Sec. 79f. "Boat lift" means a vehicle owned and operated by a marina or watercraft dealer in a commercial boat storage operation with a framework designed to surround or straddle a boat and lift the boat from water or a storage space using a sling and hoisting mechanism. A boat lift shall be specifically designed for and used exclusively to transport a boat between a place of storage and a marina or in and around a marina. Boat lift does not include a boat trailer designed for normal or routine transportation of a watercraft. History:Add. 2008, Act 539, Imd. Eff. Jan. 13, 2009

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.7a - “Commercial Motor Vehicle” Defined.

Sec. 7a. (1) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if 1 or more of the following apply: (a) It is designed to transport 16 or more passengers, including the driver. (b) It has a gross vehicle weight rating or gross vehicle weight, whichever is greater, of 26,001 pounds or more. (c) It has a gross combination weight rating or gross combination weight, whichever is greater, of 26,001 pounds or more, inclusive of towed units with a gross vehicle weight rating or gross vehicle weight, whichever is greater, of more than 10,000 pounds. (d) A motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 CFR parts 100 to 199. (2) A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes. History:Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988 ;-- Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2015, Act 11, Eff. July 8, 2015Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.7b - "Commercial Quadricycle" Defined.

Sec. 7b. "Commercial quadricycle" means a vehicle that satisfies all of the following: (a) The vehicle has fully operative pedals for propulsion entirely by human power. (b) The vehicle has at least 4 wheels and is operated in a manner similar to a bicycle. (c) The vehicle has at least 6 seats for passengers. (d) The vehicle is designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power. (e) The vehicle is used for commercial purposes. (f) The vehicle is operated by the owner of the vehicle or an employee of the owner of the vehicle. History:Add. 2015, Act 127, Imd. Eff. July 15, 2015

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.8 - “Commissioner” Defined.

Sec. 8. "Commissioner" means the commissioner of Michigan state police of this state, acting directly or through his duly authorized officers, agents and employees. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.80 - Tenses; Definition.

Sec. 80. The present tense includes the past and future tenses; and the future, the present. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.81 - Number and Gender; Definitions.

Sec. 81. The singular shall include the plural and the plural shall include the singular; the masculine shall include the feminine and neuter, as requisite. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.82 - “Shall” and “May” Defined.

Sec. 82. "Shall" and "may" means shall is mandatory and may is permissive. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.83 - "Specialty Court", "Specialty Court Program", and "Specialty Court Interlock Program" Defined.

Sec. 83. As used in this act: (a) "Specialty court" or "specialty court program" means any of the following: (i) A drug treatment court, as that term is defined in section 1060 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060, in which the participant is an adult. (ii) A DWI/sobriety court, as that term is defined in section 1084 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1084. (iii) A hybrid of the programs under subparagraphs (i) and (ii). (iv) A mental health court, as that term is defined in section 1090 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1090. (v) A veterans treatment court, as that term is defined in section 1200 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1200. (b) "Specialty court interlock program" means a program as that term is defined in section 1084 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1084. History:Add. 2020, Act 383, Eff. Mar. 24, 2021 ;-- Am. 2023, Act 125, Imd. Eff. Sept. 19, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.8a - "Conviction" Defined.

Sec. 8a. "Conviction" means any of the following: (a) A final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt for a criminal law violation or a juvenile adjudication, probate court disposition, or juvenile disposition for a violation that if committed by an adult would be a crime, regardless of whether the penalty is rebated or suspended. (b) A conviction defined in federal law under 49 CFR 383.5, regarding the operation of a commercial motor vehicle or the operation of a noncommercial motor vehicle operated by a person licensed to operate a commercial motor vehicle. History:Add. 1967, Act 226, Eff. Nov. 2, 1967 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1994, Act 449, Eff. May 1, 1995 ;-- Am. 1998, Act 356, Eff. Oct. 1, 1999 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.8b - “Controlled Substance” Defined.

Sec. 8b. "Controlled substance" means a controlled substance or controlled substance analogue as defined in section 7104 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7104 of the Michigan Compiled Laws. History:Add. 1976, Act 285, Eff. Apr. 1, 1977 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57,

257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-I - Chapter I Words and Phrases Defined (257.1...257.83)Section 257.9 - “County Jail” Defined.

Sec. 9. "County jail" as referred to in this act shall be construed to mean the county jail of any county where the violation of any of the provisions of this act occur. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1985, Act 53, Imd. Eff. June 14, 1985

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)300-1949-II-DEALERS-AND-WRECKERS-MUST-BE-LICENSED - Dealers and Wreckers Must Be Licensed (257.248...257.251e)Section 257.248 - Dealer License; Investigation; Report; Bond or Bond Renewal Certificate; Dealer Plates; Stipulation as to Service of Process; Prohibited Conduct; Application; Supplemental Dealer License; Eligible Used Dealer License; Classification; Requirements Applicable to Issuance, Renewal, and Expiration; Conduct Not Requiring Separate or Supplemental License.

Sec. 248. (1) The secretary of state shall not grant a dealer license under this section until the secretary conducts an investigation of the applicant's qualifications under this act, except that this subsection does not apply to a license renewal. The secretary of state shall conduct the investigation within 15 days after receiving the application and prepare a report on the investigation. (2) An applicant for a new vehicle dealer or a used or secondhand vehicle dealer or broker license shall include a properly executed bond or a bond renewal certificate, approved by the secretary of state, with the license application. If a renewal certificate is used, the bond is considered renewed for each succeeding year in the same amount and with the same effect as an original bond. The bond must be in the amount of $25,000.00. The bond must indemnify or reimburse a purchaser, seller, lessee, financing agency, or governmental agency for monetary loss caused through fraud, cheating, or misrepresentation in the conduct of the vehicle business whether the fraud, cheating, or misrepresentation was made by the dealer or by an employee, agent, or salesperson of the dealer. The surety shall make indemnification or reimbursement for a monetary loss only after a judgment based on fraud, cheating, or misrepresentation is entered in a court of record against the licensee or a final order that the licensee has engaged in fraud, cheating, or misrepresentation is issued by the secretary of state after an administrative hearing. The bond must also indemnify or reimburse the state for any sales tax deficiency as provided in the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, or use tax deficiency as provided in the use tax act, 1937 PA 94, MCL 205.91 to 205.111, for the year in which the bond is in force. The surety shall make indemnification or reimbursement only after a final judgment is entered in a court of record against the licensee or a final order is issued by the secretary of state after an administrative hearing. A dealer or applicant that provides proof that is satisfactory to the secretary of state that a bond similar to the bond required by this subsection is executed and in force is exempt from the bond requirements of this subsection. The aggregate liability of the surety must not exceed the sum of the bond. The surety on the bond may cancel the bond by giving notice in writing to the secretary of state of the cancellation at least 30 days before the effective date of the cancellation and is not liable for a breach of condition occurring after the effective date of the cancellation. (3) An applicant for a new vehicle dealer or a used or secondhand vehicle dealer license shall apply for not less than 2 dealer plates under section 245 and shall include with the application the proper fee for those plates under section 803. (4) As a condition precedent to the granting of a license, a dealer must file with the secretary of state an irrevocable written stipulation, authenticated by the applicant, stipulating and agreeing that legal process affecting the dealer, served on the secretary of state or a deputy of the secretary of state, has the same effect as if personally served on the dealer. This appointment remains in force as long as the dealer has any outstanding liability within this state. (5) A person shall not carry on or conduct the business of buying, selling, brokering, leasing, negotiating a lease, or dealing in 5 or more vehicles of a type required to be titled under this act in a 12-month period unless the person obtains a dealer license from the secretary of state authorizing the carrying on or conducting of that business. A person shall not carry on or conduct the business of buying, selling, brokering, leasing, negotiating a lease, or dealing in 5 or more distressed, late model vehicles or salvageable parts to 5 or more of those vehicles in a 12-month period unless the person obtains a used or secondhand vehicle parts dealer, an automotive recycler, or a salvage pool license from the secretary of state or is an insurance company admitted to conduct business in this state. A person shall not carry on or conduct the business of buying 5 or more vehicles in a 12-month period to process into scrap metal or store or display 5 or more vehicles in a 12-month period as an agent or escrow agent of an insurance company unless the person obtains a dealer license from the secretary of state. A vehicle scrap metal processor that does not purchase vehicles or salvageable parts from unlicensed persons is not required to obtain a dealer license. A person from another state shall not purchase, sell, or otherwise deal in distressed, late model vehicles or salvageable parts unless the person obtains a foreign salvage vehicle dealer license from the secretary of state under section 248b. A person, including a dealer, shall not purchase or acquire a distressed, late model vehicle or a salvageable part through a salvage pool, auction, or broker without a license as a salvage vehicle agent. The secretary of state shall investigate and seek prosecution, if necessary, of persons allegedly conducting a business without a license. (6) The application for a dealer license must be in the form prescribed by the secretary of state and signed by the applicant. In addition to any other information required by the secretary of state, the application must include all of the following: (a) The name of the applicant. (b) The location of the applicant's established place of business in this state, together with written verification from

the appropriate governing or zoning authority that the established place of business meets all applicable municipal and zoning requirements. (c) The name under which the dealer will conduct business. (d) If the business is a corporation, the state of incorporation. (e) If the business is a sole proprietorship or partnership, the name, address, and date of birth of each owner or partner; if the business is a corporation, the name, address, and date of birth of each of the principal officers. (f) The county in which the applicant will conduct business and the address of each place of business in that county. (g) If the dealer's business is the sale of new vehicles, the make or makes of those vehicles. Each new vehicle dealer shall send with the application for license a certification that the dealer holds a bona fide contract to act as factory representative, factory distributor, or distributor representative to sell at retail ..... (the make of vehicle to be sold) and that the contract meets the requirements for a dealer agreement under the motor vehicle franchise act, 1981 PA 118, MCL 445.1561 to 445.1583. (h) A statement of the previous history, record, and associations of the applicant and of each owner, partner, officer, or director of the applicant. The statement must be sufficient to establish to the satisfaction of the secretary of state the business reputation and character of the applicant. (i) A statement showing whether the applicant has previously applied for a license, the result of the application, and whether the applicant has ever been the holder of a dealer license that was revoked or suspended. (j) If the applicant is a corporation or partnership, a statement showing whether a partner, employee, officer, or director has been refused a license or has been the holder of a license that was revoked or suspended. (k) If the application is for a used or secondhand vehicle parts dealer or an automotive recycler, all of the following: (i) Evidence that the applicant maintains or will maintain an established place of business. (ii) Evidence that the applicant maintains or will maintain a police book and vehicle parts purchase and sales and lease records as required under this act. (iii) Evidence of worker's compensation insurance coverage for employees classified under the North American Industry Classification System number 42114, entitled "motor vehicle parts (used) merchant wholesalers" or under the National Council on Compensation Insurance classification code number 3821, entitled "automobile dismantling", if applicable. (l) A certification that neither the applicant nor another person named on the application is acting as the alter ego of any other person or persons in seeking the license. For the purpose of this subdivision, "alter ego" means a person that acts for and on behalf of, or in the place of, another person for purposes of obtaining a vehicle dealer license. (m) A certification that the applicant if the applicant is an individual or sole proprietorship, the partners of the applicant if the applicant is a partnership, the principal officers of the applicant if the applicant is a corporation, or any other individual who is responsible for the daily operations of the dealership, as applicable, has reviewed and understands the requirements of this act, the rules promulgated under this act, the dealer manual published by the secretary of state, and any other applicable material provided by the department. (n) For an application submitted by or on behalf of an eligible used vehicle dealer for an original license, a certification that within the 6-month period preceding the date of the application, the applicant, the partners of the applicant, or the principal officers of the applicant, as applicable, completed the dealer training program described in section 248l(2). This subdivision does not apply to an application to renew the license of an eligible used vehicle dealer and does not apply to any original license that was granted to an eligible used vehicle dealer before, and that is valid on, March 20, 2019. As used in this subdivision and subdivision (o), "eligible used vehicle dealer" means that term as defined in section 248l. (o) For an application submitted by or on behalf of an eligible used vehicle dealer for an original or renewal license, a certification that each retail sales location of that dealer has an employee that has completed the dealer training program required under section 248l(3) or (5), as applicable. (7) A person shall apply separately for a dealer license for each county in which business is to be conducted. Before moving 1 or more places of business or opening an additional place of business, a dealer shall apply to the secretary of state for and obtain a supplemental dealer license. The secretary of state shall not charge a fee for a supplemental dealer license and shall issue a supplemental dealer license only for a location, including a tent, temporary stand, or any temporary quarters, that does not meet the definition of an established place of business, within the county in which the dealer's established place of business is located. A dealer license entitles the dealer to conduct the business of buying, selling, leasing, and dealing in vehicles or salvageable parts in the county covered by the license. The dealer license also entitles the dealer to conduct at any other licensed dealer's established place of business in this state only the business of buying, selling, leasing, or dealing in vehicles at wholesale. (8) The secretary of state shall classify and differentiate vehicle dealers according to the type of activity they perform. A dealer shall not engage in activities of a particular classification as provided in this act unless the dealer is licensed in that classification. An applicant may apply for a dealer license in 1 or more of the following classifications: (a) New vehicle dealer. (b) Used or secondhand vehicle dealer. A used or secondhand vehicle dealer may be eligible for a mobility dealer endorsement under section 248k. (c) Used or secondhand vehicle parts dealer. (d) Vehicle scrap metal processor. (e) Vehicle salvage pool operator. (f) Distressed vehicle transporter. (g) Broker. (h) Foreign salvage vehicle dealer. (i) Automotive recycler. (j) Wholesaler. (9) All of the following apply to the issuance, renewal, and expiration of a dealer license under this section: (a) A dealer license expires on December 31 of the last year that the license is valid. (b) A dealer shall renew its dealer license annually. The secretary of state may renew a dealer license for a period of not more than 4 years if the secretary receives a renewal application and payment of the fee required under section 807. (c) To renew a dealer license, the dealer shall file an application for renewal with the secretary of state at least 30 days before the expiration of its current license. (d) If a dealer has not renewed its dealer license on or before the expiration date of its current license, the secretary of state within 10 business days after that expiration date must notify the dealer that the secretary of state has not received its renewal application. The notice must include the amount of the late renewal fee. (e) A dealer may continue to operate its dealer business after the expiration of its dealer license, pending approval of the renewal application, if the renewal application is delivered in person or mailed to the secretary of state on or before the expiration date of the license. If requested by the department, a dealer that mails an application under this subdivision must provide proof of mailing of the renewal application that is satisfactory to the department. (f) If an application to renew a dealer license is filed with the secretary of state after the

expiration of that license, the dealer may operate its dealer business beginning on the date on which the application is delivered or mailed to the secretary of state, pending approval of the renewal application. If requested by the department, a dealer that mails an application under this subdivision must provide proof of mailing of the renewal application that is satisfactory to the department. A dealer shall pay a renewal fee equal to 150% of the normal renewal fee for a renewal described in this subdivision. (g) If a dealer files an application to renew a dealer license more than 30 days after the expiration of that license, the dealer is considered a new applicant for a dealer license under this section. (h) The secretary of state shall deposit the late renewal fees collected under subdivisions (d) and (f) in the transportation administration collection fund created in section 810b. (i) The secretary of state shall not renew a dealer's license if the applicant has not bought or sold more than 5 vehicles during the 12 months preceding the dealer's renewal application. (10) A dealer may conduct the business of buying, selling, or dealing in motor homes, trailer coaches, trailers, or pickup campers at a recreational vehicle show conducted at a location in this state without obtaining a separate or supplemental license under subsection (7) if all of the following apply: (a) The dealer is licensed as a new vehicle dealer or used or secondhand vehicle dealer. (b) The duration of the recreational vehicle show is not more than 14 days. (c) Not less than 14 days before the beginning date of the recreational vehicle show, the show producer notifies the secretary of state, in a manner and form prescribed by the secretary of state, that the recreational vehicle show is scheduled, the location, dates, and times of the recreational vehicle show, and the name, address, and dealer license number of each dealer participating in the recreational vehicle show. (11) Notwithstanding section 235, a dealer may advertise or display to the public a vehicle that the dealer has acquired or that is available to the dealer directly from the manufacturer or distributor or the manufacturer's or distributor's subsidiary or affiliate within a reasonable period of time, even though the dealer is still waiting on possession of the vehicle's title. Such a vehicle, if displayed on the dealer's lot, must be placed in a dedicated area at the dealership and arranged in a manner that clearly separates the vehicle from those available for immediate sale to the public with signage placed on the vehicle indicating the vehicle is not available for final sale until the title is in the possession of the dealer. (12) A dealer may park, store, hold, and repair vehicles owned under 1 dealer license on the lot or property held by the same dealer under a separate dealer license that is located within a 15-mile radius. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1957, Act 281, Eff. Sept. 27, 1957 ;-- Am. 1962, Act 166, Eff. Mar. 28, 1963 ;-- Am. 1964, Act 166, Imd. Eff. Jan. 1, 1965 ;-- Am. 1966, Act 216, Eff. Mar. 10, 1967 ;-- Am. 1970, Act 123, Imd. Eff. July 23, 1970 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1978, Act 507, Eff. July 1, 1979 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. July 1, 1994 ;-- Am. 1998, Act 384, Eff. Jan. 1, 1999 ;-- Am. 1999, Act 172, Imd. Eff. Nov. 16, 1999 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003 ;-- Am. 2004, Act 495, Eff. Jan. 31, 2005 ;-- Am. 2016, Act 425, Eff. Apr. 4, 2017 ;-- Am. 2018, Act 420, Eff. Mar. 20, 2019 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023

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Sec. 248a. (1) A motor vehicle dealer shall not advertise or represent a motor vehicle to be a demonstrator, executive or manufacturer's vehicle, leased vehicle, new motor vehicle, or used or secondhand vehicle unless the vehicle so described is as defined in this act. (2) A motor vehicle dealer shall maintain and adhere to designated business hours that are filed with the secretary of state. History:Add. 1975, Act 314, Imd. Eff. Dec. 22, 1975 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013

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Sec. 248b. (1) A person from a foreign state shall not purchase, sell, or otherwise deal in distressed late model motor vehicles or salvageable parts unless the person first obtains a foreign salvage vehicle dealer license from the secretary of state. (2) The application for a foreign salvage vehicle dealer license shall be in the form prescribed by the secretary of state and shall be signed by the applicant. The application shall include the following: (a) Name of applicant. (b) Location of applicant's established place of business in a foreign state. (c) The name under which business is to be conducted. (d) If the business is a corporation, the state of incorporation and a copy of the articles of incorporation filed in that state. (e) Name, address, date of birth, and social security number of each owner or partner and, if a corporation, the name of the principal officers. (f) A statement of the previous history, record, and associations of the applicant and of each owner, partner, officer, and director, which statement shall be sufficient to establish to the satisfaction of the secretary of state the business reputation and character of the applicant. (g) A statement showing whether the applicant has previously applied for a license in any other state, the result of the application, and whether the applicant has ever been the holder of a license that was revoked or suspended. (h) If the applicant is a corporation or partnership, a statement showing whether a partner, employee, officer, or director has been refused a license or has been the holder of a license that was revoked or suspended. (i) Evidence that the applicant holds the appropriate license to buy, sell, or otherwise deal in distressed, late

model vehicles or salvageable parts in a foreign state and actually engages in the business of buying, selling, or otherwise dealing in distressed, late model motor vehicles or salvageable parts in the foreign state. (j) Evidence that the applicant maintains or will maintain an established place of business. (k) Evidence that the applicant maintains or will maintain a police book and vehicle parts purchase and sales records as required under this act. (l) Evidence of worker's compensation insurance coverage for employees classified under the standard industrial classification number 4015, entitled "motor vehicle parts — used" or under the national council on compensation insurance code number 3821, entitled "automobile dismantling", if applicable. (m) Federal employer tax identification number. (n) Certification that neither the applicant nor another person named on the application is acting as the alter ego or in the place of or on behalf of any other person or persons in seeking the license. For the purpose of this subdivision, "alter ego" means a person who acts for or on behalf of, or in the place of, another person for purposes of obtaining a vehicle dealer license. (3) The secretary of state may divide the calendar year into quarters and the total number of dealer licensees into approximately convenient quarter segments. Each dealer license granted under subsection (1) shall expire on the last day of the month in the quarter for the business year in which the license was issued, and may be renewed upon application and payment of the fee required by section 807. (4) A license shall not be granted until an investigation is made of the applicant's qualifications under this act and a criminal history investigation of the applicant is conducted through a law enforcement informational network. This subsection does not apply to license renewals. The secretary of state shall make the investigations within 15 days after receipt of the application and make a report on the investigations. (5) A dealer required to be licensed under this section, as a condition precedent to the granting of a license, shall file with the secretary of state an irrevocable written stipulation, authenticated by the applicant, stipulating and agreeing that legal process affecting the dealer, served on the secretary of state or a deputy of the secretary of state, has the same effect as if personally served on the dealer. This appointment remains in force as long as any liability of the dealer remains outstanding within this state. History:Add. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994

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Sec. 248c. (1) A vehicle salvage pool, auction, or broker shall not sell, transfer, or release a distressed, late model vehicle to anyone other than 1 or more of the following: (a) The vehicle's former owner or lienholder of record as kept by the secretary of state, as applicable. (b) A licensed salvage agent of an automotive recycler. (c) A licensed salvage agent of a foreign salvage vehicle dealer. (2) An insurance company may direct a salvage pool that obtains possession of a vehicle to release the vehicle to the owner or lienholder of record as kept by the secretary of state, as applicable. The insurance company shall provide the salvage pool with a release statement under subsection (3) authorizing the salvage pool to release the vehicle to the vehicle's owner or lienholder of record as kept by the secretary of state, as applicable. (3) A release statement authorizing a salvage pool to release a vehicle to a vehicle's owner or lienholder of record as kept by the secretary of state shall contain the following information: (a) The claim number relating to the vehicle. (b) The name and address of the owner of the vehicle. (c) The vehicle identification number and description of the vehicle. (d) The signature of an authorized representative of the insurance company. (4) Upon receiving a release statement concerning a vehicle from an insurance company under subsection (2), a salvage pool shall send a notice to the owner and any lienholder of record as kept by the secretary of state of the vehicle that the vehicle is available for pickup by the owner or lienholder of record as kept by the secretary of state. The notice shall be accompanied by an invoice for any outstanding charges owed to the salvage pool. The notice shall inform the owner and any lienholder of record as kept by the secretary of state that the owner and lienholder of record as kept by the secretary of state have 30 days from the postmarked date of the notice and upon payment of applicable charges to pick up the vehicle from the salvage pool, and shall warn the owner and lienholder of record that failure to redeem the vehicle within 30 days after the postmarked date of the notice will result in the sale of the vehicle and the termination of all rights of the owner and the lienholder of record to the vehicle and the proceeds of a sale under subsection (5). A notice under this subsection shall be sent by the salvage pool to the applicable address on record with the secretary of state by certified mail or by another commercially available delivery service providing proof of delivery. (5) If the owner or lienholder of record as kept by the secretary of state does not pick up the vehicle within the 30-day period described in subsection (4), the salvage pool may sell the vehicle for parts only to a licensed salvage agent of an automotive recycler or to a licensed salvage agent of a foreign salvage vehicle dealer if the vehicle is a distressed late-model vehicle, or to a licensed salvage agent of an automotive recycler, to a licensed salvage agent of a foreign salvage vehicle dealer, or to a vehicle scrap metal processor if the vehicle is not a distressed late-model vehicle. The salvage pool shall provide the buyer and the secretary of state with a copy of the release statement under subsection (2), proof of notice under subsection (4) to the owner and lienholder of record as kept by the secretary of state, and a bill of sale. The secretary of state shall use the documentation provided to issue the appropriate salvage or scrap certificate of title. History:Add. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994 ;-- Am. 2015, Act 48, Eff. Sept. 7, 2015 ;-- Am. 2016, Act 448, Eff. Apr. 5, 2017

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Sec. 248d. All of the following requirements apply to a wholesaler: (a) A wholesaler shall not advertise vehicles for sale on the internet or any classified listing unless the advertisement clearly discloses the wholesaler's license classification and clearly states that a purchaser must be a licensed vehicle dealer. (b) A wholesaler shall not buy or sell fewer than 24 vehicles in this state each year to retain possession of a wholesaler license. (c) A wholesaler shall maintain an established place of business in this state in accordance with the conditions listed in section 14(3). (d) A wholesaler shall maintain and adhere to designated business hours that are filed with the secretary of state. (e) A wholesaler shall maintain regular hours of operation at an established place of business that include at least 15 regular business hours per week between the hours of 8 a.m. and 5 p.m., Monday through Friday. History:Add. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023Compiler's Notes:Former MCL 257.248d, which pertained to a study pertaining to reducing auto theft and comprehensive premiums, was repealed by Act 304 of 1992, Imd. Eff. Dec. 21, 1992.

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Sec. 248e. (1) Beginning January 1, 1994, a person, including a dealer, shall not purchase, acquire, sell, or otherwise deal in distressed, late model vehicles or salvageable parts through a salvage pool without a salvage vehicle agent license from the secretary of state. Only a licensed automotive recycler, licensed used or secondhand vehicle parts dealer, or a licensed foreign salvage vehicle dealer may apply to the secretary of state for a salvage vehicle agent license. A dealer shall not have more than 2 individuals, including himself or herself, licensed as a salvage vehicle agent. (2) The application for a salvage vehicle agent license shall be in the form prescribed by the secretary of state and shall be signed by both the agent and the dealer who is appointing the individual as a salvage vehicle agent. In addition to other information as may be required by the secretary of state, the application shall include all of the following: (a) Business name, address, and dealer license number of the dealer-applicant. (b) Name, address, social security number, and date of birth of the agent-applicant. (c) A statement of the previous history, record, and associations of the agent, which statement shall be sufficient to establish to the satisfaction of the secretary of state the business reputation and character of the agent. (d) A statement showing whether the agent has previously applied for a dealer license or an agent's license, the result of the application, and whether the agent has ever been the holder of a dealer license or agent's license that was revoked or suspended in this state or any other state. (e) A certification that the agent is not acting as the alter ego or in the place or on the behalf of any other person or persons in seeking the license. For the purpose of this subdivision, "alter ego" means a person who acts for and on behalf of, or in the place of, another person for purposes of obtaining a salvage vehicle agent license. (3) A dealer shall make a separate application for each agent license and forward the application to the secretary of state along with the application of the dealer for a dealer license. A fee of $50.00 shall accompany each application for an agent license. The license of an agent issues, renews, and expires with the issuance, renewal, and expiration of the license of a dealer. If necessary, a dealer may apply for the license for an agent at any time during the time period that the dealer license is valid. (4) A license for an agent shall not be granted until an investigation is made of the agent's qualifications under this act, except that this subsection does not apply to license renewals. The secretary of state shall make the investigation within 15 days after receiving the application and make a report on the investigation. (5) The secretary of state shall issue a license to an agent bearing a full-face photograph of the agent and the following information: (a) Agent's name and address. (b) Physical description. (c) The agent's signature. (d) The agent's license number. (e) Name, address, and dealer license number of the dealer for whom the agent may conduct business. (6) The secretary of state shall maintain a copy or a negative of the photograph for purposes of renewing or issuing duplicate salvage vehicle agent licenses. (7) A dealer shall immediately notify the secretary of state in writing if there is any factual or material change in the information stated in an agent's license or application for the license. (8) A dealer may cancel the license of an agent at any time. If a dealer cancels the license of an agent, the dealer shall notify, in writing, the secretary of state within 5 days of the cancellation and forward the canceled license to the secretary of state along with this notice. The dealer shall advise each salvage pool or salvage auction where the dealer does business of the cancellation. An agent's license is automatically canceled, by operation of law, at the end of the employment of the agent by the dealer. (9) Within 5 days of the cancellation, expiration, suspension, or revocation of the license of an agent, the agent shall surrender the license to the dealer or secretary of state. (10) If an agent's license becomes lost, mutilated, or illegible, the dealer shall promptly apply to the secretary of state for the issuance of a duplicate license. Application shall be made on a form as prescribed by the secretary of state and be accompanied by a fee of $50.00 and the mutilated or illegible license. (11) A dealer shall indemnify the secretary of state and any member of the public who suffers or sustains any loss by reason of any violation of this act by an agent that occurs within the actual or apparent scope of the agent's authority during the period that the agent's license is valid. (12) An agent required to be licensed under this section, as a condition precedent to the granting of a license, shall file with the secretary of state an irrevocable written stipulation, authenticated by the agent applicant, stipulating and agreeing that legal process affecting the agent, served on the secretary of state or a deputy of the secretary of state, has the same effect as if personally served on the agent. This appointment remains in force as long as any liability of the agent remains outstanding within this state.

History:Add. 1993, Act 300, Eff. Jan. 1, 1994

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Sec. 248f. (1) The secretary of state shall not license a person as a vehicle dealer or salvage vehicle agent before requesting a criminal history check of the person and receiving a criminal history report of the person from both the department of state police and federal bureau of investigation. (2) Each criminal history check required under this section shall be requested, and a criminal history report shall be obtained, from both the department of state police and the federal bureau of investigation. (3) Each person required to be named on an application shall submit his or her fingerprints for a criminal history check to the department of state police in a format as prescribed by the department of state police. The fees required by the department of state police or the federal bureau of investigation, as applicable, to conduct the criminal history check shall accompany a request for a criminal history check. (4) The department of state police shall conduct a criminal history check not more than 45 days after receiving a proper request and the required fee for a criminal history check under this section. After conducting the criminal history check and within the same 45-day period, the department of state police shall provide the secretary of state with a report of the criminal history check. The report shall contain public criminal history record information concerning the person who is the subject of the request that is maintained by the department of state police. (5) If a criminal arrest fingerprint card is subsequently submitted to the department of state police and matches against a fingerprint that was submitted under this section and stored in its automated fingerprint identification system (AFIS) database, the department of state police shall notify the department. (6) Except as otherwise provided in this act, the secretary of state shall not approve an original vehicle dealer or salvage vehicle agent license before receiving and reviewing the applicable criminal history reports from the department of state police and the federal bureau of investigation. (7) The secretary of state shall use criminal history record information received under this section to evaluate an applicant's qualifications to receive a vehicle dealer or salvage vehicle agent license under this act. The secretary of state may only discuss a criminal history report or its contents with the following people: (a) Staff of the secretary of state who are involved in determining whether an applicant's vehicle dealer license or salvage vehicle agent license should be denied, suspended, or revoked. (b) Staff of the department of state police. (c) A person who was involved in the prosecution or defense of a criminal matter noted in a criminal history report. (d) The applicant or his or her attorney. (8) A person who violates subsection (7) is guilty of a misdemeanor punishable by a fine of not more than $10,000.00. (9) As used in this section, "criminal history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a. (10) Except for subsection (5), this section does not apply to a person whose criminal history has previously been investigated by the secretary of state and who is applying for the renewal of a vehicle dealer license or salvage vehicle agent license. History:Add. 1993, Act 300, Eff. July 1, 1994 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006

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Sec. 248g. A salvage vehicle agent shall comply with this act and shall do all of the following: (a) Purchase or acquire salvage vehicles only for the dealer indicated upon his or her agent's license. A salvage vehicle agent shall not be an agent for more than 1 licensed dealer at a given time. (b) Prominently display his or her agent's license on his or her person at all times when he or she is present at a place where salvage vehicles are purchased, sold, or offered for sale. (c) Upon demand, immediately display his or her agent's license to a peace officer or an authorized representative of the secretary of state. (d) Immediately contact the dealer if there is any factual or material change in the information stated in his or her agent's license or license application. (e) Upon the cancellation, cessation, or transfer of his or her employment, immediately surrender his or her license to the dealer who shall mail the license to the secretary of state for cancellation. History:Add. 1993, Act 300, Eff. July 1, 1994

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Sec. 248h. (1) A person that engages in conduct that is prohibited under subsection (2) is subject to 1 or more of the following penalties: (a) Placement of a limitation on the person's license. (b) Suspension or revocation of a license. (c) Denial of an original or renewal application. (d) A civil fine paid to the department in an amount that does not exceed $25,000.00. (e) A letter of censure. (2) The secretary of state may deny the application of a dealer after an appropriate hearing for the licensing of an individual as a salvage vehicle agent and refuse to issue or renew the license of an agent, or may suspend or revoke an agent's license that is already issued,

if the secretary of state finds that the dealer, applicant agent, or licensed agent has done 1 or more of the following: (a) Made a false statement of a material fact in the agent's application. (b) Violated this chapter or a rule promulgated under this chapter, or assisted others in the violation of this chapter or a rule promulgated under this chapter. (c) Purchased or acquired a salvage or scrap vehicle or salvageable part for a dealer for which the agent is not licensed, or functioned as an agent for himself or herself alone and without respect to any dealer. (d) Committed a fraudulent act in connection with purchasing or acquiring or otherwise dealing in vehicles of a type required to be registered under this act or in salvage or scrap vehicles or in vehicle parts. (e) Engaged in a method, act, or practice that is unfair or deceptive, including the making of an untrue statement of a material fact. (f) Violated a condition of probation under section 250a. (g) Failed to comply with the terms of a final cease and desist order under section 250b. (h) Failed to pay over funds or to surrender or return property received in the course of employment to a dealer or to another person that is entitled to the funds or property. (i) Acted as a dealer's agent by purchasing, acquiring, selling, or disposing of a vehicle while employed by a licensed dealer without reporting the purchase, acquisition, sale, or disposing of the vehicle to the dealer. (j) Served in a managerial capacity for a dealer during the time another agent or employee of that dealer, acting under the direction and control of the dealer or licensed agent, committed a violation of this chapter or of a rule promulgated under this chapter or of a similar law in another state or jurisdiction. (k) Acted for more than 1 party in a transaction without the knowledge of the other parties. (l) Permitted an unlawful use of the agent's license. (m) Accepted a commission, bonus, or other valuable consideration for the sale of a vehicle from a person other than the dealer under which the agent is licensed. (n) Possessed a vehicle or a vehicle part that has been confiscated under section 415 of the Michigan penal code, 1931 PA 328, MCL 750.413, or of a similar law in another state or jurisdiction. (3) If the secretary of state receives an appropriate abstract of conviction, the secretary of state shall, without providing an opportunity for a hearing, deny the application of a person for a license as a salvage vehicle agent or immediately revoke the license of a person as a salvage vehicle agent for not less than 5 years after the date of the person's last conviction if the applicant or licensee, or a stockholder, officer, director, or partner of the applicant or licensee, is convicted of a violation or attempted violation of section 254 of this act or of section 413, 414, 415, 535, or 535a of the Michigan penal code, 1931 PA 328, MCL 750.413, 750.414, 750.415, 750.535, and 750.535a, or is convicted in federal court or in another state of a violation or attempted violation of a law substantially corresponding to section 254 of this act or of those sections of the Michigan penal code. (4) If the secretary of state receives an appropriate abstract of conviction from the court, the secretary of state, without providing an opportunity for a hearing, shall deny the application of a person for a license as a salvage vehicle agent or immediately revoke the license of a person as a salvage vehicle agent and shall never issue the person a salvage vehicle agent license if the applicant or licensee has any combination of 2 or more convictions of a violation or attempted violation of section 254 of this act or of section 413, 414, 415, 535, or 535a of the Michigan penal code, 1931 PA 328, MCL 750.413, 750.414, 750.415, 750.535, and 750.535a, or is convicted in federal court or in another state of a violation or attempted violation of a law substantially corresponding to section 254 of this act or of those sections of the Michigan penal code. History:Add. 1993, Act 300, Eff. July 1, 1994 ;-- Am. 2016, Act 425, Eff. Apr. 4, 2017

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Sec. 248i. Except for department of state personnel, insurance company representatives, governmental officials, or law enforcement personnel, a person shall not attend a pool or auction selling salvage or scrap titled vehicles unless the person is licensed under this act as a salvage vehicle agent. History:Add. 1993, Act 300, Eff. July 1, 1994

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Sec. 248j. (1) In addition to any other remedies provided by law, if the secretary of state determines that a person has acted as a dealer without a dealer license, he or she may issue the person a verbal or written warning or assess an administrative fine of not more than $5,000.00 for a first violation, and not more than $7,500.00 for each subsequent violation occurring within 7 years of a prior violation. (2) If the secretary of state assesses an administrative fine under subsection (1), the secretary of state shall provide notice of the assessment in writing pursuant to section 212. At a minimum, the notice of assessment shall contain all of the following: (a) A unique identification number. (b) A description of the alleged violation that is the basis for the assessment, including the date the alleged violation occurred and a reference to the specific section or rule alleged to have been violated. (c) The administrative fine established for the violation. (d) A statement indicating that if the fine is not paid, the secretary of state may refer the fine to the department of treasury for collection. (e) A statement indicating that if the alleged violation is contested, the person has a right to request an informal conference before an administrative hearing, accompanied by simple instructions informing the person how to request or waive the informal conference. (3) Not later than 20 days after receiving the written notice of assessment, the alleged violator shall do 1 of the following: (a) Pay the administrative fine to the secretary of state. A payment waives the person's right to an informal conference and an administrative hearing. (b) Request the secretary of state to conduct an informal

conference. (c) Waive the right to an informal conference and request the secretary of state to conduct an administrative hearing. (d) If the person is not a licensed dealer, pay the administrative fine to the secretary of state and submit a properly completed dealer license application to the secretary of state. (4) A person's request for an informal conference or an administrative hearing shall comply with all of the following: (a) Be in writing. (b) Be postmarked or received by the department within 20 days after the date the person received the written notice of assessment. (c) State the name, address, and telephone number of the person requesting the informal conference or administrative hearing. (d) State the written notice of assessment's unique identification number. (e) State the reason for the request. (f) If the request is for an administrative hearing without an informal conference, state the person is waiving his or her right to an informal conference. (5) If the secretary of state receives a request for an informal conference or an administrative hearing that meets all of the conditions prescribed in subsection (4), the secretary of state shall schedule an informal conference or an administrative hearing, as applicable. If the request fails to meet all of the conditions prescribed in subsection (4), the secretary of state may in writing deny the request. A denial shall be served on the person by first-class mail and shall do both of the following: (a) State the reason for the denial. (b) Grant the person 14 days to submit a valid request to the secretary of state. (6) The secretary of state shall conduct an informal conference under this section within 45 days after receiving a valid request for the conference. The secretary of state shall serve upon the alleged violator, by first-class mail not less than 5 days before the conference, a written notice that includes time, place, and date of the informal conference. The notice shall state that the alleged violator may be represented by an attorney at the informal conference. (7) After the informal conference, the secretary of state shall evaluate the validity of the assessment of the administrative fine and affirm, modify, or dismiss the assessment. In making the evaluation, the secretary of state may consider 1 or more of the following: (a) Whether there is reason to believe the alleged violation did in fact occur. (b) The severity of the alleged violation and its impact on the public. (c) The number of prior or related violations by the person. (d) The likelihood of future compliance by the person. (e) Any other considerations the secretary of state considers appropriate. (8) Within 20 days after conducting the informal conference, the secretary of state shall serve upon the person by first-class mail a written statement describing whether the assessment of the administrative fine is affirmed, modified, or dismissed and the basis of the action. If the assessment is affirmed or modified, this statement shall also advise the person that he or she will receive a notice of hearing where the validity of the assessment may be contested or he or she may immediately pay the fine to the secretary of state and that payment of the fine will prevent scheduling of an administrative hearing. (9) A notice of hearing under this section shall be served on the person by first-class mail not less than 5 days before the date scheduled for the administrative hearing and, at a minimum, advise the person of all of the following: (a) The time, place, and date of hearing. (b) That an impartial hearing officer will conduct the hearing and allow the person an opportunity to examine the secretary of state's evidence and present evidence in person or in writing. (c) That the person has a right to be represented by an attorney at the administrative hearing. (d) The common reasons why the secretary of state could dismiss an assessment of an administrative fine. (e) That the hearing officer conducting the administrative hearing will be authorized to do all of the following: (i) Affirm, modify, or dismiss the assessment of an administrative fine. (ii) Correct any errors in the department's records that relate directly to the assessment. (iii) Refer or not refer the fine to the department of treasury for collection. (iv) Take or order any other action or resolution considered appropriate by the hearing officer. (f) That if the department of treasury takes enforcement action against the person, he or she may seek a review in the court of claims. (10) The secretary of state shall conduct an administrative hearing under this section pursuant to the contested case provisions of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If an administrative fine assessed under this section is affirmed by the decision of the hearing officer, the hearing officer may assess the person costs of not more than $500.00, to reimburse the secretary of state for proving the validity of the alleged violation, in addition to any other penalties, sanctions, or costs imposed as provided by law. (11) An administrative fine assessed under this section becomes final upon the first to occur of the following: (a) The secretary of state does not receive a valid request for an informal conference or an administrative hearing within the time period described in subsection (4). (b) Twenty days after a person waives his or her right to an administrative hearing. (c) An administrative hearing decision is served upon the person. (12) After a person pays the secretary of state the fine imposed, the secretary of state shall forward the money to the department of treasury for deposit in a separate fund within the general fund. Upon appropriation, this money shall be used first to defray the expense of the secretary of state in administering this chapter. (13) If an administrative fine assessed under this section is not paid within 60 days after it becomes final, the secretary of state may refer the matter to the department of treasury for collection as a state debt through the offset of state tax refunds and may use the services of the department of treasury to levy the salary, wages, or other income or assets of the person as provided by law. (14) Payment of an administrative fine assessed under this section does not constitute an admission of responsibility or guilt by the person. Payment of an administrative fine assessed under this section does not prevent the secretary of state from charging a violation described in the assessment of the administrative fine in a subsequent or concurrent contested case proceeding conducted by the secretary of state pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (15) If the person submits a properly completed application and appropriate fee for a dealer license within 20 days after an administrative fine under subsection (1) is assessed, and if the secretary of state issues the person a dealer license within 45 days of receiving the properly completed application and fee, the secretary of state shall reduce the amount of the administrative fine by 50%. (16) The secretary of state shall serve a notice, denial, decision, or statement under this section in compliance with section 212. (17) An informal conference under this section is not a compliance conference under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292. History:Add. 2002, Act 652, Eff. Jan. 1, 2003

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Sec. 248k. (1) The secretary of state may create a mobility dealer endorsement for the purposes of this act. All of the following apply if the secretary of state creates a mobility dealer endorsement under this section: (a) Only a licensed used or secondhand vehicle dealer is eligible for a mobility dealer endorsement. (b) The secretary of state shall prescribe the form and content of an application for a mobility dealer endorsement and the application shall require the signature of the applicant. (c) A mobility dealer is not prohibited from also obtaining a broker license, if that broker license is issued for the sole purpose of brokering new vehicles that are modified by the addition of permanently affixed ambulatory assistance devices. (2) Notwithstanding any other law of this state, a mobility dealer may do any of the following: (a) Display, hold in inventory, demonstrate, solicit the sale of, or offer for sale a mobility vehicle, regardless of the chassis make of the mobility vehicle. (b) If the transaction occurs through or by a franchised dealer of the motor vehicle's chassis line make, arrange for the sale and delivery of a new mobility motor vehicle to a purchaser at the mobility dealer's place of business. (c) Sell and install mobility equipment and accessories and other goods and services to meet the particular needs of disabled drivers and passengers. (d) Provide mobility vehicle maintenance and repair services, subject to the following: (i) Except as provided in subparagraph (ii), a mobility dealer shall not perform repairs on mobility vehicles or other motor vehicles without a license as a repair facility under the motor vehicle service and repair act, 1974 PA 300, MCL 257.1301 to 257.1340. (ii) A mobility dealer may perform repairs on parts that are unique to a mobility vehicle, do not alter the operating condition of a mobility vehicle, and were not part of the original manufactured motor vehicle without a license as a repair facility under the motor vehicle service and repair act, 1974 PA 300, MCL 257.1301 to 257.1340. (3) A mobility dealer shall not do any of the following: (a) Represent that it is engaged in the sale of new motor vehicles. (b) Sell or transfer, or offer to sell or transfer, a new motor vehicle by assigning the vehicle's certificate of origin. (c) Sell or offer to sell an adapted vehicle that does not have proof that it has been adapted or modified in compliance with 49 CFR part 568 or 49 CFR part 595. (4) As used in this section: (a) "Mobility dealer" means a used or secondhand vehicle dealer that holds an endorsement as a mobility dealer from the department under this section. (b) "Mobility equipment" means mechanical or electronic devices, parts, or accessories that are specifically designed to facilitate the use of a motor vehicle by an aging or disabled individual, in compliance with 49 CFR part 571, and that are permanently attached to or incorporated in the vehicle. (c) "Mobility vehicle" means a motor vehicle that is specially designed and equipped to transport an individual with a disability, in compliance with 49 CFR part 568 or 49 CFR part 595, and that meets all of the following: (i) Is designed and built or modified to allow vehicle ingress and egress for an individual who is in a wheelchair or scooter. (ii) Is equipped with 1 or more of the following: (A) An electronic or mechanical wheelchair, scooter, or platform lift that enables an individual to enter or exit the vehicle while occupying a wheelchair or scooter. (B) An electronic or mechanical wheelchair ramp. (C) A system to secure a wheelchair or scooter that allows for safe transportation of an individual while he or she is occupying the wheelchair or scooter and that is installed as an integral part or permanent attachment to the vehicle's chassis. History:Add. 2016, Act 425, Eff. Apr. 4, 2017

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Sec. 248l. (1) The secretary of state shall establish each of the following dealer training programs for eligible used vehicle dealers: (a) A prelicensure dealer training program that meets all of the following: (i) Is available to any individual who is an eligible used vehicle dealer applying for an original dealer license or is a partner or officer of an eligible used vehicle dealer applying for an original dealer license. (ii) Includes training related to this act and any other subject matter approved by the secretary of state, such as consumer protection and sales and use tax collection. The department may consult with other departments to evaluate and develop course content it considers appropriate. (b) A training program for designated individuals that meets all of the following: (i) Is offered at least 2 times each calendar quarter. (ii) Is available to any designated individual. (iii) Includes training in transferring vehicle titles, documentation of title transfers, record keeping, and any other subject matter considered appropriate by the secretary of state, such as consumer protection and sales and use tax collection. The department may consult with other departments to evaluate and develop course content it considers appropriate. (c) A continuing education training program that meets all of the following: (i) Is conducted at least 2 times in each calendar quarter. (ii) Includes at least 2 hours of training. (iii) Includes subject matter considered appropriate by the secretary of state, such as transferring vehicle titles, documentation of title transfers, record keeping, consumer protection, and sales and use tax collection. The department may consult with other departments it considers appropriate to evaluate and develop course content. (2) In the 6-month period preceding the date of the application for an original eligible used vehicle dealer license, each individual who is the applicant, each partner of the applicant, or each officer of the applicant, as applicable, for the original eligible used vehicle dealer license shall complete the prelicensure dealer training program described in subsection (1)(a). This subsection does not apply to any of the following: (a) An applicant, or application, for the renewal of an eligible used vehicle dealer license. (b) The holder of an original eligible used vehicle dealer license that was granted

before, and is valid on, March 20, 2019. (c) The owner, partner, corporate officer, or director of a new vehicle dealer license. (3) In the 90-day period following the issuance of an original dealer license to an eligible used vehicle dealer, the licensed dealer shall select a designated individual and ensure that he or she completes the training program described in subsection (1)(b). This subsection does not apply if the designated individual has completed the continuing education training program described in subsection (1)(c). An eligible used vehicle dealer shall select a designated individual for each of its retail sales locations. An eligible used vehicle dealer shall not select the same individual as the designated individual for more than 3 retail sales locations. (4) Subsection (3) does not apply to the holder of an original or renewal eligible used vehicle dealer license that was granted before, and is valid on, March 20, 2019 until that license is next renewed. (5) In addition to the training program described in subsection (1)(b), an eligible used vehicle dealer shall ensure that a designated individual completes the continuing education training program described in subsection (1)(c) 1 time in each 24-month period after the date of issuance of its original license. (6) The training requirements described in subsections (2), (3), and (5) may be satisfied by attending a training program that is conducted by the department or a qualified trade organization approved by the department under subsection (10). (7) A qualified trade organization may apply to the department for approval to conduct the training programs described in subsection (1). A qualified trade organization shall not conduct a training program described in subsection (1) unless it obtains the approval described in subsection (10). No later than 30 days after the effective date of the amendatory act that added this subsection, the department shall develop and make available an application form. (8) The department shall establish an application procedure for a qualified trade organization to obtain approval from the department under subsection (10) to conduct the training programs described in subsection (1) that includes all of the following requirements: (a) Any documentation required for establishing that the applicant is a qualified trade organization. (b) A training program plan or curriculum for each training program the qualified trade organization intends to conduct that is consistent with the training programs described in subsection (1). (c) Any other information or requirements the department considers necessary for purposes of approving an application under subsection (10). (9) The training programs established by the secretary of state under subsection (1) and any training program approved by the department under subsection (10) may be conducted online or by other electronic means. (10) Not later than 30 days after receiving an application under this section from a qualified trade organization to conduct training programs described in subsection (1), the department shall approve or deny the application. The department shall provide the approval or denial in writing and, if denied, it shall list the reasons for the denial. Regardless of the reason for denial, the applicant may resubmit the application correcting the deficiencies identified by the department in the denial letter. The department shall have 10 business days to review a resubmitted application and either approve or deny the application. If a resubmitted application is denied, the denial must be in writing to the applicant and the applicant must have an opportunity to correct any deficiencies identified by the department in the denial letter. (11) The department shall periodically monitor all training programs approved under subsection (10) for compliance with the requirements of the training programs described in subsection (1). If a qualified trade organization that has received the approval described in subsection (10) fails to comply with the requirements of the training programs described in subsection (1), the department may, after a hearing conducted in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, suspend or revoke the approval. (12) The department shall not renew the license of an eligible used vehicle dealer unless the application for renewal includes a certification from the dealer that it is in compliance with the training requirements applicable under this section. (13) The department may charge a qualified trade organization an annual fee for applying for approval under subsection (7). The annual fee described in this subsection is either of the following, as applicable: (a) An initial application fee of up to $500.00. (b) An application renewal fee in an amount not to exceed 50% of the initial application fee set by the department under subdivision (a). (14) A qualified trade organization that received approval under subsection (10) shall do all of the following: (a) Notify the secretary of state of the date, time, and location of the training program at least 3 days prior to conducting the training program. All training programs must be made available to the secretary of state. (b) Report to the secretary of state a list of all participants that completed the training program in an electronic format. (c) Remit to the department a payment of $5.00 per training program participant. (15) The fees collected by the department under subsection (14) must be deposited in the dealer training program fund created under subsection (16). (16) The dealer training program fund is created in the state treasury. The state treasurer shall deposit money and other assets received from the department under subsection (15) and from any other source in the fund. The state treasurer shall direct the investment of money in the fund and credit interest and earnings from the investments to the fund. (17) The department shall expend money from the fund, on appropriation, only to administer this section. (18) The department may promulgate rules and procedures in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement this section. (19) As used in this section: (a) "Designated individual" means any of the following individuals, if he or she is selected by an eligible used vehicle dealer to complete a training program described in this section: (i) An individual who is a licensed eligible used vehicle dealer or a partner or officer of a licensed eligible used vehicle dealer. (ii) An individual who is an employee of a licensed eligible used vehicle dealer, such as a general manager, a sales manager, or an employee who is responsible for preparing title documents for the dealer. (b) "Eligible used vehicle dealer" means a person that is licensed as a used or secondhand vehicle dealer, or is applying for licensure as a used or secondhand vehicle dealer, and is not an owner, partner, corporate officer, or director of a licensed new vehicle dealer or seeking licensure as an owner, partner, corporate officer, or director of a new vehicle dealer. (c) "Fund" means the dealer training program fund created under subsection (16). (d) "Qualified trade organization" means a bona fide nonprofit membership organization that is based in this state, that has been in existence for at least 5 years, and whose members are primarily eligible used vehicle dealers. History:Add. 2018, Act 420, Eff. Mar. 20, 2019 ;-- Am. 2022, Act 17, Eff. Apr. 24, 2022

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Sec. 249. The secretary of state may deny the application of a person for a license as a dealer and refuse to issue the person a license as a dealer, or may suspend or revoke a license already issued, if the secretary of state finds that 1 or more of the following apply: (a) The applicant or licensee has made a false statement of a material fact in his or her application. (b) The applicant or licensee has not complied with the provisions of this chapter or a rule promulgated under this chapter. (c) The applicant or licensee has sold or leased or offered for sale or lease a new vehicle of a type required to be registered under this act without having authority of a contract with a manufacturer or distributor of the new vehicle. (d) The applicant or licensee has been guilty of a fraudulent act in connection with selling, leasing, or otherwise dealing in vehicles of a type required to be registered under this act. (e) The applicant or licensee has entered into or is about to enter into a contract or agreement with a manufacturer or distributor of vehicles of a type required to be registered under this act that is contrary to any provision of this act. (f) The applicant or licensee has no established place of business that is used or will be used for the purpose of selling, leasing, displaying, or offering for sale or lease or dealing in vehicles of a type required to be registered, and does not have proper servicing facilities. (g) The applicant or licensee is a corporation or partnership, and a stockholder, officer, director, or partner of the applicant or licensee has been guilty of any act or omission that would be cause for refusing, revoking, or suspending a license issued to the stockholder, officer, director, or partner as an individual. (h) The applicant or licensee has possessed a vehicle or a vehicle part that has been confiscated under section 415 of the Michigan penal code, 1931 PA 328, MCL 750.415. The secretary of state shall conduct a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, before the secretary of state takes any action under this subdivision. (i) The applicant or licensee has been convicted under section 415 of the Michigan penal code, 1931 PA 328, MCL 750.415. (j) The applicant or licensee has been convicted of violating 1986 PA 119, MCL 257.1351 to 257.1355. (k) The established place of business of the applicant or licensee is not in compliance with all applicable zoning requirements and municipal requirements. (l) The applicant or licensee has engaged in the business of buying, selling, trading, or exchanging new, used, or secondhand motor vehicles or has offered to buy, sell, trade, or exchange, or participate in the negotiation thereof, or attempted to buy, sell, trade, or exchange any motor vehicle or interest in any motor vehicle or any written instrument pertaining to a motor vehicle on a Sunday, as prohibited by 1953 PA 66, MCL 435.251 to 435.254. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1981, Act 115, Imd. Eff. July 17, 1981 ;-- Am. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003 ;-- Am. 2004, Act 495, Eff. Jan. 31, 2005

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Sec. 249a. (1) The secretary of state may deny the application of a person for a license as an automotive recycler, a used or secondhand vehicle parts dealer, a vehicle scrap metal processor, or a foreign salvage vehicle dealer and refuse that person a license as an automotive recycler, a used or secondhand vehicle parts dealer, a vehicle scrap metal processor, or a foreign salvage vehicle dealer, or may suspend or revoke a license already issued, if the secretary of state finds that 1 or more of the following apply: (a) The applicant or licensee has made a false statement of a material fact in his or her application. (b) The applicant or licensee has not complied with this act or a rule promulgated under this chapter. (c) The applicant or licensee has been convicted of violating Act No. 119 of the Public Acts of 1986, being sections 257.1351 to 257.1355 of the Michigan Compiled Laws. (d) If the applicant or licensee is a foreign salvage vehicle dealer, has had his or her dealer license in another state expire, or has had his or her dealer license in another state revoked, suspended, or canceled. (e) If the applicant or licensee is an automotive recycler, a used or secondhand vehicle parts dealer, or a foreign salvage vehicle dealer and has no established place of business used for the purpose of selling, displaying, or offering for sale used or secondhand vehicle parts or does not have a vehicle dismantling facility or does not have evidence of worker's compensation insurance coverage for employees classified under the standard industrial classification number 4015, entitled "motor vehicle parts—used" or under the national council on compensation insurance code number 3821, entitled "automobile dismantling", if applicable. (2) The secretary of state shall deny the application of a person for a license as an automotive recycler, a used or secondhand vehicle parts dealer, a vehicle scrap metal processor, or a foreign salvage vehicle dealer and refuse that person a license as an automotive recycler, a used or secondhand vehicle parts dealer, a vehicle scrap metal processor, or a foreign salvage vehicle dealer, or shall suspend or revoke a license already issued, if the secretary of state finds that 1 or more of the following apply: (a) The applicant or licensee has been guilty of a fraudulent act in connection with selling or otherwise dealing in major component parts or vehicles of a type required to be registered under this act. (b) The applicant or licensee has possessed a vehicle or a vehicle part which has been confiscated under section 415 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.415 of the Michigan Compiled Laws. The secretary of state shall conduct a hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to

24.328 of the Michigan Compiled Laws, before the secretary of state takes any action under this subdivision. (c) The applicant or licensee has been convicted under section 413, 415, 535, 535a, or 536a of Act No. 328 of the Public Acts of 1931, being sections 750.413, 750.415, 750.535, 750.535a, and 750.536a of the Michigan Compiled Laws, or has been convicted in a foreign state of a law or a local ordinance substantially corresponding to section 413, 415, 535, 535a, or 536a of Act No. 328 of the Public Acts of 1931. (d) The applicant or licensee is a corporation or partnership, and a stockholder, officer, director, or partner of the applicant or licensee has been guilty of any act or omission that would be cause for refusing, revoking, or suspending a license issued to the stockholder, officer, director, or partner as an individual. (e) Effective July 1, 1994, the applicant or licensee has removed a scrap vehicle from this state for the purpose of rebuilding it or has sold or transferred the vehicle as a unit for purposes of rebuilding it. History:Add. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994

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Sec. 250. (1) If the secretary of state receives a complaint against a licensee that merits an investigation, the secretary of state must notify the licensee, and the complaint must be made available to the licensee at no charge. Before denying, revoking, suspending, or refusing to renew a dealer's license the secretary of state shall do all of the following: (a) Investigate the licensee after a complaint in writing of any person has been filed with the secretary of state. (b) Set a date for hearing and give the licensee notice of the hearing at least 10 days in advance in the manner herein provided. (c) Record the hearing proceedings. (d) Enter a final order with the secretary of state's findings. (2) A final order of the secretary of state under subsection (1)(d) is final unless, within 30 days after notice of such order is mailed by the secretary of state to the person whose application or license is denied, revoked, suspended or refused, the licensee appeals the final order to the circuit court for the county in which the licensee resides or maintains a place of business or to the circuit court for the county of Ingham. On appeal, the court shall review both law and facts as disclosed by the record, and may in its discretion receive newly discovered evidence, but shall not conduct a hearing de novo. The court may confirm, modify, or set aside such order and make such further orders as justice may require. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023

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Sec. 250a. As an alternative or in addition to administrative action under section 248h(1) for a violation or alleged violation of section 248h(2), section 249 for a violation or alleged violation of section 249, section 249a(1) for a violation or alleged violation of section 249a(1), or section 249a(2) for a violation or alleged violation of section 249a(2), the secretary of state may, by written agreement with a person that holds the license described in that section, place that license on probation and include conditions of probation in the agreement. History:Add. 2016, Act 425, Eff. Apr. 4, 2017

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Sec. 250b. (1) If the secretary of state determines after notice and opportunity for a hearing that a person has violated this chapter, the secretary of state may issue an order requiring the person to cease and desist from the violation or to take an affirmative action that in the judgment of the secretary of state would carry out the purposes of this act, including, but not limited to, payment of restitution to a customer. (2) If the secretary of state makes a finding of fact in writing that the public interest will be irreparably harmed by a delay in issuing an order, the secretary of state may issue a temporary cease and desist order. Before issuing a temporary cease and desist order, the secretary of state, when possible, by telephone or otherwise, shall notify the person that violated this chapter of the secretary of state's intention to issue a temporary cease and desist order. A temporary cease and desist order shall include in its terms a provision that states that the secretary of state shall on request hold a hearing within 30 days to determine whether or not the order shall become permanent. History:Add. 2016, Act 425, Eff. Apr. 4, 2017

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Sec. 250c. The remedies and sanctions under this chapter are independent and cumulative. The use of a remedy or sanction under

this chapter, including, but not limited to, administrative action by the secretary of state under section 248h(2), 249, or 249a(1), an agreement for probation under section 250a, or an order under section 250b, does not bar other lawful remedies and sanctions against a person and does not limit a person's criminal or civil liability under law. History:Add. 2016, Act 425, Eff. Apr. 4, 2017

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Sec. 251. (1) Each new vehicle dealer, used vehicle dealer, broker, and wholesaler shall maintain a record in a manner prescribed by the secretary of state of each vehicle of a type subject to titling under this act that is bought, sold, leased, or exchanged by the dealer or received or accepted by the dealer for sale, lease, or exchange. Each dealer, broker, and wholesaler must retain and have in the dealer's, broker's, or wholesaler's immediate possession, or, upon providing prior written notice to the department and receiving the department's approval within 7 business days after the department receives the written notice, at a secondary location owned by the dealer, broker, or wholesaler that is located within a 15-mile radius, each record described in this subsection. (2) Each record must contain the date of the purchase, sale, lease, or exchange or receipt for the purpose of sale, lease, or exchange, a description of the vehicle, the name and address of the seller, the purchaser or lessee, and the alleged owner or other persons from whom the vehicle was purchased or received, or to whom it was sold, leased, or delivered. The record must contain a copy of any odometer mileage statement received by the dealer when the dealer purchased or acquired a vehicle and a copy of the odometer mileage statement furnished by the dealer when the dealer sold, leased, or exchanged the vehicle as prescribed in section 233a. If the vehicle is purchased, sold, leased, or exchanged through a broker, the record must include the broker's name and dealer license number and the amount of the broker's fee, commission, compensation, or other valuable consideration paid by the purchaser or lessee or paid by the dealer, or both. The records of all vehicles purchased, sold, leased, or exchanged through a broker maintained by the secretary of state must be in an electronic format determined by the secretary of state. A dealer shall retain for not less than 5 years each odometer mileage statement the dealer receives and each odometer mileage statement furnished by the dealer upon the sale, lease, or exchange of a vehicle. The description of the vehicle, in the case of a motor vehicle, must also include the vehicle identification number and other numbers or identification marks as may be on the vehicle, and must also include a statement that a number has been obliterated, defaced, or changed, if that is the fact. For a trailer or semitrailer, the record must include the vehicle identification number and other numbers or identification marks as may be on the trailer or semitrailer. (3) Not more than 20 days after the delivery of the vehicle, the seller shall deliver to the buyer in person, by mail to the buyer's last known address, or, with the agreement of the buyer, by electronic delivery, a duplicate of a written statement, on a form prescribed by the secretary of state in conjunction with the department of treasury, describing clearly the name and address of the seller, the name and address of the buyer, the vehicle sold to the buyer, the cash sale price of the vehicle, the cash paid down by the buyer, the amount credited the buyer for a trade-in, a description of the trade-in, the amount charged for vehicle insurance, stating the types of insurance covered by the insurance policy, the amount charged for a temporary registration plate, the amount of any other charge and its purpose, the net balance due from the buyer, and a summary of insurance coverage to be affected. If the vehicle sold is a new motor home, the written statement must contain a description, including the year of manufacture, of every major component part of the vehicle that has its own manufacturer's certificate of origin. The written statement must disclose if the vehicle sold is a vehicle that the seller had loaned or leased to a political subdivision of this state for use as a driver education vehicle. The written statement must be dated, but not later than the actual date of delivery of the vehicle to the buyer. The original and all copies of the prescribed form must contain identical information. The statement is furnished by the seller, signed by the seller or the seller's agent and by the buyer, and filed with the application for new title or registration. Failure of the seller to deliver this written statement to the buyer does not invalidate the sale between the seller and the buyer. (4) A retail vehicle sale is void unless both of the following conditions are met: (a) The sale is evidenced by a written memorandum that contains the agreement of the parties and is signed by the buyer and the seller or the seller's agent. (b) The agreement contains a place for acknowledgment by the buyer of the receipt of a copy of the agreement or actual delivery of the vehicle is made to the buyer. (5) Subject to subsection (12), each dealer record and inventory, including the record and inventory of a vehicle scrap metal processor not required to obtain a dealer license, is open to inspection by a police officer or an authorized officer or investigator of the secretary of state during reasonable or established business hours. (6) A dealer licensed as a distressed vehicle transporter shall maintain records in a form as prescribed by the secretary of state. The records must identify each distressed vehicle that is bought, acquired, and sold by the dealer. The record must identify the person from whom a distressed vehicle was bought or acquired and the dealer to whom the vehicle was sold. The record must indicate if a certificate of title or salvage certificate of title was obtained by the dealer for each vehicle. (7) A dealer licensed under this act shall maintain records for a period of 5 years. The records must be made available for inspection by the secretary of state or other law enforcement officials. Subject to subsection (12), to determine or enforce compliance with this chapter or other applicable law, the secretary of state or any law enforcement official may inspect a dealer. The secretary of state may issue an order summarily suspending the license of a dealer under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292, based on an affidavit by a person familiar with the facts set forth in the affidavit that the dealer has failed to maintain the records required by this act or failed to provide the records for inspection as requested by the secretary of state, or has otherwise hindered, obstructed, or prevented

the inspection of records authorized under this section. The dealer that the order is directed to shall comply immediately, but on application to the department shall be afforded a hearing within 30 days under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. On the basis of the hearing, the summary order must be continued, modified, or held in abeyance not later than 30 days after the hearing. (8) A dealer licensed as a vehicle salvage pool operator or broker shall maintain records in a form as prescribed by the secretary of state. The records must contain a description of each vehicle or salvageable part stored by the dealer, the name and address of the insurance company or person storing the vehicle or salvageable part, the period of time the vehicle or salvageable part was stored, and the person acquiring the vehicle or salvageable part. In the case of a late model vehicle, a record of the purchase or sale of a major component part of the vehicle must be maintained identifying the part purchased or sold, the name and address of the seller or purchaser, the date of the purchase or sale, and the identification number assigned to the part by the dealer. The record of the purchase or sale of a part must be maintained in or attached to the dealer's police book or hard copy of computerized data entries and reference codes and must be accessible at the dealer's location. In addition, a dealer licensed as a broker shall maintain a record of the odometer mileage reading of each vehicle sold pursuant to an agreement between the broker and the buyer or the broker and the seller. The record of odometer mileage must be maintained for 5 years and contain all of the information required by section 233a. (9) A dealer licensed as a used vehicle parts dealer or an automotive recycler shall maintain records in a form prescribed by the secretary of state. The records must contain the date of purchase or acquisition of the vehicle, a description of the vehicle including the color, and the name and address of the person from whom the vehicle was acquired. If the vehicle is sold, the record must contain the date of sale and the name and address of the purchaser. The record must indicate if the certificate of title or salvage or scrap certificate of title was obtained by the dealer. In the case of a late model vehicle, a record of the purchase or sale of a major component of the vehicle must be maintained identifying the part purchased or sold, the name and address of the seller or purchaser, the date of the purchase or sale, and the identification number assigned to the part by the dealer, except that a bumper remanufacturer is not required to maintain a record of the purchase of a bumper. However, a bumper remanufacturer shall assign and attach an identification number to a remanufactured bumper and maintain a record of the sale of the bumper. The record of the purchase or sale of a part must be maintained in or attached to the dealer's police book or hard copy of computerized data entries and reference codes and must be accessible at the dealer's location. (10) A dealer licensed as a vehicle scrap metal processor shall maintain records as prescribed by the secretary of state. As provided in section 217c, the records must contain for a vehicle purchased from a dealer a copy of the scrap vehicle inventory, including the name and address of the dealer, a description of the vehicle acquired, and the date of acquisition. If a vehicle is purchased or acquired from a person other than a dealer, the record must contain the date of acquisition, a description of the vehicle, including the color, the name and address of the person from whom the vehicle was acquired, and whether a certificate of title or salvage or scrap certificate of title was obtained by the dealer. (11) A dealer licensed as a foreign salvage vehicle dealer shall maintain records in a form prescribed by the secretary of state. The records must contain the date of purchase or acquisition of each distressed vehicle, a description of the vehicle including the color, and the name and address of the person from whom the vehicle was acquired. If the vehicle is sold, the record must contain the date of sale and the name and address of the purchaser. The record must indicate if the certificate of title or salvage or scrap certificate of title was obtained by the dealer. In the case of a late model vehicle, a record of the purchase or sale of each salvageable part purchased or acquired in this state must be maintained and the record must contain the date of purchase or acquisition of the part, a description of the part, the identification number assigned to the part, and the name and address of the person to or from whom the part was purchased, acquired, or sold. The record of the sale, purchase, or acquisition of a part must be maintained in the dealer's police book. The police book must only contain vehicles and salvageable parts purchased in this state or used in the repair of a vehicle purchased in this state. The police book and the records of vehicle part sales, purchases, or acquisitions must be made available at a location within the state for inspection by the secretary of state within 48 hours after a request by the secretary of state. (12) The secretary of state may make inspections of the records, facilities, and inventories of dealers licensed under section 248 as follows: (a) For a general compliance inspection, including, but not limited to, a record and inventory inspection, the secretary of state shall provide at least 36 hours written notice of the inspection to the dealer and the inspection must occur during the dealer's reasonable or established business hours. The secretary of state shall maintain a record of each written notice of inspection provided to the dealer and shall maintain proof that actual notice of the inspection was provided to the dealer. As used in this subdivision, "written notice" includes, but is not limited to, notice by email or text. (b) For the purposes of investigating an official complaint made available to the dealer or a substantive violation of this chapter or other applicable law directly involving the dealer, the secretary of state may make periodic unannounced inspections. (13) The secretary of state may promulgate rules to implement this section under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1958, Act 96, Eff. Sept. 13, 1958 ;-- Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959 ;-- Am. 1962, Act 166, Eff. Mar. 28, 1963 ;-- Am. 1964, Act 51, Eff. Aug. 28, 1964 ;-- Am. 1965, Act 210, Imd. Eff. July 16, 1965 ;-- Am. 1978, Act 507, Eff. July 1, 1979 ;-- Am. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1988, Act 470, Eff. Apr. 1, 1989 ;-- Am. 1990, Act 265, Imd. Eff. Oct. 17, 1990 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. July 1, 1994 ;-- Am. 1998, Act 384, Eff. Jan. 1, 1999 ;-- Am. 1998, Act 455, Imd. Eff. Dec. 30, 1998 ;-- Am. 2000, Act 397, Imd. Eff. Jan. 8, 2001 ;-- Am. 2002, Act 491, Imd. Eff. July 3, 2002 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023Admin Rule:R 257.181 et seq. and R 257.251 et seq. of the Michigan Administrative Code.

(257.201...257.259)300-1949-II-DEALERS-AND-WRECKERS-MUST-BE-LICENSED - Dealers and Wreckers Must Be Licensed (257.248...257.251e)Section 257.251a - Copies of Documents.

Sec. 251a. At the time a document is signed for the sale or lease of a vehicle, the dealer shall provide a copy of each document signed to the person who signed the document. History:Add. 1990, Act 265, Imd. Eff. Oct. 17, 1990 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003Compiler's Notes:Former MCL 257.251a, which pertained to dealer's report as to sales to out of state dealers and purchasers, was repealed by Act 166 of 1962, Eff. Mar. 28, 1963.

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Sec. 251b. A dealer shall not rent, lease, or furnish a motorcycle to a person for use on public streets and highways who is not licensed to operate a motorcycle by the state, if a resident, and by the state in which the person resides, if a nonresident. History:Add. 1966, Act 207, Eff. Mar. 10, 1967 ;-- Am. 1969, Act 134, Eff. June 1, 1970 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008

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Sec. 251c. The dealer shall maintain in safe operating condition all motorcycles rented, leased, or furnished by him. The dealer, his agents, or employees shall explain the operation of the motorcycle being rented, leased, or furnished and if the dealer, his agent, or employee believes the person to whom the motorcycle is to be rented, leased, or furnished is not competent to operate the motorcycle with competency to himself and to the safety of persons or vehicles on public streets and highways, he shall refuse to rent, lease, or furnish the motorcycle. History:Add. 1966, Act 207, Eff. Mar. 10, 1967 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977

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Sec. 251d. A person to whom a motorcycle is rented, leased, or furnished, shall not rent, sublease, or otherwise authorize the use of the motorcycle on public streets and highways to a person who is not licensed to operate a motorcycle in this state, if a resident, and by the state in which the person resides, if a nonresident. History:Add. 1966, Act 207, Eff. Mar. 10, 1967 ;-- Am. 1969, Act 134, Eff. June 1, 1970 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008

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Sec. 251e. A dealer renting, leasing, or furnishing a motorcycle shall carry a "motor vehicle liability policy" of the same type and coverage as that outlined in section 520 for each motorcycle rented, leased, or furnished or, in the alternative, demand and be shown proof that the person renting, leasing, or being furnished a motorcycle carries a motor vehicle liability policy of at least the type and coverage as specified in section 520. History:Add. 1966, Act 207, Eff. Mar. 10, 1967 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977

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Sec. 255. (1) Except as otherwise provided in this chapter, a person shall not operate, nor shall an owner knowingly permit to be operated, upon any highway, a vehicle required to be registered under this act unless, except as otherwise provided in this subsection, no later than 30 days after the vehicle is registered or the vehicle's registration is renewed, a valid registration plate issued for the vehicle by the department for the current registration year is attached to and displayed on the vehicle as required by this chapter. For purposes of this subsection, a printed or electronic copy of a valid registration or verification of a valid registration

through the L.E.I.N. is proof that the vehicle is registered or that the vehicle's registration has been renewed. A registration plate is not required for a wrecked or disabled vehicle, or vehicle destined for repair or junking, that is being transported or drawn on a highway by a wrecker or a registered motor vehicle. The 30-day period described in this subsection does not apply to the first registration of a vehicle after a transfer of ownership or to a transfer registration under section 809. (2) Except as otherwise provided in this section, a person who violates subsection (1) is responsible for a civil infraction. However, if the vehicle is a commercial vehicle that is required to be registered according to the schedule of elected gross vehicle weights under section 801(1)(k), the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. (3) A person who operates a vehicle licensed under the international registration plan and does not have a valid registration due to nonpayment of the apportioned fee is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than $100.00, or both. In addition, a police officer may impound the vehicle until a valid registration is obtained. If the vehicle is impounded, the towing and storage costs of the vehicle, and the care or preservation of the load in the vehicle are the owner's responsibility. Vehicles impounded are subject to a lien in the amount of the apportioned fee and any fine and costs incurred under this subsection, subject to a valid lien of prior record. If the apportioned fee, fine, and costs are not paid within 90 days after impoundment, then following a hearing before the judge or magistrate who imposed the fine and costs, the judge or magistrate shall certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred. The prosecuting attorney shall enforce the lien by foreclosure sale in accordance with the procedure authorized by law for chattel mortgage foreclosures. (4) A noncommercial vehicle registration described in subsection (1) that expires on or after March 1, 2020 but is renewed on or before March 31, 2021 is not in violation of this section. A noncommercial vehicle registration described in subsection (1) that expires after March 31, 2021 but before August 1, 2021, but is renewed within 120 days after the date of the expiration is not in violation of this section. A commercial vehicle registration described in subsection (1) that expires on or after March 1, 2020 but is renewed on or before March 31, 2021 is not in violation of this section. A commercial vehicle registration described in subsection (1) that expires after March 31, 2021 but before August 1, 2021, but is renewed within 120 days after the date of the expiration is not in violation of this section. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1961, Act 26, Imd. Eff. May 11, 1961 ;-- Am. 1962, Act 58, Eff. Mar. 28, 1963 ;-- Am. 1963, Act 88, Eff. Sept. 6, 1963 ;-- Am. 1984, Act 330, Imd. Eff. Dec. 26, 1984 ;-- Am. 1987, Act 34, Eff. Aug. 26, 1987 ;-- Am. 2003, Act 9, Eff. Sept. 1, 2003 ;-- Am. 2018, Act 64, Eff. June 12, 2018 ;-- Am. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021Compiler's Notes:Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."

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Sec. 256. (1) A person shall not lend to another person, or knowingly permit the use of, any certificate of title, registration certificate, registration plate, special plate, or permit issued to him or her if the person receiving or using the certificate of title, registration certificate, registration plate, special plate, or permit would not be entitled to the use thereof. A person shall not carry or display upon a vehicle any registration certificate or registration plate not issued for the vehicle or not otherwise lawfully used under this act. (2) Except as otherwise provided in this section, a person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than $100.00, or both. (3) A person who displays upon a commercial vehicle which is required to be registered according to the schedule of elected gross vehicle weights under section 801(1)(k) any registration plate not issued for the vehicle or not otherwise lawfully used under this act is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than $500.00, or both. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1987, Act 34, Eff. Aug. 26, 1987

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Sec. 257. (1) A person who commits any of the following acts is guilty of a felony: (a) Alters with fraudulent intent a certificate of title, registration certificate, or registration plate issued by the department. (b) Forges or counterfeits a certificate of title, registration certificate, or registration plate purporting to have been issued by the department. (c) Alters or falsifies with fraudulent intent or forges an assignment upon a certificate of title. (d) Holds or uses a certificate of title, registration certificate, or registration plate

knowing that it has been altered, forged, or falsified. (e) Knowingly possesses, sells, or offers for sale a stolen, false, or counterfeit certificate of title, registration certificate, registration plate, registration decal, or registration tab. (f) Fraudulently indicates on a certificate of title that there is no security interest on record for the vehicle. (g) Forges or counterfeits a letter from the holder of a security interest in a vehicle stating that the security interest has been released. (2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than $1,500.00 or more than $7,000.00, or both. (3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than $5,000.00 or more than $15,000.00, or both. (4) A person who is convicted of a violation of subsection (1)(f) or (g), in addition to any other penalty, shall pay restitution to the holder of a security interest in the vehicle in the amount of the outstanding lien on the vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1992, Act 309, Eff. Mar. 31, 1993 ;-- Am. 2014, Act 289, Eff. Mar. 31, 2015

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Sec. 258. (1) The secretary of state may cancel, revoke, or suspend the registration of a vehicle, a certificate of title, registration certificate, or registration plate if any of the following apply: (a) The secretary of state determines that the registration, certificate of title, or plate was fraudulently or erroneously issued. (b) The secretary of state determines that the licensee has made or is making an unlawful use of his or her registration certificate, plate, or certificate of title. (c) A registered vehicle has been dismantled or wrecked. (d) The secretary of state determines that the required fee has not been paid and it is not paid upon reasonable notice or demand. (e) A registration certificate or registration plate is knowingly displayed upon a vehicle other than the one for which it was issued. (f) The secretary of state determines that the owner has committed an offense under this act involving the registration or certificate of title. (g) The secretary of state is authorized to do so under this act. (h) Upon receiving notification from another state or foreign country that a certificate of title issued by the secretary of state has been surrendered by the owner in conformity with the laws of that state or foreign country. (i) It is shown by satisfactory evidence that delivery of a motor vehicle in the possession of a dealer was not made to the applicant registered under this act. The money paid for registration and license fees may be refunded to the party who applies for the refund. (j) The owner is a motor carrier subject to an out-of-service order. As used in this subdivision, "out-of-service order" means that term as defined in 49 CFR 390.5, and also includes an out-of-service order issued under 49 CFR 386.73. A law enforcement officer may also confiscate a registration plate issued to a motor carrier described in this subdivision. (2) If the licensee's offense consists of hauling on the registered vehicle a gross weight more than 1,000 pounds in excess of the elected gross weight specified on the owners' registration certificate, the registration shall be canceled and the vehicle shall not again be operated on the highways, roads, or streets until it is registered again and new plates are issued. The new registration fee shall be computed on the basis of twice the difference between the original registration fee and the registration fee applicable to the gross weight constituting the violation of the elected gross weight. One-half of the new registration fee shall be a penalty. The period of the new registration fee shall not extend beyond the termination date of the canceled registration certificate. The new registration fee shall not exceed the maximum gross weight of the vehicle or combination of vehicles as determined by the number of axles and the legal weight applicable to those axles as specified by section 722. The gross weight of a vehicle or combination of vehicles may be determined by weighing the individual axles or group of axles, and the total weight on all axles is the gross vehicle weight. (3) Before the secretary of state makes a cancellation under subsection (1)(a), (b), (e), (f), or (g), the person affected by the cancellation shall be given notice and an opportunity to be heard. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959 ;-- Am. 1968, Act 214, Eff. Nov. 15, 1968 ;-- Am. 1969, Act 309, Imd. Eff. Aug. 14, 1969 ;-- Am. 1998, Act 347, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2018, Act 74, Eff. June 17, 2018

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Sec. 259. (1) All registration plates, certificates of title, registration certificates or the license of any dealer or wrecker, are the property of this state, shall contain information required by this act, and shall be made in a manner and bear information and be in a configuration as prescribed by the department. When the department cancels or suspends the registration of a vehicle or a certificate of title or the license of any dealer or wrecker as authorized by this act, the owner or person in possession of the same shall immediately return the evidence of the canceled or suspended registration, title, or license to the department. (2) It is unlawful for any person to fail or refuse to surrender to the department upon demand any registration plate, registration, certificate of title, or license of any dealer as required in this section. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 2015, Act 11, Eff. July 8, 2015

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Sec. 243. (1) A nonresident owner, except as otherwise provided in this section, owning any foreign vehicle of a type otherwise subject to registration under this act may operate or permit the operation of the vehicle within this state without registering the vehicle in, or paying any fees to, this state if the vehicle at all times when operated in this state is duly registered in, and displays upon it a valid registration certificate and registration plate or plates issued for the vehicle in the place of residence of the owner. (2) A nonresident owner of a foreign vehicle operated within this state for the transportation of persons or property for compensation shall register the vehicle and pay the same fees for its registration as is required with reference to like vehicles owned by residents of this state, except that the department may issue to the nonresident owner a temporary permit authorizing the operation of the foreign vehicle within this state for a period of 72 hours, without registering the vehicle, on the payment of a fee as provided in section 802a of this act. The temporary permit shall be in a form as prescribed by, and shall be displayed on a foreign vehicle in a manner determined by the secretary of state. Each request for a temporary permit under this subsection shall be based on emergency or infrequent need for the permit. The secretary of state may refuse to issue a permit if he or she has reason to believe the applicant has previously forged or misused a permit, has attempted to circumvent the registration laws of this state, or has not demonstrated an emergency or infrequent use. (3) The secretary of state may designate an owner or registrant having a fleet of motor vehicles currently registered under this act to act as an agent for the secretary of state for the purpose of issuing to himself or herself a temporary registration under this section. (4) A nonresident owner of a pleasure vehicle otherwise subject to registration under this act shall not operate the vehicle for a period exceeding 90 days without securing registration in this state. (5) Every nonresident, including any foreign corporation carrying on business within this state and owning and operating in that business any vehicle subject to registration as provided in this chapter, shall register the vehicle and pay the same fee for the registration as is required with reference to like vehicles owned by residents of this state, except as otherwise provided by law. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1960, Act 98, Imd. Eff. Apr. 26, 1960 ;-- Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990

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Sec. 252. A police agency, upon receiving reliable information that any vehicle registered under this act has been stolen, shall immediately report the theft through the law enforcement information network. Upon receiving information that a vehicle previously reported as stolen has been recovered, the police agency shall immediately report the fact of the recovery through the law enforcement information network. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 99, Eff. Aug. 28, 1964 ;-- Am. 1966, Act 157, Imd. Eff. July 1, 1966 ;-- Am. 1968, Act 170, Imd. Eff. June 17, 1968 ;-- Am. 1972, Act 350, Eff. Mar. 1, 1973 ;-- Am. 1980, Act 249, Imd. Eff. July 28, 1980

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Sec. 252a. (1) A person shall not abandon a vehicle in this state. It is presumed that the last titled owner of the vehicle is responsible for abandoning the vehicle unless the person provides a record of the sale as that term is defined in section 240. A person who violates this subsection and who fails to redeem the vehicle before disposition of the vehicle under section 252g is responsible for a civil infraction and shall be ordered to pay a civil fine of $50.00. (2) As used in this section and sections 252b through 252l, "abandoned vehicle" means any of the following: (a) A vehicle that has remained on private property without the consent of the owner. (b) A vehicle that has remained on public property for a period of not less than 48 hours, or on a state trunk line highway as described in section 1 of 1951 PA 51, MCL 247.651, as follows: (i) If a valid registration plate is affixed to the vehicle, for a period of not less than 18 hours. (ii) If a valid registration plate is not affixed to the vehicle. (c) A vehicle, other than a late-model vehicle, to which all of the following apply: (i) An insurance company has not acquired ownership of the vehicle under section 217c. (ii) The vehicle cannot be disposed of under section 248c. (iii) The vehicle has remained in the custody of a vehicle salvage pool or broker site without the consent of the vehicle salvage pool operator or the broker for a period of not less than 60 days. (3) If a vehicle has remained on public property for the period of time described in subsection (2)(b) so that it qualifies as abandoned, a police agency having jurisdiction over the vehicle or the agency's designee shall determine whether the vehicle has been reported stolen and may affix a written notice to the vehicle. The written notice shall contain the following information: (a) The date and time the notice was

affixed. (b) The name and address of the police agency taking the action. (c) The name and badge number of the police officer affixing the notice. (d) The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed. (e) The year, make, and vehicle identification number of the vehicle, if available. (4) If the vehicle is an abandoned vehicle, the police agency or the agency's designee may have the towing agency take the vehicle into custody. (5) A police agency that has received a vehicle taken into custody as abandoned shall do all of the following: (a) Recheck to determine if the vehicle has been reported stolen. (b) Within 24 hours after the vehicle is taken into custody, enter the vehicle as abandoned into the law enforcement information network, and notify the secretary of state through the law enforcement information network that the vehicle has been taken into custody as abandoned. Each notification shall contain the following information: (i) The year, make, and vehicle identification number of the vehicle, if available. (ii) The address or approximate location from which the vehicle was taken into custody. (iii) The date on which the vehicle was taken into custody. (iv) The date the vehicle is being entered into the law enforcement information network and whether the information is being entered within 24 hours after the vehicle was taken into custody. (v) The name and address of the police agency that had the vehicle taken into custody. (vi) The name and business address of the custodian of the vehicle. (vii) The name of the court that has jurisdiction over the case. (c) Within 7 days after receiving notice under subdivision (b) that the vehicle has been taken into custody, the secretary of state shall do both of the following: (i) Send to the last titled owner and secured party, as shown by the records of the secretary of state as described in section 221 or 237, by first-class mail or personal service, notice that the vehicle is considered abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information: (A) The year, make, and vehicle identification number of the vehicle if available. (B) The address or approximate location from which the vehicle was taken into custody. (C) The date on which the vehicle was taken into custody. (D) The name and address of the police agency that had the vehicle taken into custody. (E) The name and business address of the custodian of the vehicle. (F) The procedure to redeem the vehicle. (G) The procedure to contest the fact that the vehicle is considered abandoned or the reasonableness of the towing fees and daily storage fees. (H) A form petition that the owner may file in person or by mail with the specified court that requests a hearing on the police agency's action. (I) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale. (ii) Enter the information described in subparagraph (i) on a website maintained by the department for public use in locating vehicles that are removed under this section as abandoned. The department shall maintain the data on the website for 1 year or until the vehicle is disposed of under this act, whichever occurs first. (6) The owner may contest the fact that the vehicle is considered abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing and posting a bond equal to $40.00 plus the amount of the accrued towing and storage fees. A request for a hearing shall be made by filing a petition with the court specified in the notice described in subsection (5)(c) within 20 days after the date of the notice. Subject to subsection (8), if the owner requests a hearing, the matter shall be resolved after a hearing conducted under sections 252e and 252f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the $40.00 plus the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying a fee of $40.00 to the court and the accrued towing and storage fees instead of posting the towing and storage bond. (7) Subject to subsection (9), if the owner does not request a hearing under subsection (6), he or she may obtain the release of the vehicle by paying a fee of $40.00 and the accrued towing and storage fees to the custodian of the vehicle. The custodian of the vehicle shall forward $25.00 of the fee to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h. (8) The secured party may contest the reasonableness of the towing fees and daily storage fees and request a hearing in the same manner and subject to the same requirements as the owner of the vehicle under subsection (6). If both the owner and the secured party request a hearing to contest the reasonableness of the towing fees and daily storage fees within 20 days after the date of the notice, the court shall dismiss the secured party's petition and proceed with the owner's petition as provided in subsection (6), unless the owner is in default on a contract or agreement with the secured party regarding that vehicle. If the owner is in default on a contract or agreement with the secured party regarding that vehicle, the court shall dismiss the owner's petition and proceed with the secured party's petition in the same manner as provided in subsection (6). If the secured party redeems the vehicle, the owner may only seek damages related to the reasonableness of the towing fees and daily storage fees from the secured party. If the court finds, after a hearing on the reasonableness of the towing fees and daily storage fees, that the owner's or the secured party's challenge was frivolous, the court may award reasonable attorney fees to the custodian of the vehicle. (9) If the owner does not redeem the vehicle or request a hearing within 10 days after the date of the notice described in subsection (5)(c), the secured party may obtain the release of the vehicle by paying a $40.00 fee plus the accrued charges to the custodian of the vehicle. The custodian of the vehicle shall forward $25.00 of the fee to the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h. (10) If a vehicle has remained on private property without the consent of the property owner, the owner of the private property may have the vehicle taken into custody as an abandoned vehicle by contacting a local towing agency. A local towing agency is considered a towing agency whose storage lot is located within 15 miles from the border of the local unit of government having jurisdiction over the abandoned vehicle. (11) Before removing the vehicle from private property, the towing agency shall provide notice by telephone, or otherwise, to a police agency having jurisdiction over the vehicle that the vehicle is being removed. Within 24 hours after receipt of the notice from the towing agency, the police agency shall determine if the vehicle has been reported stolen and enter the vehicle into the law enforcement information network as an abandoned vehicle. Verification by the police agency of compliance with this section is not necessary and is not a predicate to the entrance of the vehicle into the law enforcement information network. (12)

Within 24 hours after taking the abandoned vehicle into custody, the police agency shall notify the secretary of state through the law enforcement information network that the vehicle has been taken into custody as abandoned. Each notification shall contain the following information: (a) The year, make, and vehicle identification number of the vehicle if available. (b) The address or approximate location from which the vehicle was taken into custody. (c) The date on which the vehicle was taken into custody. (d) The date the vehicle is being entered into the law enforcement information network and whether the information is being entered within 24 hours after the vehicle was taken into custody. (e) The name and address of the police agency that had the vehicle taken into custody. (f) The name and business address of the custodian of the vehicle. (g) The name of the court that has jurisdiction over the case. (13) Within 7 days after being notified under subsection(12), the secretary of state shall do both of the following: (a) Send to the owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle is considered abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information: (i) The year, make, and vehicle identification number of the vehicle if available. (ii) The location from which the vehicle was taken into custody. (iii) The date on which the vehicle was taken into custody. (iv) The name of the towing agency that had the vehicle taken into custody. (v) The business address of the custodian of the vehicle. (vi) The procedure to redeem the vehicle. (vii) The procedure to contest the fact that the vehicle is considered abandoned or the reasonableness of the towing fees and daily storage fees. (viii) A form petition that the owner may file in person or by mail with the specified court that requests a hearing on the custodian's action. (ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale. (b) Enter the information described in subdivision (a) on a website maintained by the department for public use in locating vehicles that are removed under this section as abandoned. (14) The owner may contest the fact that the vehicle is abandoned or, unless the towing fees and daily storage fees are established by contract with the local governmental unit or local law enforcement agency and comply with section 252i, the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. Subject to subsection (16), if the owner requests a hearing, the matter shall be resolved after a hearing conducted under section 252f. An owner who requests a hearing may obtain release of the vehicle by posting with the court a towing and storage bond in an amount equal to $40.00 plus the accrued towing and storage fees. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying a fee of $40.00 to the court plus the towing and storage fees instead of posting the towing and storage bond. An owner requesting a hearing but not taking possession of the vehicle shall post with the court a towing and storage bond in an amount equal to $40.00 plus the accrued towing and storage fees. (15) Subject to subsection (17), if the owner does not request a hearing, he or she may obtain the release of the vehicle by paying a fee of $40.00 plus the accrued charges to the custodian of the vehicle. The custodian shall forward $25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h. (16) The secured party may contest the reasonableness of the towing fees and daily storage fees and request a hearing in the same manner and subject to the same requirements as the owner under subsection (14). If both the owner and the secured party request a hearing to contest the reasonableness of the towing fees and daily storage fees within 20 days after the date of the notice, the court shall dismiss the secured party's petition and proceed with the owner's petition as provided in subsection (14), unless the owner is in default on a contract or agreement with the secured party regarding that vehicle. If the owner is in default on a contract or agreement with the secured party regarding that vehicle, the court shall dismiss the owner's petition and proceed with the secured party's petition in the same manner as provided in subsection (14). If the secured party redeems the vehicle, the owner may only seek damages related to the reasonableness of the towing fees and daily storage fees from the secured party. If the court finds, after a hearing on the reasonableness of the towing fees and daily storage fees, that the owner's or the secured party's challenge was frivolous, the court shall award to the custodian costs, including reasonable attorney fees, against the owner or secured party. (17) If the owner does not redeem the vehicle or request a hearing within 10 days after the date of the notice, the secured party may obtain the release of the vehicle by paying a fee of $40.00 and the accrued towing and storage fees to the custodian of the vehicle. The custodian shall forward $25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h. (18) Not less than 20 days after the disposition of the hearing described in subsection (6) or, if a hearing is not requested, not less than 20 days after the date of the notice, the police agency if the abandoned vehicle is found on public property, or the custodian of the vehicle if the vehicle is found on private property, shall offer the vehicle for sale at a public sale under section 252g. (19) The custodian of a vehicle described in this section shall allow the owner of the vehicle or a secured party to inspect the vehicle during regular business hours at the location where the vehicle is being held. The custodian of the vehicle may charge the secured party a fee of not more than $75.00 to inspect the vehicle or, if the actual cost necessary to allow the inspection is greater than $75.00, the actual cost necessary to allow the inspection. If the custodian of the vehicle charges the secured party more than $75.00 as provided in this subsection, the custodian shall provide the secured party with an itemized invoice for the actual costs assessed. The custodian of the vehicle shall allow the owner of the vehicle to inspect the vehicle and retrieve personal property from the vehicle without paying a fee for the first visit. After the first visit by the owner to inspect the vehicle or retrieve personal property from the vehicle as provided in this subsection, the custodian may charge the owner of the vehicle a fee of not more than $25.00 for each subsequent visit. (20) If the ownership of a vehicle that is considered abandoned under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state as described in section 221 or 237 does not reveal ownership, the police agency may sell the vehicle at public sale

as provided in section 252g not less than 30 days after public notice of the sale has been published. (21) The secretary of state shall release a vehicle for disposition under section 252b or 252g within 45 days after the vehicle is entered into the law enforcement information network as an abandoned vehicle. History:Add. 1980, Act 249, Imd. Eff. July 28, 1980 ;-- Am. 1981, Act 104, Eff. Oct. 1, 1981 ;-- Am. 2000, Act 306, Imd. Eff. Oct. 16, 2000 ;-- Am. 2002, Act 649, Imd. Eff. Dec. 23, 2002 ;-- Am. 2004, Act 495, Eff. Oct. 1, 2005 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009 ;-- Am. 2015, Act 48, Eff. Sept. 7, 2015 ;-- Am. 2018, Act 347, Eff. Jan. 14, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)300-1949-II-SPECIAL-ANTI-THEFT-LAWS - Special Anti-Theft Laws (257.252...257.254)Section 257.252b - Registered and Unregistered Abandoned Scrap Vehicles; Duties of Police Agency; Release of Vehicle; Certificate of Title or Certificate of Scrapping; Release Form; Retention of Records and Photographs; Taking Registered Abandoned Scrap Vehicle Into Custody; Contest by Registered Owner; Hearing; Request; Obtaining Release of Vehicle; Fee.

Sec. 252b. (1) As used in this section: (a) "Registered abandoned scrap vehicle" means a vehicle that meets all of the following requirements: (i) Is on public or private property. (ii) Is 7 or more years old. (iii) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683 would exceed the fair market value of that vehicle. (iv) Is currently registered or titled in the state of Michigan or displays current year registration plates from another state. (b) "Unregistered abandoned scrap vehicle" means a vehicle that meets all of the following requirements: (i) Is on public or private property. (ii) Is 7 or more years old. (iii) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683 would exceed the fair market value of that vehicle. (iv) Is not currently registered in this state and does not display current year registration plates from another state. (2) A police agency or the agency's designee or, if the vehicle is on private property, the property owner may have an unregistered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following: (a) Determine if the vehicle has been reported stolen. (b) Take 2 photographs of the vehicle. (c) Make a report to substantiate the vehicle as an unregistered abandoned scrap vehicle. The report shall contain the following information: (i) The year, make, and vehicle identification number if available. (ii) The date of abandonment. (iii) The location of abandonment. (iv) A detailed listing of the damage or the missing equipment. (v) The reporting officer's name and title. (vi) The location where the vehicle is being held. (d) Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network. (3) Within 24 hours, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, the police agency or the agency's designee shall complete a release form and release the vehicle to the towing service or a used vehicle parts dealer or vehicle scrap metal processor, who shall then transmit that release form to the secretary of state and apply for a certificate of scrapping. Upon receipt of the release form and application, the secretary of state shall issue a certificate of title or a certificate of scrapping. (4) The release form described in subsection (3) shall be furnished by the secretary of state and shall include a certification executed by the applicable police agency or the agency's designee when the abandoned scrap vehicle is released. The certification shall state that the police agency has complied with all the requirements of subsection (2)(b) and (c). (5) The secretary of state shall retain the records relating to an abandoned scrap vehicle for not less than 2 years. The 2 photographs taken under subsection (2)(b) shall be retained by the police agency or the agency's designee for not less than 2 years. After the certificate of scrapping has been issued, a certificate of title for the vehicle shall not be issued again. (6) A police agency or the agency's designee or, if the vehicle is on private property, the property owner may have a registered abandoned scrap vehicle taken into custody, in which case the police agency or the towing service shall do all of the following: (a) Determine if the vehicle has been reported stolen. (b) Take 2 photographs of the vehicle. (c) Make a report to substantiate the vehicle as a registered abandoned scrap vehicle. The report shall contain the following information: (i) The year, make, and vehicle identification number if available. (ii) The date of abandonment. (iii) The location of abandonment. (iv) A detailed listing of the damage or the missing equipment. (v) The reporting individual's name and title. (vi) The location where the vehicle is being held. (d) Within 24 hours after taking the vehicle into custody, cause the vehicle to be entered into the law enforcement information network. (7) Within 7 days after taking the vehicle into custody, the secretary of state shall send to the last titled owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle is considered abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information: (a) The year, make, and vehicle identification number of the vehicle if available. (b) The address or approximate location from which the vehicle was taken into custody. (c) The date on which the vehicle was taken into custody. (d) The name and address of the police agency that had the vehicle taken into custody. If the vehicle was towed from private property, the notice shall contain the name and address of the custodian of the vehicle. (e) The business address of the custodian of the vehicle. (f) The procedure to redeem the vehicle. (g) The name of the court that has jurisdiction of the case. (h) The procedure to contest the fact that the vehicle is abandoned or the reasonableness of the towing fees and daily storage fees. (i) A form petition that the owner may file in person or by mail with the specified court that requests a hearing on the custody of the vehicle. (j) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the termination of all rights of the owner and the secured party to the vehicle. (8) The registered owner of a registered abandoned scrap vehicle may contest the fact that the vehicle is abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice in subsection (7) within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted under section 252f. An

owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond equal to the $40.00 plus the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying a fee of $40.00 plus the towing and storage fees to the court instead of posting the towing and storage bond. (9) If the owner does not request a hearing under subsection (7), he or she may obtain the release of the vehicle by paying a fee of $40.00 plus the accrued charges to the custodian of the vehicle. The custodian shall forward $25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h. (10) If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice described in subsection (7), the secured party may obtain the release of the vehicle by paying a fee of $40.00 plus the accrued charges to the custodian of the vehicle. The custodian shall forward $25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h. (11) Not less than 20 days after the disposition of the hearing described in subsection (8), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (7), the police agency or the agency's designee shall follow the procedures established in subsections (3) to (5). History:Add. 1980, Act 249, Imd. Eff. July 28, 1980 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1981, Act 104, Eff. Oct. 1, 1981 ;-- Am. 2004, Act 495, Eff. Oct. 1, 2005

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Sec. 252d. (1) A police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the last titled owner of the vehicle in any of the following circumstances: (a) If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public. (b) If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic. (c) If a vehicle is parked in a posted tow away zone. (d) If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen. (e) If the vehicle must be seized to preserve evidence of a crime, or if there is reasonable cause to believe that the vehicle was used in the commission of a crime. (f) If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency. (g) If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner that impedes the movement of another vehicle. (h) If the vehicle is stopped, standing, or parked in a space designated as parking for persons with disabilities and is not permitted by law to be stopped, standing, or parked in a space designated as parking for persons with disabilities. (i) If the vehicle is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities. (j) If the vehicle is interfering with the use of a ramp or a curb-cut by persons with disabilities. (k) If the vehicle has been involved in a traffic crash and cannot be safely operated from the scene of the crash. (2) Unless the vehicle is ordered to be towed by a police agency or a governmental agency designated by a police agency under subsection (1)(a), (d), (e), or (k), if the owner or other person that is legally entitled to possess a vehicle to be towed or removed arrives at the location where the vehicle is located before the actual towing or removal of the vehicle, the vehicle must be disconnected from the tow truck, and the owner or other person that is legally entitled to possess the vehicle may take possession of the vehicle and remove it without interference upon the payment of the reasonable service fee, for which a receipt must be provided. (3) A police agency that authorizes the removal of a vehicle under subsection (1) shall do all of the following: (a) Check to determine if the vehicle has been reported stolen before authorizing the removal of the vehicle. (b) Enter the vehicle into the law enforcement information network as an impounded vehicle within 24 hours after ordering the impound of the vehicle. Except as provided in subsection (5), if the vehicle has not been redeemed by the owner within 7 days after the impound, the towing agency shall notify the police agency of that fact and the police agency shall deem the vehicle abandoned. The police agency shall enter the vehicle into the law enforcement information network as abandoned within 24 hours of notification by the towing agency, and follow the procedures set forth in section 252a. (4) If an impounded vehicle is released before the police agency enters the vehicle into the law enforcement information network as abandoned, the towing agency or custodian shall notify the police agency that authorized the removal within 24 hours of releasing the impounded vehicle. (5) A vehicle impounded under subsection (1)(d), (e), or (k) must first be released by the police agency that authorized the removal prior to the towing agency or custodian releasing the vehicle to the vehicle owner. (6) Not less than 20 days but not more than 30 days after a vehicle has been released under subsection (5), the towing agency or custodian shall notify the police agency to enter the vehicle as abandoned and the police agency shall enter the vehicle into the law enforcement information network as abandoned within 24 hours of receiving notice and follow the procedures set forth in section 252a if the impounded vehicle has not been redeemed. History:Add. 1980, Act 249, Imd. Eff. July 28, 1980 ;-- Am. 1981, Act 104, Eff. Oct. 1, 1981 ;-- Am. 1989, Act 89, Eff. Sept. 19, 1989 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2000, Act 76, Eff. Oct. 1, 2000 ;-- Am. 2004, Act 495, Eff. Oct. 1, 2005 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2022, Act 89, Eff. Aug. 24, 2022

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257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)300-1949-II-SPECIAL-ANTI-THEFT-LAWS - Special Anti-Theft Laws (257.252...257.254)Section 257.252e - Jurisdiction to Determine Propriety of Police, Towing Agency or Custodian, or Private Owner Action; Venue in District Court; Use of Bond to Pay Towing or Storage Fees; Exclusive Remedies.

Sec. 252e. (1) The following courts have jurisdiction to determine if a police agency, towing agency or custodian, or private property owner has acted properly in reporting or processing a vehicle under section 252a, 252b(6) to (11), or 252d: (a) The district court. (b) A municipal court. (2) The court specified in the notice prescribed in section 252a(5)(b) or 252b(7) or as provided in section 252d(3)(b) is the court that has territorial jurisdiction at the location from where the vehicle was removed, impounded, or considered abandoned. Venue in the district court is governed by section 8312 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8312. (3) If the owner fails to pay the accrued towing and storage fees, the towing and storage bond posted with the court to secure release of the vehicle under section 252a, 252b, or 252d must be used to pay the towing and storage fees. (4) The remedies under sections 252 to 254 are the exclusive remedies for the disposition of abandoned vehicles. History:Add. 1981, Act 104, Eff. Oct. 1, 1981 ;-- Am. 2004, Act 495, Eff. Oct. 1, 2005 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009 ;-- Am. 2022, Act 89, Eff. Aug. 24, 2022

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Sec. 252f. (1) Upon the filing of a petition prescribed in section 252a, 252b, or 252d, signed by the owner of the vehicle that has been taken into custody, or, upon the filing of a petition prescribed in section 252a signed by the secured party regarding a vehicle that has been taken into custody, the court shall do both of the following: (a) Schedule a hearing within 30 days for the purpose of determining whether the police agency, towing agency or custodian, or private property owner acted properly. (b) Notify the owner or the secured party, as applicable, towing agency or custodian, and police agency or if the vehicle was removed from private property, notify the private property owner also of the time and place of the hearing. (2) At the hearing specified in subsection (1), the police agency, towing agency or custodian, or, if the vehicle was removed from private property, the private property owner shall have the burden of showing by a preponderance of the evidence that it has complied with the requirements of this act in reporting or processing the abandoned vehicle or vehicle removed under section 252d. (3) After the hearing, the court shall make a decision that includes 1 or more of the following: (a) A finding that the police agency complied with the procedures established for the processing of an abandoned vehicle or a vehicle removed under section 252a, 252b, or 252d, and an order providing a period of 10 days after the decision for the owner or the secured party, if applicable, to redeem the vehicle. If the owner or the secured party does not redeem the vehicle within 10 days, the police agency shall dispose of the vehicle under section 252b or 252g. The court shall forward $25.00 of the fee collected under section 252b or 252g to the secretary of state within 30 days after the court's decision in a manner prescribed by the secretary of state. The towing and storage fees and $15.00 of the fee collected under section 252b or 252g shall be forwarded to the towing agency. (b) A finding that the police agency did not enter the vehicle as abandoned into the law enforcement information network within 24 hours after the vehicle was taken into custody as required by section 252a(5)(b) or (12). After making the finding, the court shall issue an order directing that the vehicle immediately be released to the owner or the secured party, if applicable, and directing 1 of the following: (i) That the police agency reimburse the owner or the secured party, if applicable, for the storage charges accrued before the police agency entered the vehicle into the law enforcement information network as required by section 252a(5)(b) or (12) if the owner or the secured party paid the accrued storage charges. (ii) If the owner or the secured party has not paid the accrued storage charges but has posted a fee or bond with the court, that the police agency shall pay directly to the owner or secured party the amount of the storage charges accrued before the police agency entered the vehicle into the law enforcement information network as required by section 252a(5)(b) or 252a(12) plus interest no later than 10 days after the date of the order. The court shall release the bond posted by the owner or secured party in full to the custodian after the court has received notice from the police agency that the police agency has issued the payment required by this subparagraph to the owner or secured party. (c) A finding that the police agency improperly determined that the vehicle was abandoned. After making the finding, the court shall issue an order directing that the vehicle be immediately released to the owner and directing the custodian to reimburse the owner for the accrued towing and storage charges, if the owner paid the accrued towing and storage charges. The court shall order the police agency to reimburse the custodian for accrued towing and storage charges paid to the owner under this subdivision. If the owner has not paid the accrued towing and storage charges, the court shall order the police agency to pay the accrued towing and storage charges. The court shall also order the police agency to pay any other fees associated with recovering the vehicle, or to reimburse the owner for any other fees associated with recovering the vehicle paid by the owner. The court shall also order any fee or bond posted by the owner to be returned to the owner. (d) A finding that the towing fees and daily storage fees were reasonable. (e) A finding that the towing fees and daily storage fees were unreasonable and issue an order directing the towing agency or custodian of the vehicle to provide the last titled owner of the vehicle or the secured party, if applicable, with an appropriate reduction or refund. (f) A finding that the owner of the real property complied with the provisions of section 252k or 252l. (g) A finding that the owner of the real property did not comply with the provisions of section 252k or 252l, and issue an order requiring the owner of the real property to reimburse the last titled owner of the vehicle or the secured party, if applicable, for the accrued

towing and storage charges. (h) A finding that the towing agency did not comply with the procedures established for the proper removal and reporting of an abandoned vehicle removed under section 252a(11), 252b, or 252d. After making the finding, the court shall issue an order directing that the vehicle immediately be released to the owner or the secured party, if applicable, and directing 1 of the following: (i) That the towing agency reimburse the owner or the secured party, if applicable, for the storage charges accrued before the police agency entered the vehicle into the law enforcement information network as required by section 252a(5)(b) or (12), if the owner or the secured party paid the accrued storage charges. (ii) If the owner or the secured party, if applicable, has not paid the accrued towing and storage charges but has posted a fee or bond with the court, that the bond and storage charges accrued before the police agency entered the vehicle into the law enforcement information network as required by section 252a(5)(b) or (12) be returned to the owner or the secured party, and that the remainder of any fee posted with the court be paid to the custodian. (i) A finding that the towing agency did comply with the procedures established for the proper removal and reporting of an abandoned vehicle removed under section 252a(11), 252b, or 252d. (4) A hearing under this section shall be conducted by a district court magistrate, if a district court magistrate has been appointed by the court. The appeal of a district court magistrate's decision under this section shall be heard by a judge of the district court. History:Add. 1981, Act 104, Eff. Oct. 1, 1981 ;-- Am. 2004, Act 495, Eff. Oct. 1, 2005 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009 ;-- Am. 2018, Act 347, Eff. Jan. 14, 2019

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Sec. 252g. (1) Subject to section 252a(18), a public sale for a vehicle and its contents that has been determined to be abandoned under section 252a or removed under section 252d shall be conducted in the following manner: (a) It shall be under the control of the police agency. However, a police agency may designate the custodian of the vehicle or a third party to conduct the auction. (b) It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or the agency's designee or, if the vehicle is being sold under section 252a(18), the custodian of the vehicle. (c) Except as otherwise provided in sections 252a(18) and (19) and 252b(7), it shall be held not less than 5 days after public notice of the sale has been published. (d) Except as otherwise provided in this subdivision, the public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale. The requirements of this subdivision may be satisfied by publishing a notice of the public auction once in a newspaper having a general circulation within the county in which the auction is to occur, if the notice states that the auction is an abandoned vehicle auction, lists the date, time, and location of the auction, and provides a website address where a complete description of each vehicle to be auctioned appears for not less than 5 consecutive days before the date of the auction. As used in this subdivision, "complete description" means a description of the vehicle's model year, manufacturer make, model name, and vehicle identification number. (2) The money received from the public sale of the vehicle shall be applied in the following order of priority: (a) Accrued towing and storage charges. However, if the money received from the public sale does not satisfy the accrued towing and storage charges, the towing company may collect the balance of those unpaid fees from the last titled owner, subject to section 252i. (b) Expenses incurred by the police agency or the custodian of the vehicle. (c) Payment of the $40.00 abandoned vehicle fee described in section 252f(3)(a). (d) Any extra money shall be sent to the department of treasury's unclaimed property division to be disbursed as follows: (i) To the secured party, if any, in the amount of the debt outstanding on the vehicle. (ii) Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the last titled owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the unit of government governing the location from which the vehicle was towed. (3) If there are no bidders on the vehicle, the police agency or the custodian of the vehicle may do 1 of the following: (a) Turn the vehicle over to the towing firm or the custodian of the vehicle to satisfy charges against the vehicle. However, if the value of the vehicle does not satisfy the towing fees and accrued daily storage fees, the custodian of the vehicle may collect the balance of those unpaid fees from the last titled owner, subject to section 252i. (b) Obtain title to the vehicle for the police agency or the unit of government the police agency represents, by doing the following: (i) Paying the towing and storage charges. (ii) Applying for title to the vehicle. (c) Hold another public sale under subsection (1). (4) A person who acquires ownership of a vehicle under subsection (1) or (3) that has been designated as a distressed vehicle shall apply for a salvage certificate of title within 15 days after obtaining the vehicle. (5) Upon disposition of the vehicle, the police agency or towing agency or custodian shall provide the secretary of state and the police agency, if that police agency did not conduct the sale, with the vehicle's disposition and the name of the agency that disposed of it and the police agency shall cancel the entry in the law enforcement information network. (6) Not less than 25 days after the date of notice required under section 252a, if the police agency does not provide a copy of the bill of sale by the police agency for the abandoned vehicle to the towing agency or custodian or police agency's designee, the towing agency or custodian or police agency designee may obtain an original of the bill of sale by submitting an application to the secretary of state in a form as determined by the secretary of state. History:Add. 1981, Act 104, Eff. Oct. 1, 1981 ;-- Am. 2004, Act 493, Eff. Oct. 1, 2005 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2018, Act 347, Eff. Jan. 14, 2019

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Sec. 252h. (1) The abandoned vehicle fund is created within the state treasury. (2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and other earnings from fund investments. (3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (4) The department of state shall expend money from the fund, upon appropriation, to administer the provisions of this act relating to abandoned vehicles. History:Add. 2004, Act 495, Eff. Oct. 1, 2005

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Sec. 252i. (1) A towing service, custodian of a vehicle, or both, shall not be precluded from the recovery of towing fees or, subject to subsection (2), storage fees from the last titled owner of a vehicle deemed abandoned under section 252a or section 252b, or removed under section 252d. (2) If a vehicle is released for disposition under section 252b or section 252g, the amount of storage fees that may be collected is whichever 1 of the following is the least amount: (a) The daily storage rate established by contract or agreement with the law enforcement agency or unit of government that authorized the towing and storage of the vehicle. (b) The daily storage rate charged by the storage facility. (c) $1,000.00. (3) Subsection (2) does not apply to a commercial vehicle or to a vehicle that is owned or leased by an entity other than an individual. History:Add. 2004, Act 493, Eff. Oct. 1, 2005

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Sec. 252j. Sections 252a and 252b do not apply to a vehicle that is owned by the same person who owns the private real property on which the vehicle is located and do not prohibit or preempt a local unit of government from regulating the number and placement of vehicles on private property. History:Add. 2004, Act 493, Eff. Oct. 1, 2005

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Sec. 252k. Except as otherwise provided in section 252l, an owner or lessor of private real property shall post a notice that meets all of the following requirements before authorizing the towing or removal of a vehicle from the real property without the consent of the owner or other person who is legally entitled to possess the vehicle: (a) The notice shall be prominently displayed at each point of entry for vehicular access to the real property. If the real property lacks curbs or access barriers, not less than 1 notice shall be posted for each 100 feet of road frontage. (b) The notice clearly indicates in letters not less than 2 inches high on a contrasting background that unauthorized vehicles will be towed away at the owner's expense. (c) The notice provides the name and telephone number of the towing service responsible for towing or removing vehicles from that property. (d) The notice is permanently installed with the bottom of the notice located not less than 4 feet from the ground and is continuously maintained on the property for not less than 24 hours before a vehicle is towed or removed. History:Add. 2004, Act 493, Eff. Oct. 1, 2005 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009

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Sec. 252l. Section 252k does not apply to any of the following: (a) Real property that is appurtenant to and obviously part of a single- or dual-family residence. (b) An instance when notice is personally given to the owner or other legally entitled person in control of a vehicle that the area where the vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and that the vehicle is subject to towing or removal from the private real property without the consent of the owner or other legally entitled person in control of the vehicle. (c) A vehicle removed from private property under section 252d. History:Add. 2004, Act 493, Eff. Oct. 1, 2005 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009

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257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)300-1949-II-SPECIAL-ANTI-THEFT-LAWS - Special Anti-Theft Laws (257.252...257.254)Section 257.252m - Notification of Civil Fines and Sanctions.

Sec. 252m. For a period of 1 year beginning on the effective date of the amendatory act that added this section, the secretary of state shall insert notification of the civil fines and sanctions that may be imposed for the violation of sections 240 and 252a(1) into all mailings concerning motor vehicle registration renewal notices and new vehicle title documents. History:Add. 2004, Act 493, Eff. Oct. 1, 2005

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Sec. 253. (1) The secretary of state, upon receiving a report of a stolen vehicle, shall file the report with the records of the secretary of state and shall not transfer the certificate of title of the vehicle to a person other than the owner's insurance company until officially notified that the vehicle has been recovered. (2) The secretary of state shall maintain a record of all vehicles stolen or abandoned that have not been reported as recovered and make the record available to every sheriff, the director of the department of state police, and all police departments. The record shall also be made available to proper officials in every state. (3) It shall be the duty of the secretary of state to file reports of stolen and recovered motor vehicles reported by other states. (4) In the case of abandoned vehicles, the secretary of state shall check the sheriff's report immediately with the stolen car report file and notify the owner, and the last known lienholder, if any, as shown by the record, by registered mail, that the car is now an abandoned car and held in custody by the officer. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1980, Act 460, Imd. Eff. Jan. 15, 1981

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Sec. 254. Any person who shall knowingly make any false statement of a material fact, either in his or her application for the certificate of title required by this act, or in any assignment of that title, or who, with intent to procure or pass title to a motor vehicle which he or she knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his or her possession any vehicle which he or she knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his or her duty as such officer, is guilty of a felony, punishable by a fine of not more than $5,000.00, or by imprisonment for not more than 10 years, or both. This provision shall not be exclusive of any other penalties prescribed by any law for the larceny of the unauthorized taking of a vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1990, Act 98, Eff. Jan. 1, 1991Constitutionality:The language of this section “or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at that time in the performance of his duty as such officer” must necessarily be treated as either surplusage or deemed inconsistent with the intent of MCL 257.1 et seq. and deleted from it. People v Morton, 384 Mich 38; 179 NW2d 379 (1970).

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Sec. 244. (1) A manufacturer owning a vehicle otherwise required to be registered under this act may operate or move the vehicle on a street or highway primarily for the purposes of transporting or testing or in connection with a golf tournament or a public civic event, if the vehicle displays, as prescribed under section 225, 1 special plate approved by the secretary of state. (2) A producer of a vehicle subcomponent system essential to the operation of the vehicle or the safety of an occupant may operate or move a motor vehicle on a street or highway solely to transport or test the subcomponent system if the motor vehicle displays, as prescribed under section 225, 1 special plate approved by the secretary of state. To be eligible for the special plate, the subcomponent system producer must be either a recognized subcomponent system producer or must be a subcomponent system producer under contract with a vehicle manufacturer. (3) Subject to section 665, a manufacturer of automated technology may operate or otherwise move a motor vehicle or an automated motor vehicle on a street or highway solely to transport or test automated technology if the motor

vehicle or automated motor vehicle displays, as prescribed under section 225, a special plate approved by the secretary of state. (4) A dealer owning a vehicle otherwise required to be registered under this act may operate or move the vehicle on a street or highway without registering the vehicle if the vehicle displays, as prescribed under section 225, 1 special plate issued to the owner by the secretary of state. As used in this subsection, "dealer" includes an employee, servant, or agent of the dealer. (5) A vehicle that has been donated or loaned by a licensed new motor vehicle dealer for use in a golf tournament, charity event, or public civic event may be operated during preparation for and during the event with a temporary civic event license plate. (6) Subject to all of the following requirements, the secretary of state may issue a temporary civic license plate on application by a licensed new motor vehicle dealer that donates or loans a vehicle under subsection (5) in a form and manner prescribed by the department before the event: (a) The licensed new motor vehicle dealer must provide in the dealer's application for a temporary civic license plate the name of the event for which the motor vehicle will be used, the date and duration of the event, the number of vehicles to be loaned or donated, the anticipated vehicle identification number or numbers, and any other information required by the department. The application must be accompanied by a $10.00 fee for each temporary civic event license plate for which the licensed new motor vehicle dealer has applied. (b) Any motor vehicle bearing a temporary civic event license plate authorized under this subsection is restricted to providing services for events for which approval by the department is granted. The approved services may include parades, transportation of visitors or dignitaries to and from event activities, use by event personnel or event volunteers, and any other activity for which a vehicle may be required in furtherance of the approved event. (c) The use of a temporary civic event license plate is limited to the time set forth in the approved application. When the temporary civic event license plate expires, the licensed new motor vehicle dealer shall remove and destroy the temporary plate. (7) A transporter may operate or move a vehicle otherwise required to be registered under this act on a street or highway solely to deliver the vehicle if the vehicle displays, as prescribed under section 225, a special plate issued to the transporter under this chapter. (8) A licensee shall not use a special plate described in this section on service cars or wreckers operated as an adjunct of a licensee's business. A manufacturer, transporter, or dealer making or permitting any unauthorized use of a special plate under this chapter forfeits the right to use special plates and the secretary of state, after notice and a hearing, may suspend or cancel the right to use special plates and require that the special plates be surrendered to or repossessed by this state. (9) A transporter shall furnish a sufficient surety bond or policy of insurance as protection for public liability and property damage as may be required by the secretary of state. (10) The secretary of state shall determine the number of plates a manufacturer, dealer, or transporter reasonably needs in its business. (11) If a vehicle that is required to be registered under this act is leased or sold, the vendee or lessee may operate the vehicle on a street or highway for not more than 72 hours after taking possession if the vehicle has a dealer plate attached as provided under this section. The application for registration must be made in the name of the vendee or lessee before the vehicle is used. The dealer and the vendee or lessee are jointly responsible for the return of the dealer plate to the dealer within 72 hours. The vendee or lessee that fails to return or the vendor or lessor that fails to use due diligence to procure the dealer plate is guilty of a misdemeanor, and the license of the dealer may be revoked. While using a dealer's plate, a vendee or lessee shall have in the vendee's or lessee's possession proof that clearly indicates the date of sale or lease of the motor vehicle. (12) A vehicle owned by a dealer and bearing the dealer's plate may be driven on a street or highway for demonstration purposes by a prospective buyer or lessee for a period of 72 hours. (13) The secretary of state may issue a registration plate upon application and payment of the proper fee to an individual, partnership, corporation, or association that in the ordinary course of business has occasion to legally pick up or deliver a commercial motor vehicle being driven to a facility to undergo aftermarket modification, or to repair or service a vehicle, or to persons defined as watercraft dealers under part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199, or to the owner of a marina to deliver a vessel or trailer to a purchaser, to transport a vessel between a body of water and a place of storage, to transport a vessel or trailer to and from a boat show or exposition, to repair, service, or store a vessel or trailer, or to return a vessel or trailer to the customer after repair, service, or storage. A registration plate issued under this subsection must be used to move the vehicle or trailer. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1952, Act 67, Eff. Sept. 18, 1952 ;-- Am. 1957, Act 90, Eff. Sept. 27, 1957 ;-- Am. 1960, Act 107, Eff. Aug. 17, 1960 ;-- Am. 1992, Act 306, Eff. Mar. 31, 1993 ;-- Am. 2000, Act 369, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 485, Eff. Oct. 1, 2002 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009 ;-- Am. 2013, Act 231, Eff. Mar. 27, 2014 ;-- Am. 2024, Act 116, Imd. Eff. July 23, 2024

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Sec. 244a. Plates furnished to dealers in motorcycles shall be the same size as otherwise furnished for use on motorcycles. History:Add. 1961, Act 34, Eff. Sept. 8, 1961

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Sec. 245. (1) A manufacturer, transporter, or dealer may apply to the department on the appropriate form for a general distinguishing number and for 1 or more special plates. The applicant shall submit proof of the applicant's status as a bona fide manufacturer, transporter, or dealer as may reasonably be required by the department. (2) The department, upon granting the application, shall issue a special plate with a general distinguishing number assigned to the applicant and displayed on the special plate. The distinguishing number for a special plate must be different from every other special plate. (3) A manufacturer or transporter may make application on a form prescribed by the secretary of state for 1 or more special plates, which are valid for 3 years. Upon approval of the application, the fee for 1 or more special plates is 3 times the annual fee assessed under section 803. (4) A dealer may make application on a form prescribed by the secretary of state for 1 or more special plates, which are valid for the term of the license held by the dealer. Upon approval of the application, the fee for 1 or more special plates is the term of years of the license held by the dealer times the fee assessed under section 803. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1988, Act 276, Eff. Jan. 1, 1989 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023

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Sec. 246. Every special plate issued hereunder shall expire on the last day of February of each calendar year. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1960, Act 107, Eff. Aug. 17, 1960 ;-- Am. 1965, Act 277, Imd. Eff. July 21, 1965

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Sec. 247. Every manufacturer or transporter shall keep a written record of the vehicles upon which such special plates are used and the time during which each set of plates is used on a particular vehicle, which record shall be open to inspection by any peace officer. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1958, Act 55, Eff. July 1, 1958

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Sec. 233. (1) If the owner of a registered vehicle transfers or assigns the title or interest in the vehicle, the registration plates issued for the vehicle shall be removed and transferred to the owner's spouse, mother, father, sister, brother, or child to whom title or interest in the vehicle is transferred, or retained and preserved by the owner for transfer to another vehicle upon application and payment of the required fees. A person shall not transfer the plates to a vehicle without applying for a proper certificate of registration describing the vehicle to which the plates are being transferred, except as provided in section 217(4). If the owner of a registered vehicle acquires another vehicle without transferring or assigning the title or interest in the vehicle for which the plates were issued, the owner may have the plates transferred to the subsequently acquired vehicle upon application and payment of the required fees. (2) A person shall not purchase or lease another vehicle or an interest in another vehicle with the intent to circumvent the restrictions created by immobilization of a vehicle under this act. (3) A person shall not transfer or attempt to transfer ownership or right of possession of a vehicle subject to forfeiture or ordered forfeited under this act with the intent to avoid the forfeiture of that vehicle. (4) During the time a vehicle is subject to a temporary registration plate, vehicle forfeiture, immobilization, registration denial, or the period from adjudication to immobilization or forfeiture under this act, a person shall not without a court order transfer or assign the title or an interest in the vehicle to a person who is not subject to payment of a use tax under section 3 of the use tax act, 1937 PA 94, MCL 205.93. (5) A person who violates subsection (2), (3), or (4) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (6) A person whose operator's or chauffeur's license is suspended, revoked, or denied for, or who has never been licensed by this state and was convicted for, a third or subsequent violation of section 625 or 625m, of a local ordinance substantially corresponding to section 625 or 625m, or of a law of another state substantially corresponding to section 625 or 625m, or for a fourth or subsequent suspension or revocation under section 904 shall not purchase, lease, or otherwise acquire a motor vehicle during the suspension, revocation, or denial period. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. (7) If the assigned holder of registration plates applies for a new registration certificate, the application shall be accompanied either by the old registration certificate or by a certificate of title showing the person to be the assigned holder of the registration plates for which the old registration certificate had been issued. A person who fails or neglects to fulfill the requirements of this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. (8) The owner shall indorse on the certificate of title as required by the secretary of state an

assignment of the title with warranty of title in the form printed on the certificate with a statement of all security interests in the vehicle or in accessories on the vehicle and deliver or cause the certificate to be mailed or delivered to the purchaser or transferee at the time of the delivery to the purchaser or transferee of the vehicle. The certificate shall show the payment or satisfaction of any security interest as shown on the original title. However, as provided under section 238, the secretary of state is not required to issue a title to the owner of a vehicle if the title is subject to a security interest. (9) Upon the delivery of a motor vehicle and the transfer, sale, or assignment of the title or interest in a motor vehicle by a person, including a dealer, the effective date of the transfer of title or interest in the vehicle is the date of signature on either the application for title or the assignment of the certificate of title by the purchaser, transferee, or assignee. (10) A secured receipt that is in a form approved by the department and produced at the time the secured interest is presented with payment in satisfaction of the security interest may be submitted to the department in lieu of the title for purposes of transferring ownership in the vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1957, Act 90, Eff. Sept. 27, 1957 ;-- Am. 1958, Act 104, Imd. Eff. Apr. 14, 1958 ;-- Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959 ;-- Am. 1964, Act 51, Eff. Aug. 28, 1964 ;-- Am. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 1973, Act 190, Imd. Eff. Jan. 8, 1974 ;-- Am. 1974, Act 111, Imd. Eff. May 21, 1974 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1998, Act 346, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999 ;-- Am. 2005, Act 317, Imd. Eff. Dec. 27, 2005 ;-- Am. 2006, Act 599, Imd. Eff. Jan. 3, 2007 ;-- Am. 2014, Act 290, Eff. Mar. 31, 2015

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Sec. 233a. (1) Except as otherwise provided in subsection (17), if the owner of a registered motor vehicle transfers the owner's title or interest in that vehicle, the transferor shall present to the transferee before delivery of the vehicle, written disclosure of odometer mileage by means of the certificate of title or a written statement signed by the transferor including the transferor's printed name, containing all of the following: (a) The odometer reading at the time of transfer, not including the tenths of a mile or kilometer. (b) The date of transfer. (c) The transferor's name and current address. (d) The transferee's name and current address. (e) The identity of the vehicle, including its make, model, body type, year, and vehicle identification number. (f) A reference to this section and comparable federal law, and a statement that failing to complete the title or form or providing false information may result in civil liability and civil or criminal penalties being imposed on the transferor. (g) One of the following: (i) A statement by the transferor certifying that to the best of the transferor's knowledge the odometer reading reflects the actual mileage of the vehicle. (ii) If the transferor knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit, a statement to that effect. (iii) If the transfer knows that the odometer reading differs from the mileage and the difference is greater than that caused by odometer calibration error, a statement that the odometer reading does not reflect the actual mileage and should not be relied on. This notice must include a warning notice to alert the transferee that a discrepancy exists between the odometer and the actual mileage. (h) Space for the signature and printed name of the transferee, and the date of presentation to the transferee. (2) A certificate of title and a dealer reassignment form must contain a place for the information required by subsection (1)(a) to (h). If the vehicle is not titled or the title does not contain a space for the required information, a written statement must be provided as a separate document. (3) A dealer selling or exchanging vehicles required to be titled under this act shall present the certificate of title or written statement and any reassigned titles in the dealer's possession to the transferee. The transferee or the transferee's agent shall inspect, print the transferee's or transferee's agent's name on, sign, and date the certificate or statement and return it to the transferor for submission to the secretary of state. If neither the transferee nor transferor is a dealer licensed under this act, completing the odometer information on the certificate of title must be considered to comply with subsection (1). A person shall not sign an odometer disclosure statement as both the transferor and transferee in the same transaction. (4) A new or used vehicle dealer shall obtain from the transferor a completed odometer mileage statement that meets the requirements of subsection (1) with each motor vehicle acquired by the dealer. Except as provided in subsection (16), the dealer shall not accept or provide an odometer mileage statement or a title that contains a place for odometer information that has not been completely filled in by the transferor. (5) The odometer information described in subsection (1) must not be required for any of the following: (a) Vehicles having a gross vehicle weight rating of more than 16,000 pounds. (b) A vehicle that is not self-propelled. (c) A vehicle manufactured in or before the 2010 model year that is transferred at least 10 years after January 1 of the calendar year that is included in the model year in which the vehicle is manufactured. (d) A vehicle manufactured in or after the 2011 model year that is transferred at least 20 years after January 1 of the calendar year that is included in the model year in which the vehicle was manufactured. (e) A new vehicle transferred from a manufacturer to a dealer. (f) A vehicle sold directly by the manufacturer to an agency of the United States in conformity with contractual specifications. (g) A low-speed vehicle. (h) A scrap vehicle. (6) A person shall not alter, set back, or disconnect an odometer; cause or allow an odometer to be altered, set back, or disconnected; or advertise for sale, sell, use, install, or cause or allow to be installed a device which causes an odometer to register other than the actual mileage driven. This subsection does not prohibit the service, repair, or replacement of an odometer if the mileage indicated on the odometer remains the same as before the service, repair, or replacement. If the odometer is incapable of registering the same mileage as before the service, repair, or replacement, the odometer must be adjusted to read zero and a notice in writing must be attached to the left door frame of the

vehicle by the owner or the owner's agent specifying the mileage prior to service, repair, or replacement of the odometer and the date on which it was serviced, repaired, or replaced. A person shall not remove, deface, or alter any notice affixed to a motor vehicle under this subsection. (7) A person who violates subsection (6) is guilty of a felony. (8) Before executing a transfer of ownership document, a lessor of a leased vehicle shall notify the lessee in writing that ownership of the vehicle is being transferred and that the lessee is required to provide a written statement to the lessor regarding the mileage of the vehicle. This notice must inform the lessee of the penalties for failure to comply with the requirement. (9) Upon receiving notification from the lessor of a leased vehicle that ownership of the vehicle is to be transferred, the lessee shall furnish to the lessor a written statement regarding the mileage of the vehicle. This statement must be signed by the lessee and must contain all of the following: (a) The printed name of the person making the statement. (b) The current odometer reading, not including tenths of miles. (c) The date of the statement. (d) The lessee's name and current address. (e) The lessor's name and current address. (f) The identity of the vehicle, including its make, model, year, body type, and vehicle identification number. (g) The date that the lessor notified the lessee of the requirements of this subsection. (h) The date that the completed disclosure statement was received by the lessor. (i) The signature of the lessor. (j) One of the following: (i) A statement by the lessee certifying that to the best of the lessee's knowledge the odometer reading reflects the actual mileage of the vehicle. (ii) If the lessee knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit, a statement to that effect. (iii) If the lessee knows that the odometer reading differs from the mileage and that the difference is greater than that caused by odometer calibration error, a statement that the odometer reading is not the actual mileage and should not be relied on. (10) If the lessor transfers a leased vehicle without obtaining possession of the vehicle, the lessor may indicate on the certificate of title the mileage disclosed by the lessee under subsection (9), unless the lessor has reason to believe that the mileage disclosed by the lessee does not reflect the actual mileage of the vehicle. (11) A dealer that is required by this section to execute an odometer mileage statement shall retain for 5 years a photostatic, carbon, or other facsimile copy of each odometer mileage statement the dealer issues or receives. The dealer shall retain the odometer mileage statements at the dealer's primary place of business in an order that is appropriate to business requirements and that permits systematic retrieval. (12) A lessor shall retain, for 5 years following the date of transfer of ownership of each leased vehicle, the odometer mileage statement received from the lessee. The lessor shall retain the odometer mileage statements at the lessor's primary place of business in an order that is appropriate to business requirements and that permits systematic retrieval. (13) An auction dealer or vehicle salvage pool operator shall establish and retain at the auction dealer's or vehicle salvage pool operator's primary place of business in an order that is appropriate to business requirements and that permits systematic retrieval, for 5 years following the date of sale of each motor vehicle, the following records: (a) The name and the most recent owner, other than the auction dealer or salvage pool operator. (b) The name of the buyer. (c) The vehicle identification number. (d) The odometer reading, not including the tenths of a mile, on the date the auction dealer or salvage pool operator took possession of the motor vehicle. (14) A violation of subsection (1) or (6) by any dealer licensed under this act is prima facie evidence of a fraudulent act as provided in section 249. (15) A person who, with intent to defraud, violates any requirement under subsection (1) or (6), or a dealer that fails to retain for 5 years each odometer mileage statement the dealer receives and each odometer mileage statement furnished by the dealer upon the sale of a vehicle, is liable in an amount equal to 3 times the amount of actual damages sustained or $1,500.00 whichever is greater, and in the case of a successful recovery of damages, the costs of the action together with reasonable attorney fees. (16) For the purposes of this section, the department may accept an electronically signed odometer disclosure document that complies with all of the following: (a) Is submitted on a form that is approved by the department. (b) Is electronically signed using software that provides antitamper and identification verification technology and is approved for this use by the department. (c) Is otherwise fully compliant with 49 CFR part 580. (17) The department may establish, implement, and operate an electronic system to process the notification and transfer of a vehicle ownership interest between private parties through an electronic transfer instead of the collection of paper documents otherwise required under this act. If the electronic system is established, a private party that uses the electronic system shall comply with any requirement of this section that the department determines is necessary and provide any information that is required by the department. The department may enter into 1 or more contracts to establish, implement, and operate the electronic system under this subsection. The contract must require the protection of proprietary information contained in the electronic system and other information as protected under this act. (18) As used in this section, "private parties" means that both a vehicle's buyer and seller are not a dealer. History:Add. 1974, Act 367, Eff. Apr. 1, 1975 ;-- Am. 1988, Act 470, Eff. Apr. 1, 1989 ;-- Am. 2000, Act 82, Eff. July 1, 2000 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023 ;-- Am. 2023, Act 240, Eff. Feb. 13, 2024Compiler's Notes:In subsection (1)(g)(iii), the term “transfer” evidently should read “transferor.”

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Sec. 233b. (1) As used in this section: (a) "Distributor" means that term as defined in section 3(1) of 1981 PA 118, MCL 445.1563. (b) "Manufacturer" means that term as defined in section 4(2) of 1981 PA 118, MCL 445.1564. (c) "Program vehicle" means a motor vehicle from either the current model year or the immediately preceding model year, that was repurchased by a manufacturer or distributor from a rental car company. (2) Except as provided in this subsection, a new motor vehicle dealer shall disclose in writing to a purchaser or lessee of a new motor vehicle, demonstrator, executive or manufacturer's vehicle, or program vehicle

before entering into a sales contract or lease agreement that, after the vehicle completed the manufacturing process, the vehicle was damaged and repaired, including an itemization of repairs, if the dealer has knowledge of the damage and repairs and if the cost of the cumulative repairs, as calculated at the rate of the dealer's authorized warranty rate for labor and parts exceeds either 1 of the following: (a) Five percent of the manufacturer's suggested retail price of the vehicle. (b) Seven hundred fifty dollars in surface coating repairs or corrosion protection restoration or a combination of these items. If a new motor vehicle dealer fails to comply with this subsection, the purchaser or lessee shall retain all applicable remedies available under article 2 of the uniform commercial code, 1962 PA 174, MCL 440.2101 to 440.2725. (3) A dealer in new motor vehicles is not required to disclose to a purchaser or lessee under this act that any glass, tires, wheels, bumpers, audio equipment, in-dash components, or components contained in the living quarters of a motor home that are not required for the operation of the motor home as a motor vehicle were damaged at any time if the damaged item has been replaced with original manufacturer's parts and material. (4) Repaired damage to a motor vehicle, subject to this section, not exceeding the cost of cumulative repairs as determined pursuant to subsection (2) shall not constitute grounds for revocation of acceptance by the purchaser or lessee. The right of revocation ceases upon the purchaser's or lessee's acceptance of delivery of the vehicle. History:Add. 1994, Act 305, Eff. Jan. 2, 1995 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003

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Sec. 234. (1) The purchaser or transferee, unless the person is a licensed dealer, shall present or cause to be presented the certificate of title and registration certificate if plates are being transferred to another vehicle, assigned as provided in this act, to the secretary of state accompanied by the fees as provided by law, whereupon a new certificate of title and registration certificate shall be issued to the assignee. The certificate of title shall be mailed or delivered to the owner or another person the owner may direct in a separate instrument in a form the secretary of state shall prescribe. (2) If the secretary of state mails or delivers a purchaser's or transferee's certificate of title to a dealer, the dealer shall mail or deliver that certificate of title to the purchaser or transferee not more than 5 days after receiving the certificate of title from the secretary of state. (3) Unless the transfer is made and the fee paid within 15 days, the vehicle is considered to be without registration, the secretary of state may repossess the license plates, and transfer of the vehicle ownership may be effected and a valid registration acquired thereafter only upon payment of a transfer fee of $15.00 in addition to the fee provided for in section 806. (4) If a security interest is reserved or created at the time of the transfer, the parties shall comply with the requirements of section 238. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1957, Act 90, Eff. Sept. 27, 1957 ;-- Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959 ;-- Am. 1962, Act 166, Eff. Mar. 28, 1963 ;-- Am. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 1968, Act 66, Eff. Aug. 1, 1968 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 2000, Act 151, Imd. Eff. June 12, 2000 ;-- Am. 2002, Act 552, Eff. Oct. 1, 2002Compiler's Notes:For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

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Sec. 235. (1) If the transferee of a vehicle is a new motor vehicle dealer or a used or secondhand vehicle dealer that acquires the vehicle for resale, the dealer is not required to obtain a new registration of the vehicle or forward the certificate of title to the secretary of state, but shall retain and have in the dealer's immediate possession, or, upon providing prior written notice to the department and receiving the department's approval within 7 business days after the department receives the written notice, at a secondary location owned by the dealer that is located within a 15-mile radius, the assigned certificate of title with the odometer information properly completed, except as otherwise provided in section 235b. A dealer shall obtain a certificate of title for a vehicle that has a salvage certificate of title before the dealer may operate the vehicle under dealer's license plates. Upon transferring title or interest to another person that is not a dealer, the dealer shall complete an assignment and warranty of title upon the certificate of title, salvage certificate of title, or dealer reassignment of title form and apply for a registration and a new title as provided in section 217(4). (2) The dealer or transferee is liable for all damages arising from the operation of the vehicle while the vehicle is in the dealer's or transferee's possession. (3) Upon transferring title or interest to another dealer, the dealer shall complete an assignment and warranty of title on the certificate of title, salvage certificate of title, or dealer reassignment of title form and deliver it to the licensed dealer receiving the transfer. (4) The secretary of state shall prescribe the dealer reassignment of title form. The form must contain the title number of the accompanying title; the name, address, and, if applicable, dealer license number of the transferee; the year, make, model, body type, and vehicle identification number of the vehicle; the name, address, dealer number, and signature of the transferor; an odometer mileage statement as prescribed under section 233a; and any other information the secretary of state requires. (5) This section does not prohibit a dealer from selling a buy back vehicle while the certificate of title is in the possession

of a manufacturer that obtained the certificate of title under the manufacturer's buy back vehicle program. The manufacturer shall mail the certificate of title to the dealer within 5 business days after the manufacturer's receipt of a signed statement from the purchaser of the vehicle acknowledging the purchaser was informed by the dealer that the manufacturer acquired title to the vehicle as the result of an arbitration proceeding, under a customer satisfaction policy adopted by the manufacturer, or under 1986 PA 87, MCL 257.1401 to 257.1410, or a similar law of another state. (6) This section does not prohibit a dealer from selling an off lease vehicle while the certificate of title is in the possession of a lessor. The lessor shall mail the certificate of title to the dealer within 21 days after the lessor receives the purchase price of the vehicle and any other fees and charges due under the lease. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1957, Act 90, Eff. Sept. 27, 1957 ;-- Am. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 1978, Act 507, Eff. July 1, 1979 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1988, Act 470, Eff. Apr. 1, 1989 ;-- Am. 2002, Act 652, Eff. Jan. 1, 2003 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023

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Sec. 235a. Notwithstanding any other provision of this act or of the use tax act, 1937 PA 94, MCL 205.91 to 205.111, a licensed dealer or junk dealer who purchases a vehicle for the purpose of destroying or junking the vehicle may accept a certificate of title that has been assigned to the transferor by a properly indorsed assignment on the certificate of title as required by the secretary of state. The dealer shall write the word "junk" on the face of the certificate of title above the signature of the dealer or an authorized agent of the dealer and forward the certificate to the secretary of state, together with a fee of $5.00 instead of a fee or tax otherwise applicable. This section does not apply to a transfer unless the fee and certificate of title are received by the secretary of state within 10 days after the date of the vehicle's purchase by the dealer. A certificate of title shall not again be issued for the vehicle. History:Add. 1960, Act 79, Eff. Aug. 17, 1960 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 2005, Act 317, Imd. Eff. Dec. 27, 2005Compiler's Notes:For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

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Sec. 235b. (1) A used or secondhand vehicle dealer may voluntarily enter into a written agreement with an inventory lender allowing the inventory lender to retain in its possession the certificate of title for a vehicle that is subject to an inventory loan if all of the following conditions have been met: (a) The used or secondhand vehicle dealer posts a notice on the used or secondhand vehicle window disclosing the existence of the used or secondhand vehicle dealer's inventory loan for the vehicle. The notice under this subdivision shall include the name, address, telephone number, and internet address of the used or secondhand vehicle inventory lender in a manner and of a size sufficient to alert potential buyers of the existence of inventory loan, contact information for the holder of that inventory loan, and that the inventory lender holds the title to the vehicle in its possession. The notice under this subdivision shall be in a form and manner as prescribed by the secretary of state. (b) The used or secondhand vehicle dealer maintains a color copy of the certificate of title, either in paper or electronic form, at the used or secondhand vehicle dealer's place of business. The color copy of the certificate of title shall indicate on its face that it is a copy. The color copy of the title and a disclosure or notice of the vehicle inventory lender's possession of the title shall be presented to the buyer at the time of purchase in paper or electronic form. (c) The used or secondhand vehicle dealer maintains a paper or electronic copy of the inventory loan agreement between the used or secondhand vehicle dealer and the vehicle inventory lender, along with the inventory list, which shall be not more than 5 days old. These documents shall be made available to the secretary of state upon the request of the secretary of state. (2) A used or secondhand vehicle dealer's inventory lender shall release the certificate of title to the used or secondhand vehicle dealer, the used or secondhand vehicle dealer's designee, or the secretary of state, as applicable, not more than 2 banking business days after the used or secondhand vehicle dealer's inventory lender receives 1 of the following: (a) The outstanding principal balance and any other fees and charges due on the vehicle under the inventory loan. (b) A written request from the used or secondhand vehicle dealer with proof of full payment evidencing that the vehicle has been sold to a buyer in the ordinary course of business under section 9320 of the uniform commercial code, 1962 PA 174, MCL 440.9320, or a substantially similar law of another state. (c) A written request from the purchaser and proof of full payment evidencing that the purchaser's status as a buyer in ordinary course of business under section 9320 of the uniform commercial code, 1962 PA 174, MCL 440.9320, or a substantially similar law of another state. (d) A written request from the secretary of state. (3) A used or secondhand vehicle dealer's inventory lender that fails to release a vehicle title as required under subsection (2) may be ordered to pay an administrative fine of $500.00.

(4) A used or secondhand vehicle inventory lender that holds a certificate of title for a vehicle shall register with the secretary of state in a form and manner as prescribed by the secretary of state to provide its location and contact information. No fee shall be charged for registration under this subsection. (5) This section applies only to dealers licensed under this act that solely sell used or secondhand vehicles and does not apply to a dealer licensed under this act that sells new motor vehicles or both new motor vehicles and used or secondhand vehicles. (6) Section 235 applies to used or secondhand vehicle dealers under this section only to the extent that section 235 does not conflict with this section. (7) As used in this section: (a) "Inventory lender" means a third party engaged in the business of providing financing to a used or secondhand vehicle dealer for the acquisition or retention of vehicles that are held for sale or lease by the used or secondhand vehicle dealer in the ordinary course of the used or secondhand vehicle dealer's business and has filed a financing statement with the secretary of state evidencing the third party's security interest in the used or secondhand vehicle dealer's inventory and the proceeds of that inventory. (b) "License" means the applicable license under section 248. History:Add. 2012, Act 498, Eff. Mar. 28, 2013

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Sec. 236. (1) If ownership of a vehicle passes by operation of law, upon furnishing satisfactory proof of that ownership to the secretary of state, the person acquiring the vehicle may procure a title to the vehicle regardless of whether a certificate of title has ever been issued. Upon death of an owner of a registered vehicle, the license plate assigned to the vehicle, unless the vehicle is destroyed, is a valid registration until the end of the registration year or until the personal representative of the owner's estate transfers ownership of the vehicle. (2) If an owner of 1 or more vehicles dies and does not leave other property that requires the issuance of letters under section 3103 of the estates and protected individuals code, 1998 PA 386, MCL 700.3103, the owner's surviving spouse, or an heir of the owner in the order specified in section 2103 of the estates and protected individuals code, 1998 PA 386, MCL 700.2103, may apply for a title after providing the secretary of state with proper proof of the death of the registered owner and attaching to the proof a certification that sets forth the fact that the applicant is the surviving spouse or an heir. Upon proper petition, the secretary of state shall provide the applicant with a certificate of title for that vehicle or vehicles, if the total value of the vehicle or vehicles, based on the date of the presented title transfer application, does not exceed the following dollar amount, as applicable: (a) For calendar years through 2023, $60,000.00. (b) For the 2024 and 2025 calendar years, $100,000.00. (c) For the 2026 calendar year and each calendar year thereafter, a dollar amount equal to the product of the dollar amount applicable to the immediately preceding calendar year multiplied by the cost-of-living adjustment factor, rounded to the nearest $1,000.00. Beginning with the dollar amount for the 2026 calendar year and annually thereafter, the department of treasury shall certify and publish the dollar amount applicable for each calendar year no later than September 1 of the prior calendar year. (3) As used in this section: (a) "Cost-of-living adjustment factor" means a fraction in which the numerator is the United States Consumer Price Index for the year before the prior calendar year and the denominator is the United States Consumer Price Index for the 2023 calendar year. (b) "United States Consumer Price Index" means the annual average of the United States Consumer Price Index for all urban consumers as defined and reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor agency. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1957, Act 90, Eff. Sept. 27, 1957 ;-- Am. 1961, Act 60, Eff. Sept. 8, 1961 ;-- Am. 1962, Act 72, Eff. Mar. 28, 1963 ;-- Am. 1976, Act 110, Imd. Eff. May 2, 1976 ;-- Am. 1978, Act 544, Eff. July 1, 1979 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1989, Act 189, Imd. Eff. Aug. 24, 1989 ;-- Am. 1990, Act 181, Imd. Eff. July 18, 1990 ;-- Am. 2000, Act 64, Eff. Apr. 1, 2000 ;-- Am. 2024, Act 2, Eff. May 21, 2024

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Sec. 236a. (1) If the interest of the owner in a vehicle is terminated by the enforcement of a security agreement, the transferee of the owner's interest shall promptly mail or deliver to the secretary of state the last certificate of title if the transferee has possession of the certificate; the application for a new certificate in the form prescribed by the secretary of state; and a certification made by or on behalf of the holder of the security interest so enforced that the vehicle was repossessed, that the interest of the owner was lawfully terminated by enforcement of the security agreement, and whether the owner has delivered the last certificate of title to the transferee of the owner's interest, naming the transferee, or if not, the reason for not naming the transferee, and the location of the certificate of title as known to the owner. If the holder of the security interest succeeds to the interest of the owner and holds the vehicle for resale, the holder need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the secretary of state the certificate, if in the holder's possession, a certification, and other documents required to be sent to the secretary of state by the transferee. (2) If the interest of the owner in a vehicle is terminated by sale pursuant to a levy of execution, attachment, or by other process of a court, the transferee of the owner's interest shall promptly mail

or deliver to the secretary of state the last certificate of title, if the transferee has possession of the certificate, the application for a new certificate of title in the form prescribed by the secretary of state, and a certification upon a form prescribed by the secretary of state, made by the officer of the court who conducted the sale, setting forth the date of the sale, the name of the purchaser, and whether the officer of the court has delivered the certificate of title to the purchaser and if not, the reason for nondelivery and the location of the certificate of title so far as known to the officer of the court. (3) A person holding a certificate of title in which the interest of the owner named on the certificate has been terminated in the manner provided by subsection (1) or (2), shall mail or deliver the certificate to the secretary of state upon request. The delivery of the certificate pursuant to the request of the secretary of state does not affect the rights of the person surrendering the certificate, and the action of the secretary of state in issuing a new certificate of title as provided in this act is not conclusive upon the rights of an owner or holder of a security interest named in the old certificate. (4) The secretary of state, upon receipt of an application for a new certificate of title by a transferee in the manner provided by subsection (1) or (2), with proof of the transfer, the required fee, and other documents required by law, shall issue a new certificate of title in the name of the transferee as owner, setting forth all security interests noted on the last certificate of title as having priority over the security agreement so enforced and shall mail or deliver the certificate to the owner. If the outstanding certificate of title is not delivered to the secretary of state, the secretary of state shall make demand for the outstanding certificate of title from the holder. History:Add. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 1968, Act 66, Eff. Aug. 1, 1968 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981

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Sec. 237. (1) The secretary of state, upon receipt of a properly endorsed certificate of title and application for transfer of registration accompanied by the required fee, shall transfer the registration thereof under its registration number to the newly acquired vehicle and shall issue a new registration certificate and certificate of title as upon an original registration. (2) The secretary of state shall retain and appropriately file every surrendered certificate of title, the file to be so maintained as to permit the tracing of title of the vehicles designated in the file for a period of 6 years, except that records of stolen vehicles reported in section 253 may be destroyed after being maintained on file for the year of entry plus 4 years. (3) The secretary of state shall retain the records for 2 years after the date of notification that a vehicle has been processed for scrap. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 507, Eff. July 1, 1979 ;-- Am. 1980, Act 460, Imd. Eff. Jan. 15, 1981

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Sec. 238. (1) When an owner named in a certificate of title creates a security interest in the vehicle described in the certificate or in any accessory on the vehicle, all of the following apply: (a) The owner shall immediately execute an application in the form prescribed by the department to name the holder of the security interest on the certificate of title, showing the name and address of the holder and deliver the certificate of title, application and the required fee together with a copy of the application, to the holder of the security interest. (b) The holder of the security interest shall cause the certificate of title, application and fee and the copy of the application to be mailed or delivered to the department. (c) The department shall indicate on the copy of the application the date and place of filing of the application. (d) Upon receipt of the certificate of title, application and the required fee, the department shall issue a new certificate in the form provided by section 222 setting forth the name and address of each holder of a security interest in the vehicle or in any accessory on the vehicle for which a termination statement has not been filed and the date on which the application first stating the security interest was filed, and mail the certificate to the owner. However, as provided under this section, the secretary of state is not required to issue a title to the owner of a vehicle if the title is subject to a security interest. (2) A holder of any kind of a security interest may assign, absolutely or otherwise, the holder's security interest in the vehicle or any accessory thereon to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the holder of the security interest as the holder thereof. (3) The assignee of a security interest may have the certificate of title indorsed with the assignee named as the holder of the security interest by providing the department with a copy of the assignment instrument, but the failure of the assignee to do so shall not affect the validity of the security interest of that assignment. (4) If there is no outstanding obligation and no commitment to make advances, incur obligations, or otherwise give value secured or to be secured by a security interest in a vehicle or an accessory on the vehicle, for which the certificate of title is in possession of a secured party, the secured party may, not more than 14 days after satisfaction of the obligation, execute a termination statement in the form prescribed by the department and mail or deliver the termination statement to the owner or another person as the owner may direct. (5) If there is no outstanding obligation and no commitment to make advances, incur obligations, or otherwise give value secured or to be secured by a security interest in a vehicle or an accessory on the vehicle, for which the certificate of title is in the possession of another person, the secured party shall, within 14 days after

demand but not more than 30 days after demand, execute a termination statement in the form prescribed by the department and mail or deliver the termination statement to the owner or another person as the owner may direct. (6) The department may require that all transactions concerning vehicle title liens and security interests be conducted by electronic means, as determined by the department. After all liens have been terminated, or for purposes of retitling the vehicle in another state or any other purpose deemed appropriate by the department, the department may issue a paper copy of the vehicle title to the vehicle's owner. (7) A vehicle sale transaction in which a security interest is entered by electronic means shall include a document recording entry of the electronic security interest and information regarding the financial institution that holds the security interest. At the time a security interest is presented with payment in satisfaction of the security interest, a secured receipt in a form approved by the department and produced at the time the security interest is presented with payment in satisfaction of the security interest may be submitted to the department in lieu of the title for purposes of transferring ownership in the vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 1968, Act 66, Eff. Aug. 1, 1968 ;-- Am. 2014, Act 291, Eff. Mar. 31, 2015

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Sec. 239. A person shall not fail or neglect to properly endorse and deliver a certificate of title to a transferee or owner lawfully entitled to the title. A person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than $100.00. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2020, Act 382, Eff. Oct. 1, 2021

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Sec. 240. (1) The owner of a motor vehicle who has made a bona fide sale by transfer of his or her title or interest and who has delivered possession of the vehicle and the certificate of title to that vehicle properly endorsed to the purchaser or transferee is not liable for any damages or a violation of law that subsequently results from the use or ownership of the vehicle by another, if the owner, other than a licensed dealer, satisfies the conditions prescribed under subsection (2). (2) The owner of a motor vehicle, other than a licensed dealer, shall satisfy 1 of the following conditions: (a) Accompany the purchaser of the vehicle to a secretary of state branch office to assure that the title of the vehicle being sold is transferred. (b) Maintain a record of the sale for not less than 18 months. As used in this subdivision, "record of the sale" means either a photocopy of the reassigned title or a form or document that includes the name, address, driver license number, and signature of the person to whom the vehicle is sold and the purchase price and date of sale of the vehicle. (3) A person who violates subsection (2) is responsible for a civil infraction and shall be ordered to pay a civil fine of $15.00. (4) A person who violates subsection (2) is presumed to be the last titled owner and to be liable for towing fees and daily storage fees for an abandoned motor vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999 ;-- Am. 2004, Act 493, Eff. Oct. 1, 2005

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)300-1949-II-TRANSFERS-OF-TITLE-OR-INTEREST - Transfers of Title or Interest (257.233...257.242a)Section 257.241 - Electronic Lien Title System; Establishment, Implementation, and Operation; Contracts; Participation of Secured Parties; Inclusion of Secured Interest or Other Information in Electronic File; Execution of Release; Delivery; Assignment of Ownership by Vehicle Dealer; Admissibility as Evidence of Security Interest; Determination of Requirements by Secretary of State; Establishment, Implementation, and Operation by July 1, 2016; Information to Be Entered Beginning October 1, 2016; Definitions.

Sec. 241. (1) The secretary of state may enter into 1 or more contracts under this section to establish, implement, and operate an electronic lien title system to process the notification and release of security interests through electronic file transfers, or as otherwise determined by the secretary of state, in lieu of the issuance and maintenance of paper documents otherwise required by law. The contract shall contain language that requires the protection of proprietary information contained in the electronic lien title system, and shall ensure that the contract provides for the protection of a competitive free market. (2) Except for persons who are not normally engaged in the business or practice of financing vehicles, all secured parties are required to participate in the electronic lien title system. (3) For the purposes of this act, any requirement that a security interest or other information appear on a certificate of title is satisfied by the inclusion of that information in an electronic file maintained in an electronic lien title system. The satisfaction of a security interest may be electronically transmitted to the secretary of state. A secured party shall execute a release of its security interest in a motor vehicle in a manner prescribed by the department not more than 14 days after the secured party receives the payment in satisfaction of the security interest in a motor vehicle. If the certificate of title is in the possession of the motor vehicle owner, the secured party shall deliver the release to the owner of the motor vehicle or as otherwise directed by the owner. However, if the certificate of title is held electronically as provided under section 238, the secured party shall deliver the

release of security interest to the department, and the department shall cancel the security interest. If the secured party fails to comply with these requirements for the release of a secured interest, the secured party is liable to the vehicle owner for all damages sustained by the owner due to the failure to comply. The electronic lien title system shall provide a mechanism by which a vehicle dealer may assign ownership of a motor vehicle without proof that the prior security interest was satisfied existing on the electronic lien title system. However, the dealer warrants that the title is free and clear of all liens and assumes responsibility for the satisfaction of the security interest. (4) A certified copy of the secretary of state's electronic record of a security interest is admissible in any civil, criminal, or administrative proceeding in this state as evidence of the existence of the security interest. If a certificate of title is maintained electronically in the electronic lien title system, a certified copy of the secretary of state's electronic record of the certificate of title is admissible in any civil, criminal, or administrative proceeding in this state as evidence of the existence and contents of the certificate of title. (5) The secretary of state may determine any requirements necessary to carry out the provisions of this section, including, but not limited to, 1 or more of the following: (a) Monitoring the reasonable fees charged by service providers or a contractor for the establishment and maintenance of the electronic lien title system. (b) The qualifications of service providers for participation in the electronic lien title system. (c) The qualifications for a contractor to enter into a contract with the secretary of state to establish, implement, and operate the electronic lien title system. (d) Program specifications that a contractor must adhere to in establishing, implementing, and operating the electronic lien title system. (6) The electronic lien title system shall be established, implemented, and operational no later than July 1, 2016. (7) The department may require a person to enter evidence of security interests and any related information into the electronic lien title system in lieu of paper documents beginning October 1, 2016. (8) As used in this section: (a) "Contractor" means a person who enters into a contract with the secretary of state to establish, implement, and operate the electronic lien title system described in this section. (b) "Electronic lien title system" means a system to process the notification and release of security interests through electronic file transfers that is established and implemented under this section. (c) "Service provider" means a person who provides secured parties with software to manage electronic lien and title data as provided under this section. History:Add. 2014, Act 292, Eff. Mar. 31, 2015Compiler's Notes:Former MCL 257.241 which pertained to cancellation of certificate of title for dismantled or wrecked car was repealed by Act 507 of 1978, Eff. July 1, 1979.

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Sec. 242. An owner may sell a vehicle to a dealer for salvage by writing on the face of the certificate of title in bold print the word, scrap, along with the signature of the owner or authorized agent, and by then assigning the certificate of title to the dealer purchasing the vehicle. A certificate of title shall not again be issued for the vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1958, Act 100, Eff. Sept. 13, 1958 ;-- Am. 1960, Act 142, Eff. Aug. 17, 1960 ;-- Am. 1978, Act 507, Eff. July 1, 1979

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Sec. 242a. No person shall regroove or recut motor vehicle or motorcycle tires or knowingly sell, offer or expose for sale or have in his possession with intent to sell any motor vehicle or motorcycle tire or any motor vehicle or motorcycle equipped with one or more tires which have been recut or regrooved, except that there shall be no prohibition against the regrooving or recutting of commercial vehicle tires or the sale of regrooved or recut commercial vehicle tires or commercial vehicles equipped with such commercial vehicle tires which are designed and constructed in such a manner that regrooving or recutting is an acceptable and safe practice. A violation of this section shall constitute a misdemeanor. History:Add. 1966, Act 133, Eff. Jan. 1, 1967

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.201 - Reference to “Division”.

Sec. 201. When a reference is made in this act to "division", the reference is to the secretary of state or an authorized representative of the secretary of state. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1978, Act 139, Eff. May 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.202 - Secretary of State as Exclusive State Agent.

Sec. 202. Except as provided in this act, the secretary of state is the exclusive state agent for the administration of the driver license provisions of this act. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1978, Act 139, Eff. May 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.203 - Appointment of Employees.

Sec. 203. Subject to the civil service laws of this state, the secretary of state shall appoint deputies, subordinate officers, clerks, investigators, and other employees as necessary to administer this act. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1978, Act 139, Eff. May 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.203a - Meaning of “Commissioner” in MCL 257.301 to 257.327; Effect of MCL 257.201 to 257.203a.

Sec. 203a. (1) As used in sections 301 to 327, "commissioner" means the secretary of state or an authorized representative of the secretary of state. (2) Sections 201 to 203a shall not alter, modify, or amend the functions, duties, and responsibilities of an elected or appointed state or local official under this act. History:Add. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1978, Act 139, Eff. May 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.204 - Administration and Enforcement of Act; Establishment of Highway Patrol Prohibited; Rules; Official Seal.

Sec. 204. (1) Except as provided in this act, the secretary of state shall observe, enforce, and administer this act. The secretary of state shall not establish a highway patrol. (2) The secretary of state may promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, necessary to administer this act. (3) The secretary of state may adopt an official seal. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1966, Act 247, Eff. Mar. 10, 1967 ;-- Am. 1978, Act 139, Eff. May 1, 1979Admin Rule:R 257.21 et seq.; R 257.31 et seq.; R 257.181 et seq.; R 257.301 et seq.; R 257.351 et seq.; and R 257.801 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.204a.amended - Central File of Individual Driving Records; Certified Copies as Evidence; Electronic Certification; Use of Computer-Generated Certified Information; Persons Who May Receive Information Contained in Records Maintained by Secretary of State.

***** 257.204a.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 204a. (1) The secretary of state shall create and maintain a computerized central file that provides an individual historical driving record for a natural person with respect to all of the following: (a) A license issued to the individual under chapter III. (b) A conviction, civil infraction determination, or other licensing action that is entered against the individual for a violation of this act or a local ordinance that substantially corresponds to a provision of this act, or that is reported to the secretary of state by another jurisdiction. (c) A failure of the individual, including a nonresident, to comply with a suspension issued under section 321a. (d) A cancellation, denial, revocation, suspension, or restriction of the individual's operating privilege, or other licensing action regarding that individual, under this act or that is reported to the secretary of state by another jurisdiction. This subdivision also applies to nonresidents. (e) An accident in which the individual is involved. (f) Any driving record requested and received by the secretary of state under section 307. (g) Any notice given by the secretary of state and the information provided in that notice under section 317(2) or (3). (h) Any other information received by the secretary of state regarding the individual that is required to be maintained as part of the individual's driving record as provided by law. (2) A secretary of state certified computer-generated or paper copy of an order, record, or paper maintained in the computerized central file of the secretary of state is admissible in evidence in the same manner as the original and is prima facie proof of the contents of and the facts stated in the original. (3) An order, record, or paper generated by the computerized central file of the secretary of state may be certified electronically by the generating computer. The certification must be a certification of the order, record, or paper as it appeared on a specific date. (4) A court or the office of the clerk of a court of this state that is electronically connected by a terminal device to the computerized central file of the secretary of state may receive into and use as evidence in any case the computer-generated certified information obtained by the terminal device from the file. A duly authorized employee of a court of record of this state may order a record for an individual from a secretary of state computer terminal device located in, and under the control of, the court, and certify in writing that the document was produced from the terminal and that the document was not altered in any way. (5) After receiving a request for information contained in records maintained under this section, the secretary of state shall provide the information, in a form prescribed by the secretary of state, to any of the following: (a) Another state. (b) The United States Secretary of Transportation. (c) The individual who is the subject of the record. (d) A motor carrier employer or prospective motor carrier employer, but only if the individual who is the subject of the record is first notified of the request as prescribed by the secretary of state. (e) An authorized agent of an individual or entity listed in subdivisions (a) to (d). History:Add. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1968, Act 278, Imd. Eff. July 1, 1968 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1996, Act 102, Imd. Eff. Mar. 5, 1996 ;-- Am. 1998, Act 346, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999

;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021 ;-- Am. 2024, Act 113, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.204a - Central File of Individual Driving Records; Certified Copies as Evidence; Electronic Certification; Use of Computer-Generated Certified Information; Persons Who May Receive Information Contained in Records Maintained by Secretary of State.

***** 257.204a THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.204a.amended ***** Sec. 204a. (1) The secretary of state shall create and maintain a computerized central file that provides an individual historical driving record for a natural person with respect to all of the following: (a) A license issued to the individual under chapter III. (b) A conviction, civil infraction determination, or other licensing action that is entered against the individual for a violation of this act or a local ordinance that substantially corresponds to a provision of this act, or that is reported to the secretary of state by another jurisdiction. (c) A failure of the individual, including a nonresident, to comply with a suspension issued under section 321a. (d) A cancellation, denial, revocation, suspension, or restriction of the individual's operating privilege, a failure to pay a department of state driver responsibility fee, or other licensing action regarding that individual, under this act or that is reported to the secretary of state by another jurisdiction. This subdivision also applies to nonresidents. (e) An accident in which the individual is involved. (f) A conviction of the person for an offense described in former section 319e. (g) Any driving record requested and received by the secretary of state under section 307. (h) Any notice given by the secretary of state and the information provided in that notice under section 317(2) or (3). (i) Any other information received by the secretary of state regarding the individual that is required to be maintained as part of the individual's driving record as provided by law. (2) A secretary of state certified computer-generated or paper copy of an order, record, or paper maintained in the computerized central file of the secretary of state is admissible in evidence in the same manner as the original and is prima facie proof of the contents of and the facts stated in the original. (3) An order, record, or paper generated by the computerized central file of the secretary of state may be certified electronically by the generating computer. The certification must be a certification of the order, record, or paper as it appeared on a specific date. (4) A court or the office of the clerk of a court of this state that is electronically connected by a terminal device to the computerized central file of the secretary of state may receive into and use as evidence in any case the computer-generated certified information obtained by the terminal device from the file. A duly authorized employee of a court of record of this state may order a record for an individual from a secretary of state computer terminal device located in, and under the control of, the court, and certify in writing that the document was produced from the terminal and that the document was not altered in any way. (5) After receiving a request for information contained in records maintained under this section, the secretary of state shall provide the information, in a form prescribed by the secretary of state, to any of the following: (a) Another state. (b) The United States Secretary of Transportation. (c) The individual who is the subject of the record. (d) A motor carrier employer or prospective motor carrier employer, but only if the individual who is the subject of the record is first notified of the request as prescribed by the secretary of state. (e) An authorized agent of an individual or entity listed in subdivisions (a) to (d). History:Add. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1968, Act 278, Imd. Eff. July 1, 1968 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1996, Act 102, Imd. Eff. Mar. 5, 1996 ;-- Am. 1998, Act 346, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.204b - Conviction of Attempted Violation; Effect.

Sec. 204b. (1) When assessing points, taking licensing or registration actions, or imposing other sanctions under this act for a conviction of an attempted violation of a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, the secretary of state or the court shall treat the conviction the same as if it were a conviction for the completed offense. (2) The court shall impose a criminal penalty for a conviction of an attempted violation of this act or a local ordinance substantially corresponding to a provision of this act in the same manner as if the offense had been completed. History:Add. 1998, Act 347, Eff. Oct. 1, 1999

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.205 - Secretary of State; Office and Branch Offices; Establishment; Employees; Bond; Liability for Loss of Money; Person Appointed to Conduct Branch Office; Compensation and Expenses.

Sec. 205. (1) The secretary of state shall maintain an office in the state capitol complex, and in other places in the state as the secretary of state considers necessary to carry out the powers and duties vested in the secretary of state. At least 1 office shall be established in each county of the state and in each city of the state having a population of 10,000 or more, but not within a radius of 5 miles from a county office location. This subsection does not apply in a county having a population of 300,000 or more, nor to contiguous cities having a combined population of 10,000 or more. A person licensed under section 248, is not eligible for

appointment to conduct, manage, or be an employee of a branch or fee office of the secretary of state. (2) A bond may be required of a person in an office established under subsection (1) in an amount that the secretary of state prescribes to cover the safe handling of money received under this act. The secretary of state shall not be held personally liable for a loss of money because of armed robbery, larceny, embezzlement, riot, act of God, or other act of a person resulting in a loss of money which is within the authority and responsibility of the secretary of state as the administrator of this act. (3) A person appointed to conduct a branch office shall receive compensation fixed by the secretary of state, and necessary expenses of the office. The compensation and expenses shall be paid out of the Michigan transportation fund and shall be deducted from the fund before the fund is certified to the state treasurer. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1961, Act 210, Eff. Sept. 8, 1961 ;-- Am. 1969, Act 47, Imd. Eff. July 17, 1969 ;-- Am. 1970, Act 177, Imd. Eff. Aug. 3, 1970 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.205a - Plan to Fully Reopen Secretary of State Branches; Written Report.

Sec. 205a. Within 30 days after the effective date of the amendatory act that added this section, the department shall provide a written report to the senate majority leader, the speaker of the house of representatives, and the chairpersons of the senate and house of representatives appropriations committees detailing the department's plan to reopen all secretary of state's branches to the general public for in-person services, without the requirement of an appointment. The written report must include, but is not limited to, all of the following: (a) The number of staff that will return to in-person work. (b) The manner in which the department will transition returning staff back to in-person work. (c) The manner in which the department will notify members of the public that secretary of state's branches are open for in-person services, without the requirement of an appointment. (d) How the department will prioritize customers who were unable to renew essential documents beginning March 24, 2020, due to the closing of the secretary of state's branches and appointment only policy. (e) The department's plans to ensure the safety of the staff and customers in reopened secretary of state's branches. (f) Details on hours of operation for reopened secretary of state's branches. (g) How the department will utilize the use of kiosks and other automated services at reopened secretary of state's branches. History:Add. 2021, Act 71, Imd. Eff. July 29, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.206 - Forms.

Sec. 206. The secretary of state may prescribe and provide suitable forms of applications, certificates of title, registration certificates, operators' and chauffeurs' licenses, and all other forms requisite or deemed necessary to carry out the provisions of this act, the enforcement and administration of which are vested in the department. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.207 - Administering Oaths and Acknowledging Signatures Without Fee; Certified Copy of Record; Fee; Evidence; Electronic Certification; Use of Computer-Generated Certified Information.

Sec. 207. (1) An officer or employee designated by the secretary of state for the purpose of administering the motor vehicle laws shall administer oaths and acknowledge signatures without fee. (2) The secretary of state and the officers designated by the secretary of state may prepare under the seal of the secretary of state and deliver upon request, a certified copy of a record maintained under this act and charge a fee as set forth in this act. (3) A certified computer-generated or paper copy of a record maintained under this act shall be admissible in a proceeding in a court in the same manner as the original record and shall be prima facie evidence of the contents of and the facts stated on the record. (4) An order, record, or paper generated by the computerized central file of the secretary of state may be certified electronically by the generating computer. The certification shall be a certification of the order, record, or paper as it appeared on a specific date. (5) A court or the office of the clerk of a court of this state that is electronically connected by a terminal device to the computerized central file of the secretary of state may receive into and use as evidence in any case the computer-generated certified information obtained by the terminal device from the file. A duly authorized employee of a court of record of this state may order a record for an individual from a secretary of state computer terminal device located in, and under the control of, the court, and certify in writing that the document was produced from the terminal and that the document was not altered in any way. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1968, Act 278, Imd. Eff. July 1, 1968 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1996, Act 102, Imd. Eff. Mar. 5, 1996

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.207a - Electronic Driver License Status Check; Request by Approved Agency; Maintenance of Written Permission by Organization; Compliance With Safeguards; Fee.

Sec. 207a. (1) The secretary of state may provide an electronic driver license status check of a person who transports clients or provides medical or other health, human, or social services for an organization exempt from taxation under section 501(c)(3) of the

internal revenue code. The electronic driver license status check provided by the secretary of state shall identify the person's driver license type and status and shall indicate whether the driver has any points on his or her driving record. (2) The secretary of state shall process an electronic driver license status check under subsection (1) only if the request is submitted by an agency serving an organization described in subsection (1) that is approved by the secretary of state. An organization exempt from taxation under section 501(c)(3) of the internal revenue code shall provide an approved agency with the driver identification information as prescribed by the secretary of state and certify that the organization has the written permission of the driver to obtain his or her driver license status check under section 208c(3)(m). The written permission shall be maintained by the organization for a period of not less than 5 years. (3) The secretary of state may require both the organization and the agency to comply with any safeguards the secretary of state considers reasonable or necessary to protect the rights of a driver for whom a status check is requested. Safeguards may include a bond requirement and written designation authorizing disclosure executed under section 208c(3)(m). (4) The secretary of state shall not charge a fee for an electronic driver license status check submitted by an approved agency. An organization that requests an actual copy of a record shall pay the same fee as any other requester of a record copy. History:Add. 1998, Act 105, Eff. Mar. 23, 1999

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.208 - Destruction of Certain Records; Maintaining of Records Involving Operation of Commercial Motor Vehicles.

Sec. 208. (1) Except as otherwise specified in this section, the secretary of state may destroy any department records maintained on file for 7 years, including the information contained in the central file maintained under section 204a. (2) Except as otherwise provided in this section, records of convictions of any offense for which points are provided under section 320a(1)(a), (b), (c), or (g) or section 320a(8) may be destroyed after being maintained on file for 10 years. However, if an individual is convicted of violating section 625, the record of that conviction must be maintained for the life of the individual. (3) If an individual who is a commercial license holder or a noncommercial license holder who operates a commercial motor vehicle is convicted under a law of this state, a local ordinance that substantially corresponds to a law of this state, or a law of another state that substantially corresponds to a law of this state of any of the following violations, the record of that conviction must be maintained for the life of the individual or until the individual moves to another jurisdiction: (a) Operating a vehicle in violation of section 625. (b) Operating a commercial motor vehicle in violation of section 625m. (c) Leaving the scene of an accident. (d) Using a vehicle to commit a felony. (e) Refusing to take an alcohol or controlled substance test required under this act. (f) Operating a commercial motor vehicle when the individual's operator's or chauffeur's license or vehicle group designation is suspended, revoked, or canceled as a result of prior violations committed while operating a commercial motor vehicle. (g) Operating a commercial motor vehicle when the individual is disqualified from operating a commercial motor vehicle. (h) Causing any fatality through the negligent operation of a commercial motor vehicle. (4) Records of stolen vehicles reported in section 253 may be destroyed after being maintained on file for the year of entry plus 4 years. (5) Except as otherwise specified in this act, records the secretary of state considers obsolete and of no further service in carrying out the department's powers and duties may be destroyed on that determination. (6) If a record of suspension under section 321a does not contain a conviction for a violation of section 904 or a local ordinance that substantially corresponds to section 904 during the period of suspension, the secretary of state may destroy the record 180 days after the suspension terminates or as provided in subsections (1) to (5). (7) The secretary of state may destroy a record maintained under section 204a 180 days after the nonresident driver against whom a civil infraction determination is entered complies with an order or judgment issued under section 907. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 247, Eff. Mar. 10, 1967 ;-- Am. 1978, Act 391, Eff. Jan. 15, 1979 ;-- Am. 1980, Act 460, Imd. Eff. Jan. 15, 1981 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1994, Act 449, Eff. May 1, 1995 ;-- Am. 1996, Act 471, Eff. Apr. 1, 1997 ;-- Am. 1997, Act 100, Imd. Eff. Aug. 7, 1997 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2006, Act 565, Eff. Oct. 31, 2010 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.208a - Availability of Records to the Public.

Sec. 208a. Records maintained under this act, other than those declared to be confidential by law or which are restricted by law from disclosure to the public, shall be available to the public in accordance with procedures prescribed in this act, the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, or other applicable laws. History:Add. 1997, Act 100, Imd. Eff. Aug. 7, 1997

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.208b - Commercial Look-Up Service; Records and Information Maintained by Driver Education Provider or Limousine Carrier of Passengers; Disposition of Fees; Providing File to Nongovernmental Person or Entity; Failure to Provide

Information; Fines; Definitions.

Sec. 208b. (1) The secretary of state may provide a commercial look-up service of records maintained under this act. For each individual record looked up, the secretary of state shall charge a fee of $15.00 per record. The secretary of state shall process a commercial look-up request only if the request is in a form or format prescribed by the secretary of state. Until October 1, 2027, fees collected under this subsection must be credited to the transportation administration collection fund created in section 810b. (2) A driver education provider shall subscribe to the commercial look-up service maintained by the secretary of state. (3) A driver education provider shall maintain on its premises the most current copy of all nonpersonal information related to the driver education provider's driving record and the driving record of each instructor employed by the driver education provider for review by a prospective customer or the parent or guardian of a prospective customer. (4) A prospective customer or the parent or guardian of a prospective customer may review a copy of all nonpersonal information related to the driving record of the driver education provider or an instructor employed by the driver education provider. (5) A driver education provider shall include in its contract with each client, as prescribed by the secretary of state, a notice that nonpersonal information related to the driving record of each individual instructor is available for review by the general public. A driver education provider that fails to include the information required by this subsection is responsible for a civil infraction. (6) A limousine carrier of passengers shall subscribe to the commercial look-up service maintained by the secretary of state. (7) An individual who drives a limousine for hire for a limousine carrier of passengers shall maintain the most current copy of all nonpersonal information related to the individual's driving record in the limousine available for review by any prospective passenger. (8) A prospective passenger may review a copy of all nonpersonal information related to the driving record of the driver of a limousine from a limousine carrier of passengers or from the driver of the limousine. (9) The secretary of state shall not provide an entire computerized central file or other file of records maintained under this act to a nongovernmental person or entity, unless the person or entity pays the prescribed fee for each individual record contained within the computerized file. (10) A driver education provider that fails to provide the information required to be maintained by this section is responsible for a civil infraction. Each failure to provide information constitutes a separate offense. (11) A limousine carrier of passengers who fails to provide the information required to be maintained by this section is responsible for a civil infraction. Each failure to provide information constitutes a separate offense. (12) The driver of a limousine who fails to provide the information required by this section is responsible for a civil infraction. Each failure to provide information constitutes a separate offense. (13) As used in this section: (a) "Driver education provider" means that term as defined in section 5 of the driver education provider and instructor act, 2006 PA 384, MCL 256.625. (b) "Limousine carrier" and "limousine" mean those terms as defined in section 2 of the limousine, taxicab, and transportation network company act, 2016 PA 345, MCL 257.2102. History:Add. 1997, Act 100, Imd. Eff. Aug. 7, 1997 ;-- Am. 1998, Act 12, Eff. June 1, 1998 ;-- Am. 1998, Act 329, Eff. Oct. 1, 1998 ;-- Am. 2000, Act 159, Imd. Eff. June 14, 2000 ;-- Am. 2005, Act 173, Imd. Eff. Oct. 12, 2005 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 73, Eff. Oct. 1, 2015 ;-- Am. 2019, Act 88, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 382, Eff. Oct. 1, 2021 ;-- Am. 2023, Act 129, Imd. Eff. Sept. 29, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.208c - Disclosure of Personal Information; Uses.

Sec. 208c. (1) Except as provided in this section and in section 232, personal information in a record maintained under this act shall not be disclosed, unless the person requesting the information furnishes proof of identity satisfactory to the secretary of state and certifies that the personal information requested will be used for a permissible purpose identified in this section or in section 232. However, highly restricted personal information shall be used and disclosed only as expressly permitted in section 307 or as otherwise expressly provided by law. (2) Personal information in a record maintained under this act shall be disclosed by the secretary of state if required to carry out the purposes of federal law or federal regulations. (3) Personal information in a record maintained under this act may be disclosed by the secretary of state as follows: (a) For use by a federal, state, or local governmental agency, including a court or law enforcement agency, in carrying out the agency's functions, or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions. (b) For use in connection with matters of motor vehicle and driver safety or auto theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles; motor vehicle market research activities, including survey research; and the removal of nonowner records from the original records of motor vehicle manufacturers. (c) For use in the normal course of business by a legitimate business, including the agents, employees, and contractors of the business, but only to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors, and if the information as so submitted is no longer correct, to obtain the correct information, for the sole purpose of preventing fraud by pursuing legal remedies against, or recovering on a debt against, the individual. (d) For use in connection with a civil, criminal, administrative, or arbitration proceeding in a federal, state, or local court or governmental agency or before a self-regulatory body, including use for service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body. (e) For use in legitimate research activities and in preparing statistical reports for commercial, scholarly, or academic purposes by a bona fide research organization, if the personal information is not published, redisclosed, or used to contact individuals. (f) For use by an insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigating activity, antifraud

activity, rating, or underwriting. (g) For use in providing notice to the owner of an abandoned, towed, or impounded vehicle or for use by the custodian of a vehicle that is considered an abandoned vehicle as defined in sections 252a, 252b, and 252d. (h) For use either by a private detective or private investigator licensed under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851, or by a private security guard agency or alarm system contractor licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1083, only for a purpose permitted under this section. (i) For use by an employer, or the employer's agent or insurer, to obtain or verify information relating either to the holder of a commercial driver license that is required under federal law or to the holder of a chauffeur's license that is required under chapter 3. (j) For use by a car rental business, or its employees, agents, contractors, or service firms, for the purpose of making rental decisions. (k) For use in connection with the operation of private toll transportation facilities. (l) For use by a news medium in the preparation and dissemination of a report related in part or in whole to the operation of a motor vehicle or public safety. "News medium" includes a newspaper, a magazine or periodical published at regular intervals, a news service, a broadcast network, a television station, a radio station, a cablecaster, or an entity employed by any of the foregoing. (m) For any use by an individual requesting information pertaining to himself or herself or requesting in writing that the secretary of state provide information pertaining to himself or herself to the individual's designee. A request for disclosure to a designee, however, may be submitted only by the individual. (4) Medical and disability information in a record maintained under this act may be used and disclosed for purposes of subsection (3)(a), (d), or (m). History:Add. 1997, Act 100, Imd. Eff. Aug. 7, 1997 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.208d - Resale or Redisclosure of Personal Information; Duties of Recipient.

Sec. 208d. (1) An authorized recipient of personal information disclosed under section 208c may resell or redisclose the information only for a use permitted under section 208c. (2) An authorized recipient of personal information disclosed under section 208c who resells or rediscloses the information shall do both of the following: (a) Make and keep for a period of not less than 5 years records identifying each person who received personal information from the authorized recipient and the permitted use for which it was obtained. (b) Allow a representative of the secretary of state, upon request, to inspect and copy records identifying each person who received personal information from the authorized recipient and the permitted use for which it was obtained. History:Add. 1997, Act 101, Imd. Eff. Aug. 7, 1997

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.209 - Application for Registration; Certificate of Title; Operator's or Other License, Investigation.

Sec. 209. The department shall examine and determine the genuineness, regularity, and legality of every application for registration of a vehicle, for a certificate of title therefor, and for an operator's or chauffeur's license and of any other application lawfully made to the department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity, or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.210 - Title, Registration Certificate, Permit, License or Plate; Seizure; Possession and Custody of Plate; Security Interest.

Sec. 210. The department is hereby authorized to take possession of any certificate of title, registration certificate, permit, license or registration plate issued by it upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued, and the department or any agent thereof is authorized to take possession and custody of any registration plate found attached to any motor vehicle for which it was not issued, or when any other unlawful use is being made thereof. Expiration, revocation, cancellation or suspension of a certificate of title does not, in itself, affect the validity of a security interest noted on it. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1964, Act 248, Eff. Jan. 1, 1965

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.211 - Synopsis, Summary, or Compilation of Laws Relating to Vehicles; Selling Price of Compilation; Disposition and Use of Money Collected.

Sec. 211. (1) The secretary of state may publish a synopsis or summary of the laws of this state regulating the operation of vehicles and may deliver a copy without charge as the secretary of state may deem necessary. (2) The secretary of state may publish a compilation of the laws of this state relating to the ownership and operation of vehicles and other laws relative to the department of state. The secretary of state shall establish a selling price for the compilation and may raise or lower the selling price of the

compilation to reflect changes in preparation, printing and distribution costs. (3) Money collected from the sale of the compilation shall be credited to a revolving fund created by this act, known as the "Michigan department of state publications fund". Money in the fund shall be used to pay preparation, printing and distribution costs incurred by the department in connection with the publication. Money in the fund at the close of a fiscal year shall remain in the fund. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1980, Act 137, Imd. Eff. May 29, 1980

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.212 - Notice; Methods.

Sec. 212. (1) If the secretary of state is authorized or required to give notice under this act or other law regulating the operation of a vehicle, unless a different method of giving notice is otherwise expressly prescribed, notice shall be given either by personal delivery to the person to be notified or by first-class United States mail addressed to the person at the address shown by the record of the secretary of state. The giving of notice by mail is complete upon the expiration of 5 days after mailing the notice. (2) Any notice required to be provided under this act may be provided by electronic means. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2016, Act 32, Eff. June 6, 2016Compiler's Notes:Enacting section 1 of Act 32 of 2016 provides:"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.213 - Officers and Investigators; Powers.

Sec. 213. The secretary of state and the officers and investigators of the department whom he or she designates have the following powers: (a) To inspect any vehicle of a type required to be registered under this act and the salvageable parts of a vehicle of a type required to be registered under this act in any public garage or repair shop or in any place where vehicles are held for sale, lease, dismantling, or wrecking, for the purpose of locating stolen vehicles and parts of stolen vehicles and investigating the title and registration of vehicles. In enforcing the provisions of this subdivision, the secretary of state and the officers and investigators have the powers of peace officers. (b) To examine the books and records of all persons licensed under this act pertaining to the selling, buying, leasing, dismantling, brokering, or wrecking of vehicles of a type required to be registered under this act, and the payment and collection of tax provided for in this act. (c) The powers of peace officers for the purpose of enforcing the provisions of chapter 5. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1955, Act 159, Imd. Eff. June 7, 1955 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.214 - Badge of Authority.

Sec. 214. (a) The secretary of state shall issue to each person named under section 213 of this act a proper badge of authority designating the position held by the person to whom issued. Every such badge shall display a distinctive serial number. (b) Neither the secretary of state nor any other person shall issue any such badge to any person who is not a duly employed and acting officer or investigator of said department. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.215 - Vehicle Unregistered or Without Certificate of Title; Operation; Misdemeanor, Exception.

Sec. 215. It is a misdemeanor for any person to drive or move or for an owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered hereunder which is not registered or for which a certificate of title has not been applied for or for which the appropriate fee has not been paid when and as required hereunder, except as provided in subsection (b) of section 217. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 51, Eff. Aug. 28, 1964

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.216 - Vehicles Subject to Registration and Certificate of Title Provisions; Pandemic Expiration Extension.

Sec. 216. (1) Every motor vehicle, recreational vehicle, trailer, semitrailer, and pole trailer, when driven or moved on a street or highway, is subject to the registration and certificate of title provisions of this act except the following: (a) A vehicle driven or moved on a street or highway in conformance with the provisions of this act relating to manufacturers, transporters, dealers, or nonresidents. (b) A vehicle that is driven or moved on a street or highway only for the purpose of crossing that street or highway from 1 property to another. (c) An implement of husbandry. (d) Special mobile equipment. The secretary of state may issue a special registration to an individual, partnership, corporation, or association not licensed as a dealer that pays the required fee, to identify special mobile equipment that is driven or moved on a street or highway. (e) A vehicle that is propelled exclusively by electric

power obtained from overhead trolley wires though not operated on rails. (f) Any vehicle subject to registration, but owned by the government of the United States. (g) A certificate of title is not required for a trailer, semitrailer, or pole trailer that weighs less than 2,500 pounds. (h) A vehicle driven or moved on a street or highway, by the most direct route, only for the purpose of securing a scale weight receipt from a weighmaster for purposes of section 801 or obtaining a vehicle inspection by a law enforcement agency before titling or registration of that vehicle. (i) A certificate of title is not required for a vehicle owned by a manufacturer or dealer and held for sale or lease, even though incidentally moved on a street or highway or used for purposes of testing or demonstration. (j) A bus or a school bus that is not self-propelled and is used exclusively as a construction shanty. (k) A certificate of title is not required for a moped. (l) Except as otherwise provided in subsection (3), for 3 days immediately following the date of a properly assigned title or signed lease agreement from any person other than a dealer, a registration is not required for a vehicle driven or moved on a street or highway for the sole purpose of transporting the vehicle by the most direct route from the place of purchase or lease to a place of storage if the driver has in his or her possession the assigned title showing the date of sale or a lease agreement showing the date of the lease. (m) A certificate of registration is not required for a pickup camper, but a certificate of title is required. (n) A new motor vehicle driven or moved on a street or highway only for the purpose of moving the vehicle from an accident site to a storage location if the vehicle was being transported on a railroad car or semitrailer that was involved in a disabling accident. (o) A boat lift used for transporting vessels between a marina or a body of water and a place of inland storage. (2) Except as otherwise provided in this subsection, a registration issued to a motor vehicle, recreational vehicle, trailer, semitrailer, or pole trailer, when driven or moved on a street or highway, that expires on or after March 1, 2020 is valid until March 31, 2021. Except as otherwise provided in this subsection, a registration issued to a motor vehicle, recreational vehicle, trailer, semitrailer, or pole trailer, when driven or moved on a street or highway, that expires after March 31, 2021 but before August 1, 2021, is valid until 120 days after the date of the expiration. If the registration issued to a motor vehicle, recreational vehicle, trailer, semitrailer, or pole trailer, when driven or moved on a street or highway, that is used for commercial purposes expires on or after March 1, 2020, the registration is valid until March 31, 2021. If the registration issued to a motor vehicle, recreational vehicle, trailer, semitrailer, or pole trailer, when driven or moved on a street or highway, that is used for commercial purposes expires after March 31, 2021 but before August 1, 2021, the registration is valid until 120 days after the date of the expiration. (3) Notwithstanding any provision of law to the contrary, until March 31, 2021, a properly assigned title or signed lease agreement from any person other than a dealer is considered proof of registration of the vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 69, Eff. Sept. 28, 1951 ;-- Am. 1953, Act 110, Eff. Oct. 2, 1953 ;-- Am. 1957, Act 110, Imd. Eff. May 24, 1957 ;-- Am. 1959, Act 155, Eff. Mar. 19, 1960 ;-- Am. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 1968, Act 139, Imd. Eff. June 11, 1968 ;-- Am. 1974, Act 70, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 74, Imd. Eff. Apr. 11, 1976 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1981, Act 75, Imd. Eff. June 30, 1981 ;-- Am. 1983, Act 186, Imd. Eff. Oct. 25, 1983 ;-- Am. 1985, Act 32, Imd. Eff. June 13, 1985 ;-- Am. 1988, Act 214, Imd. Eff. June 30, 1988 ;-- Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989 ;-- Am. 1990, Act 98, Eff. Jan. 1, 1991 ;-- Am. 1992, Act 102, Imd. Eff. June 25, 1992 ;-- Am. 1996, Act 141, Imd. Eff. Mar. 25, 1996 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009 ;-- Am. 2009, Act 32, Eff. Dec. 1, 2009 ;-- Am. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021Compiler's Notes:Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.217 - Application for Registration and Certificate of Title; Out-of-State Vehicle; Form; Fee; Signature of Owner; Contents; Leased Pickup Truck or Vehicle; Duties of Dealer and Person Selling or Leasing Certain Vehicles; Off Lease or Buy Back Vehicle; Temporary Registration; Service Fee; Imprint on Back Side of Check or Bank Draft; Liability for Damages; Perfection of Security Interest; Exception for 2021.

Sec. 217. (1) An owner of a vehicle that is subject to registration under this act shall apply to the secretary of state, on an appropriate form furnished by the secretary of state, for the registration of the vehicle and issuance of a certificate of title for the vehicle. A vehicle brought into this state from another state or jurisdiction that has a rebuilt, salvage, scrap, flood, or comparable certificate of title issued by that other state or jurisdiction must be issued a rebuilt, salvage, scrap, or flood certificate of title by the secretary of state. The application must be accompanied by the required fee. An application for a certificate of title must bear the signature or verification and certification of the owner. The application must contain all of the following: (a) The owner's name, the owner's bona fide residence, and either of the following: (i) If the owner is an individual, the owner's mailing address. (ii) If the owner is a firm, association, partnership, limited liability company, or corporation, the owner's business address. (b) A description of the vehicle including the make or name, style of body, and model year; the number of miles, not including the tenths of a mile, registered on the vehicle's odometer at the time of transfer; whether the vehicle is a flood vehicle or another state previously issued the vehicle a flood certificate of title; whether the vehicle is to be or has been used as a taxi or police vehicle, or by a political subdivision of this state, unless the vehicle is owned by a dealer and loaned or leased to a political subdivision of this state for use as a driver education vehicle; whether the vehicle has previously been issued a salvage or rebuilt certificate of title from this state or a comparable certificate of title from any other state or jurisdiction; the vehicle identification number; and the vehicle's weight fully equipped, if a

passenger vehicle registered in accordance with section 801(1)(a), and, if a trailer coach or pickup camper, in addition to the weight, the manufacturer's serial number, or in the absence of the serial number, a number assigned by the secretary of state. A number assigned by the secretary of state must be permanently placed on the trailer coach or pickup camper in the manner and place designated by the secretary of state. (c) A statement of the applicant's title and the names and addresses of the holders of security interests in the vehicle and in an accessory to the vehicle, in the order of their priority. (d) Further information that the secretary of state reasonably requires to enable the secretary of state to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title. If the secretary of state is not satisfied as to the ownership of a vehicle having a value over $2,500.00 or that is less than 10 years old, before registering the vehicle and issuing a certificate of title, the secretary of state may require the applicant to file a properly executed surety bond in a form prescribed by the secretary of state and executed by the applicant and a company authorized to conduct a surety business in this state. The bond must be in an amount equal to twice the value of the vehicle as determined by the secretary of state and must be conditioned to indemnify or reimburse the secretary of state, any prior owner, and any subsequent purchaser or lessee of the vehicle and their successors in interest against any expense, loss, or damage, including reasonable attorney fees, because of the issuance of a certificate of title for the vehicle or on account of any defect in the right, title, or interest of the applicant in the vehicle. An interested person has a right of action to recover on the bond for a breach of the conditions of the bond, but the aggregate liability of the surety to all persons must not exceed the amount of the bond. If the secretary of state is not satisfied as to the ownership of a vehicle that is valued at $2,500.00 or less and that is 10 years old or older, the secretary of state shall require the applicant to certify that the applicant is the owner of the vehicle and entitled to register and title the vehicle. (e) Except as provided in subdivision (f), an application for a commercial vehicle must also have attached a scale weight receipt of the motor vehicle fully equipped as of the time the application is made. A scale weight receipt is not necessary if there is presented with the application a registration receipt of the previous year that shows on its face the empty weight of the motor vehicle as registered with the secretary of state that is accompanied by a statement of the applicant that there has not been structural change in the motor vehicle that has increased the empty weight and that the previous registered weight is the true weight. (f) An application for registration of a vehicle on the basis of elected gross weight must include a declaration by the applicant specifying the elected gross weight for which application is being made. (g) If the application is for a certificate of title of a motor vehicle registered in accordance with section 801(1)(p), the application must include the manufacturer's suggested base list price for the model year of the vehicle. The base list price must be the manufacturer's suggested retail price as shown on the label required to be affixed to the vehicle under 15 USC 1232. If the manufacturer's suggested retail price is unavailable, the application must list the purchase price of the vehicle. As used in this subdivision, "purchase price" means that term as defined in section 801. (2) An applicant for registration of a leased pickup truck or passenger vehicle that is subject to registration under this act, except a vehicle that is subject to a registration fee under section 801g, shall disclose in writing to the secretary of state the lessee's name, the lessee's bona fide residence, and either of the following: (a) If the lessee is an individual, the lessee's Michigan driver license number or Michigan personal identification number or, if the lessee does not have a Michigan driver license or Michigan personal identification number, the lessee's mailing address. (b) If the lessee is a firm, association, partnership, limited liability company, or corporation, the lessee's business address. (3) The secretary of state shall maintain the information described in subsection (2) on the secretary of state's computer records. (4) Except as provided in subsections (5), (11), and (12), a dealer selling, leasing, or exchanging vehicles required to be titled, within 21 days after delivering a vehicle to the purchaser or lessee, and a person engaged in the sale of vessels required to be numbered by part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199, within 21 days after delivering a boat trailer weighing less than 2,500 pounds to the purchaser or lessee, shall apply to the secretary of state for a new title, if required, and transfer or secure registration plates and secure a certificate of registration for the vehicle or boat trailer, in the name of the purchaser or lessee. Subject to subsection (11), the dealer's license may be suspended or revoked in accordance with section 249 for failure to apply for a title when required or for failure to transfer or secure registration plates and certificate of registration within the 21 days required by this section. Subject to subsection (11), if the dealer or person fails to apply for a title when required, and to transfer or secure registration plates and secure a certificate of registration and pay the required fees within 21 days of delivery of the vehicle or boat trailer, a title and registration for the vehicle or boat trailer may subsequently be acquired only on the payment of a late transfer fee of $50.00 for an individual or a dealer other than a dealer subject to section 235b in addition to the fees specified in section 806. Subject to subsection (11), for a used or secondhand vehicle dealer subject to section 235b, the late transfer fee is $100.00 in addition to the fees specified in section 806. The purchaser or lessee of the vehicle or the purchaser of the boat trailer shall sign the application, including, if applicable, the declaration specifying the maximum elected gross weight as required by subsection (1)(f), and other necessary papers to enable the dealer or person to secure the title, registration plates, and transfers from the secretary of state. If the secretary of state mails or delivers a purchaser's certificate of title to a dealer, the dealer shall mail or deliver the certificate of title to the purchaser not later than 5 days after receiving the certificate of title from the secretary of state. However, as provided under section 238, the secretary of state is not required to issue a paper title to the owner of a vehicle or lienholder if the title is subject to a security interest, and may issue an electronic title as provided under section 222. (5) Except as provided in subsection (12), a dealer selling or exchanging an off lease or buy back vehicle shall apply to the secretary of state for a new title for the vehicle within 21 days after it receives the certificate of title from the lessor or manufacturer under section 235 or section 235b and transfer or secure registration plates and secure a certificate of registration for the vehicle in the name of the purchaser. Subject to subsection (12), the dealer's license may be suspended or revoked in accordance with section 249 for failure to apply for a title when required or for failure to transfer or secure registration plates and certificate of registration within the 21-day period. Subject to subsection (12), if the dealer or person fails to

apply for a title when required, and to transfer or secure registration plates and secure a certificate of registration and pay the required fees within the 21-day time period, a title and registration for the vehicle may subsequently be acquired only on the payment of a late transfer fee of $50.00 for an individual or dealer other than a used or secondhand vehicle dealer subject to section 235b in addition to the fees specified in section 806. Subject to subsection (12), the late transfer fee for a used or secondhand vehicle dealer subject to section 235b is $100.00 in addition to the fees specified in section 806. The purchaser of the vehicle shall sign the application, including, if applicable, the declaration specifying the maximum elected gross weight as required by subsection (1)(f), and other necessary papers to enable the dealer or person to secure the title, registration plates, and transfers from the secretary of state. If the secretary of state mails or delivers a purchaser's certificate of title to a dealer, the dealer shall mail or deliver the certificate of title to the purchaser not later than 5 days after receiving the certificate of title from the secretary of state. However, as provided under section 238, the secretary of state is not required to issue a paper title to the owner of a vehicle if the title is subject to a security interest, and may issue an electronic title as provided under section 222. (6) If a vehicle is delivered to a purchaser or lessee who has valid Michigan registration plates that are to be transferred to the vehicle, and an application for title, if required, and registration for the vehicle is not made before delivery of the vehicle to the purchaser or lessee, the registration plates must be affixed to the vehicle immediately, and the dealer shall provide the purchaser or lessee with an instrument in writing, on a form prescribed by the secretary of state, which serves as a temporary registration for the vehicle for a period of 30 days from the date the vehicle is delivered. (7) If the seller does not prepare the credit information, contract note, and mortgage, and the holder, finance company, credit union, or banking institution requires the installment seller to record the lien on the title, the holder, finance company, credit union, or banking institution shall pay the seller a service fee of not more than $10.00. The service fee must be paid from the finance charges and must not be charged to the buyer in addition to the finance charges. The holder, finance company, credit union, or banking institution shall issue its check or bank draft for the principal amount financed, payable jointly to the buyer and seller, and the following must be imprinted on the back side of the check or bank draft: "Under Michigan law, the seller must record a first lien in favor of (name of lender) _____ on the vehicle with vehicle identification number _____ and title the vehicle only in the name(s) shown on the reverse side." (8) On the front of the check or draft described under subsection (7), the holder, finance company, credit union, or banking institution shall note the name or names of the prospective owners. Failure of the holder, finance company, credit union, or banking institution to comply with these requirements frees the seller from any obligation to record the lien or from any liability that may arise as a result of the failure to record the lien. A service fee must not be charged to the buyer. (9) In the absence of actual malice proved independently and not inferred from lack of probable cause, a person who in any manner causes a prosecution for larceny of a motor vehicle; for embezzlement of a motor vehicle; for any crime an element of which is the taking of a motor vehicle without authority; or for buying, receiving, possessing, leasing, or aiding in the concealment of a stolen, embezzled, or converted motor vehicle knowing that the motor vehicle has been stolen, embezzled, or converted, is not liable for damages in a civil action for causing the prosecution. This subsection does not relieve a person from proving any other element necessary to sustain the person's cause of action. (10) Receipt by the secretary of state of a properly tendered application for a certificate of title on which a security interest in a vehicle is to be indicated is a condition of perfection of a security interest in the vehicle and is equivalent to filing a financing statement under the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.9994, with respect to the vehicle. When a security interest in a vehicle is perfected, it has priority over the rights of a lien creditor as that term is defined in section 9102 of the uniform commercial code, 1962 PA 174, MCL 440.9102. (11) Notwithstanding subsection (4), a dealer selling, leasing, or exchanging vehicles, required to be titled, after March 31, 2021 but before August 1, 2021, may apply to the secretary of state for a new title, if required, and transfer or secure registration plates and secure a certificate of registration for the vehicle in the name of the purchaser within 30 days. Both of the following apply to a dealer that complies with this subsection: (a) The dealer's license must not be suspended or revoked in accordance with section 249 for failure to apply for a title when required or for failure to transfer or secure registration plates and certificate of registration within the 21-day period required under subsection (4). (b) The secretary of state shall not charge any applicable late fees required under subsection (4) and shall, on the dealer's request, reimburse a late fee charged and collected after March 31, 2021 to the end of the period described under this subsection. (12) Notwithstanding subsection (5), a dealer selling or exchanging an off lease or buy back vehicle after March 31, 2021 but before August 1, 2021 may apply to the secretary of state for a new title for the vehicle within 30 days after the dealer receives the certificate of title from the lessor or manufacturer under section 235 or 235b and transfer or secure registration plates and secure a certificate of registration for the vehicle in the name of the purchaser. Both of the following apply to a dealer that complies with this subsection: (a) The dealer's license must not be suspended or revoked in accordance with section 249 for failure to apply for a title when required or for failure to transfer or secure registration plates and certificate of registration within the 21-day period required under subsection (5). (b) The secretary of state shall not charge any applicable late fees required under subsection (5) and shall, on the dealer's request, reimburse a late fee charged and collected after March 31, 2021 to the end of the period described under this subsection. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1954, Act 112, Eff. Aug. 13, 1954 ;-- Am. 1962, Act 166, Eff. Mar. 28, 1963 ;-- Am. 1964, Act 51, Eff. Aug. 28, 1964 ;-- Am. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967 ;-- Am. 1968, Act 66, Eff. Aug. 1, 1968 ;-- Am. 1969, Act 256, Eff. Mar. 20, 1970 ;-- Am. 1978, Act 507, Eff. July 1, 1979 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1981, Act 75, Imd. Eff. June 30, 1981 ;-- Am. 1983, Act 165, Eff. Oct. 1, 1983 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 1988, Act 470, Eff. Apr. 1, 1989 ;-- Am. 1989, Act 136, Imd. Eff. June 29, 1989 ;-- Am. 1990, Act 98, Eff. Jan. 1, 1991 ;-- Am. 1992, Act 117, Imd. Eff. June 26, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994 ;-- Am. 1996, Act 59, Imd. Eff. Feb. 26, 1996 ;-- Am. 1998, Act 247, Imd. Eff. July 8, 1998 ;-- Am. 2000, Act 397, Imd. Eff. Jan. 8,

2001 ;-- Am. 2002, Act 552, Eff. Oct. 1, 2002 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003 ;-- Am. 2002, Act 652, Eff. Jan. 1, 2003 ;-- Am. 2005, Act 36, Imd. Eff. June 7, 2005 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2014, Act 290, Eff. Mar. 31, 2015 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023 ;-- Am. 2023, Act 240, Eff. Feb. 13, 2024Compiler's Notes:For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.217a - Registration Plate Inscribed With Official Amateur Radio Call Letters; Application; Proof; Fees; Issuance of Plate for Vehicle Bearing Registration Issued Pursuant to MCL 257.801(1)(a) or (P); Use on Other Vehicle as Misdemeanor; Surrender of Registration Plate; Submission of Application; Expiration Date.

Sec. 217a. (1) A person who holds an unexpired technician, general, conditional, advanced, or extra class amateur radio license issued by the Federal Communications Commission may apply directly to the secretary of state for a registration plate inscribed with the official amateur radio call letters of the applicant as assigned by the Federal Communications Commission. (2) The applicant shall prove to the satisfaction of the secretary of state that the applicant holds an unexpired amateur radio license. In addition to the regular registration fee, the applicant shall pay a service fee of $2.00. The $2.00 fee must be credited to the transportation administration collection fund created under section 810b through October 1, 2027. A registration plate may be issued under this section for a motor vehicle that bears a registration taxed under section 801(1)(a) or (p). (3) If a registration plate issued under this section is used on a vehicle other than the vehicle for which the registration plate was issued, the owner of the registration plate is guilty of a misdemeanor and the registration plate must be surrendered to the secretary of state. A holder of a registration plate whose amateur radio license is not in full force and effect shall immediately surrender the registration plate issued under this section to the secretary of state and obtain a regular registration plate. (4) An application for a registration plate issued under this section must be submitted to the secretary of state under section 217. The expiration date for plates issued under this section is determined under section 226. History:Add. 1953, Act 142, Eff. Oct. 2, 1953 ;-- Am. 1955, Act 182, Eff. Oct. 14, 1955 ;-- Am. 1960, Act 97, Eff. Aug. 17, 1960 ;-- Am. 1966, Act 171, Eff. Mar. 10, 1967 ;-- Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978 ;-- Am. 1980, Act 476, Eff. Mar. 31, 1981 ;-- Am. 1988, Act 419, Eff. Mar. 30, 1989 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 73, Eff. Oct. 1, 2015 ;-- Am. 2019, Act 88, Imd. Eff. Sept. 30, 2019 ;-- Am. 2023, Act 129, Imd. Eff. Sept. 29, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.217b - Moped; Manufacturer's Identification Number.

Sec. 217b. A moped and a low-speed vehicle shall have permanently affixed to their frame a manufacturer's identification number. History:Add. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 2000, Act 82, Eff. July 1, 2000

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.217c - Acquisition of Salvage, Distressed, or Older Model Vehicles; Issuance of Salvage or Scrap Certificates of Title; Salvage Vehicle Inspections; Sale of Vehicles; Notice of Designation as Salvage Vehicle; Removal of Scrap Vehicle From State; Determination of Repair and Labor Costs; Vehicle Inspection Fee; Audit; "Actual Cash Value" Defined.

Sec. 217c. (1) The secretary of state may conduct periodic reviews of the records of a dealer to determine whether adequate notice is given to a transferee or lessee of a rebuilt salvage vehicle of that vehicle's prior designation as a salvage vehicle. The secretary of state may request an insurance company to provide copies of salvage title documents and claims reports involving major component parts to assist the secretary of state in monitoring compliance with this act. (2) Except for a late model vehicle that has been stolen and recovered and that has no major component part removed, missing, or destroyed, or damaged and not salvageable, an insurance company licensed to conduct business in this state that acquires ownership of a late model vehicle through the payment of a claim shall proceed under either of the following: (a) If the insurance company acquires ownership of the vehicle through payment of a claim, the owner of the vehicle must assign the certificate of title to the insurance company which shall do all of the following: (i) Surrender a properly assigned certificate of title to the secretary of state. (ii) If the estimated cost of repair, including parts and labor, is equal to or more than 75% but less than 91% of the predamaged actual cash value of the vehicle, apply for a salvage certificate of title, and if the estimated cost of repair, including parts and labor, is equal to or greater than 91% of the predamaged actual cash value of the vehicle, apply for a scrap certificate of title. The insurance company shall not sell the vehicle without first receiving a salvage or scrap certificate of title, which shall be assigned to the buyer. An insurance company may assign a salvage or scrap certificate of the title only to an automotive recycler, used or secondhand vehicle parts dealer, foreign salvage vehicle dealer, or vehicle scrap metal processor. (b) If after payment of a total loss claim the insurance company permits the owner of the vehicle to retain ownership, the insurance company shall do all of the following: (i) If the estimated cost of repair, including parts and labor, is

equal to or greater than 75% but less than 91% of the predamaged actual cash value of the vehicle, require each owner of the vehicle to sign an application for a salvage certificate of title, or if the estimated cost of repair, including parts and labor, is equal to or greater than 91% of the predamaged actual cash value of the vehicle, require each owner of the vehicle to sign an application for a scrap vehicle certificate of title. (ii) Attach the owner's certificate of title to the application for a salvage or scrap certificate of title or have the owner certify that the certificate of title is lost. (iii) On behalf of the owner, apply to the secretary of state for a salvage or scrap certificate of title in the name of the owner. The owner shall not sell or otherwise dispose of the vehicle without first receiving a salvage or scrap certificate of title, which must be assigned to the buyer. An insurance company may assign a salvage or scrap certificate of title only to an automotive recycler, used or secondhand vehicle parts dealer, foreign salvage vehicle dealer, or vehicle scrap metal processor. (3) If an insurance company pays a claim for total loss to the owner or lienholder of record as kept by the secretary of state, or both, if applicable, of a vehicle but the owner or lienholder of record as kept by the secretary of state fails to surrender the certificate of title or other document necessary for the transfer of ownership of the vehicle to the insurance company within the expiration of 30 days after the claim payment, the insurance company, without having obtained the surrender of the title or other document otherwise necessary for the transfer of ownership for the vehicle from the owner or lienholder of record as kept by the secretary of state, or both, if applicable, may apply to the secretary of state for a title as provided under this section. The insurance company shall, at the time of application, provide proof of the payment and that the insurance company has requested in writing, by certified mail or by another commercially available delivery service providing proof of delivery, on at least 2 separate occasions that the owner or lienholder of record as kept by the secretary of state surrender to the insurance company the certificate of title or other document necessary for the transfer of ownership to the insurance company. The application must be signed under the penalty of perjury. Subject to subsection (2)(a)(ii), upon meeting the requirements of this subsection, the secretary of state shall issue to the insurance company the appropriate certificate of title free of all liens. Proof of payment of the claim is satisfied only by 1 of the following: (a) In the case of payment by check, either of the following: (i) A copy of the front and back of the endorsed check. (ii) Evidence that the check has cleared the account of the payer. (b) In the case of payment by electronic transfer, evidence that the payment was charged to the account of the payer. (4) Except as provided in subsection (3), if an insurance company acquires ownership of a vehicle other than a late model vehicle through payment of damages due to an accident, the company shall surrender a properly assigned title to the buyer upon delivery. (5) If a dealer acquires ownership of a late model vehicle that is a distressed vehicle from an owner, the dealer shall receive an assigned certificate of title. If the assigned certificate of title is not a salvage or scrap certificate of title, the dealer, other than a vehicle scrap metal processor, shall surrender the assigned certificate of title to the secretary of state, and if the estimated cost of repair, including parts and labor, is equal to or greater than 75% but less than 91% of the predamaged actual cash value of the vehicle, apply for a salvage certificate of title, or if the estimated cost of repair, including parts and labor, is equal to or greater than 91% of the predamaged actual cash value of the vehicle, apply for a scrap certificate of title within 5 days after the dealer receives the assigned certificate of title. The dealer may sell a salvage vehicle to another automotive recycler, used or secondhand vehicle parts dealer, foreign salvage vehicle dealer, or vehicle scrap metal processor by assigning the salvage certificate of title to the buyer. Unless the vehicle is rebuilt, inspected, and recertified under this section, if the vehicle is sold to a buyer other than a dealer, application must be made for a salvage certificate in the name of the buyer in the manner provided in this act. The dealer may sell a scrap vehicle only to a vehicle scrap metal processor. A vehicle scrap metal processor shall surrender an assigned certificate of title to the secretary of state within 30 days after acquiring a vehicle for which a certificate of title was received. A vehicle scrap metal processor shall surrender an assigned salvage or scrap certificate of title to the secretary of state within 30 days after acquiring a vehicle for which a salvage or scrap certificate of title was received and report that the vehicle was destroyed or scrapped. (6) An application for a scrap certificate of title must be made on a form prescribed by the secretary of state accompanied by a fee of $15.00. The application must contain all of the following: (a) The complete name and current address of the owner. (b) A description of the vehicle, including its make, style of body, model year, fee category or weight, color, and vehicle identification number. (c) If the vehicle is a late model vehicle, a listing of each major component part that was not salvageable. (d) Further information as may reasonably be required by the secretary of state. (7) The scrap certificate of title must authorize the holder of the document to transport but not drive on a highway the vehicle or parts of a vehicle, and assign ownership to a vehicle scrap metal processor, automotive recycler, used or secondhand vehicle parts dealer, or foreign salvage vehicle dealer. A certificate of title must not again be issued for this vehicle. A person shall not rebuild or repair a scrap vehicle and allow it to retain the original vehicle identification number. (8) If a person, other than a dealer or insurance company that is subject to subsection (2) or (5), acquires ownership of a distressed, late model vehicle, the person must surrender the title or assigned certificate of title to the secretary of state, and if the estimated cost of repair, including parts and labor, is equal to or greater than 75% but less than 91% of the predamaged actual cash value of the vehicle, apply for a salvage certificate of title, or if the estimated cost of repair, including parts and labor, is equal to or greater than 91% of the predamaged actual cash value of the vehicle, apply for a scrap certificate of title before the vehicle may be transported. (9) An owner of a vehicle may determine that a vehicle is a scrap vehicle or a salvage vehicle without making any determination as to the actual cash value of the vehicle. (10) If a leasing company, vehicle manufacturer, insurance company not licensed to do business in this state, association, repossession company, self-insured owner, financial institution, governmental entity, or other company, institution, or entity, owns a distressed, late model vehicle, the titleholder shall surrender the title or assigned certificate of title to the secretary of state and apply for a salvage certificate of title if the retail cost of repair, including parts and labor, is equal to or greater than 75% but less than 91% of the predamaged actual cash value of the vehicle, or if the retail cost of repair, including parts and labor, is equal to or greater than 91% of the predamaged actual cash value of the vehicle, apply for a scrap certificate of title, before the vehicle may be transported or sold. If ownership is

transferred, the owner must sell the vehicle only to a dealer that is eligible to buy a salvage or scrap vehicle in this state unless the owner complies with subsection (13). When a leasing company, vehicle manufacturer, insurance company not licensed to do business in this state, association, repossession company, self-insured owner, financial institution, governmental entity, or other company, institution, or entity, estimates the repair of a distressed, late model vehicle for the purpose of determining whether to apply for a salvage or scrap certificate of title, a complete record of the estimate and, if the vehicle is repaired before a transfer of ownership, a complete record of the actual cost of the repairs performed and who performed the repairs must be maintained for a minimum of 5 years by the leasing company, vehicle manufacturer, insurance company not licensed to do business in this state, association, repossession company, self-insured owner, financial institution, governmental entity, or other company, institution, or entity. The estimates and repair records required by this subsection must be available for unannounced inspections by a law enforcement agency or a representative of the secretary of state. The secretary of state may request a leasing company, vehicle manufacturer, insurance company not licensed to do business in this state, association, repossession company, self-insured owner, financial institution, governmental entity, or other company, institution, or entity to provide copies of title documents, repair estimates, claims reports involving major component parts, and actual cash value determination documents to assist the secretary of state in monitoring compliance with this act. (11) An application for a salvage certificate of title must be made on a form prescribed by the secretary of state accompanied by a fee of $10.00. The application must contain all of the following: (a) The complete name and current address of the owner. (b) A description of the vehicle, including its make, style of body, model year, fee category or weight, color, and vehicle identification number. (c) An estimate of the cost repair, including parts and labor, and an estimate of the predamaged actual cash value of the vehicle. (d) If the vehicle is a late model vehicle, a listing of each major component part that was not salvageable. (e) Further information as may reasonably be required by the secretary of state. (12) The secretary of state shall issue and mail the salvage certificate within 5 business days after the time the application is received at the secretary of state's office in Lansing. Each salvage certificate of title must include a listing of each major component part that was not salvageable. (13) A salvage certificate of title authorizes the holder of the title to possess, transport, but not drive on a highway, and transfer ownership in, a vehicle. The secretary of state shall not issue a certificate of title or registration plates for a vehicle for which a salvage certificate of title was issued unless a specially trained officer described in subsection (15) certifies all of the following: (a) That the vehicle identification numbers and parts identification numbers are correct. (b) That the applicant has proof of ownership of repair parts used. (c) That the vehicle complies with the equipment standards of this act. (d) That any repairs performed on the vehicle were done in a workmanlike manner, as certified on a form provided by the department by a properly licensed mechanic in the appropriate specialty. A properly licensed mechanic described in this subdivision must not be the same individual as the specially trained officer making the certification of the vehicle as required under this subsection. (14) The certification required by subsection (13) must be made on a form prescribed and furnished by the secretary of state in conjunction with the department of state police and must accompany the application that is submitted to the secretary of state for a certificate of title. An application for a certificate of title must contain a description of each salvageable part used to repair the vehicle and any identification number affixed to or inscribed on the part as required by state or federal law. Upon satisfactory completion of the inspection as required by the secretary of state and other requirements for application, the secretary of state shall issue a certificate of title for the vehicle bearing the legend "rebuilt salvage". (15) An officer specially trained as provided by the secretary of state and authorized by the secretary of state to conduct a salvage vehicle inspection is any of the following: (a) An employee of the department of state. (b) An on-duty or off-duty police officer. (c) A previously certified police officer who is appointed by the local police agency as a limited enforcement officer to conduct salvage vehicle inspections. The local police agency shall give this officer access to the agency's law enforcement information network system and the authority to confiscate any stolen vehicle or vehicle parts discovered during an inspection. The local police agency may give the officer the authority to arrest a person suspected of having unlawful possession of a stolen vehicle or vehicle parts. The local police agency shall not appoint a previously certified police officer whose certificate has been suspended, revoked, or denied under subsection (16). (16) The secretary of state shall issue a certificate to an officer who is specially trained as provided by the secretary of state to conduct salvage vehicle inspections. Only a person who has a valid certification from the secretary of state may perform salvage inspections. The secretary of state on the secretary of state's own initiative or in response to complaints shall make reasonable and necessary public or private investigations within or outside of this state and gather evidence against an officer who was issued a certificate and who violated or is about to violate this act or a rule promulgated under this act. Subject to subsection (17), the secretary of state may suspend, revoke, or deny a certificate after an investigation if the secretary of state determines that the officer committed 1 or more of the following: (a) Violated this act or a rule promulgated under this act. (b) Was, after an investigation, found responsible for a fraudulent act in connection with the inspection, purchase, sale, lease, or transfer of a salvage vehicle. (c) Was found guilty of the theft, embezzlement, or misappropriation of salvage vehicle inspection fees. (d) Performed improper, careless, or negligent salvage vehicle inspections. (e) Ceased to function as a police officer because of suspension, retirement, dismissal, disability, or termination of employment. (f) Was convicted of a violation or attempted violation of 1986 PA 119, MCL 257.1351 to 257.1355. (g) Made a false statement of a material fact in the officer's certification of a salvage vehicle inspection or any record concerning a salvage vehicle inspection. (h) Charged a fee in excess of the fee described in subsection (26). (17) If the secretary of state revokes, suspends, or denies a certificate under subsection (16)(a), (d), (g), or (h), the secretary of state shall, at the time of revocation, suspension, or denial, notify the officer and the law enforcement agency on behalf of which the officer is performing inspections of the law enforcement agency's right to appeal the revocation, suspension, or denial. The notification must include a statement that a request for an appeal under this subsection must be made no later than 30 days after the revocation, suspension, or denial. An agency making an appeal under this subsection may request a hearing at the time the

appeal is made. The secretary of state or any person designated by the secretary of state to act in the secretary of state's place shall deny or grant an appeal made under this subsection within a reasonable period, in writing or stated in the record if a hearing is held. If the secretary of state revokes a certificate under subsection (16)(a), (d), (g), or (h) and denies an appeal of the revocation under this subsection, the officer may apply for a new certificate no earlier than 5 years after the revocation. (18) Upon receipt of the appropriate abstract of conviction from a court and without any investigation, the secretary of state shall immediately revoke the certificate of an officer who has been convicted of a violation or attempted violation of section 413, 414, 415, 535, 535a, or 536a of the Michigan penal code, 1931 PA 328, MCL 750.413, 750.414, 750.415, 750.535, 750.535a, and 750.536a, or has been convicted in federal court or in another state of a violation or attempted violation of a law substantially corresponding to 1 of those sections. (19) If a dealer acquires ownership of an older model vehicle from an owner, the dealer shall receive an assigned certificate of title and shall retain it as long as the dealer retains the vehicle. A vehicle scrap metal processor shall surrender an assigned certificate of title to the secretary of state within 30 days after the vehicle is destroyed or scrapped. (20) A dealer selling or assigning a vehicle to a vehicle scrap metal processor shall make a record in triplicate on a form to be provided by the secretary of state in substantially the following form:Scrap Vehicle Inventory:SELLER:Dealer name _____Dealer address _____Dealer license number _____PURCHASER:Conveyed to:_____ Date_____(Vehicle scrap metal processor)Dealer address _____Dealer license number _____VehiclesDealer'sStockModel YearVehicle MakeVINTitle NumberNumberColor1._____2._____3._____ One copy must be retained as a permanent record by the dealer, 1 copy must be forwarded with the vehicle to be retained by the vehicle scrap metal processor, and 1 copy must be forwarded to the secretary of state. (21) A person, other than an automotive recycler, used or secondhand vehicle parts dealer, or a foreign salvage dealer, receiving a salvage certificate of title shall not sell the vehicle to anyone other than 1 of the following: (a) The vehicle's former owner. (b) A used or secondhand vehicle parts dealer. (c) A vehicle scrap metal processor. (d) A foreign salvage vehicle dealer licensed under this act. (e) An automotive recycler. (22) A person receiving a scrap certificate of title shall not sell the vehicle to anyone other than 1 of the following: (a) An automotive recycler. (b) A vehicle scrap metal processor. (c) A foreign salvage vehicle dealer licensed under this act. (d) A used or secondhand vehicle parts dealer. (23) The secretary of state may conduct periodic reviews of the records of a dealer to determine whether adequate notice is given to a transferee or lessee of a rebuilt salvage vehicle of that vehicle's prior designation as a salvage vehicle. The secretary of state may request an insurance company to provide copies of salvage title documents and claims reports involving major component parts to assist the secretary of state in monitoring compliance with this act. (24) A licensed automotive recycler, used or secondhand vehicle parts dealer, vehicle scrap metal processor, vehicle salvage pool operator, distressed vehicle transporter, foreign salvage vehicle dealer, or broker that has removed a scrap vehicle from this state for the purpose of rebuilding the vehicle or selling or leasing the vehicle to a person other than a vehicle scrap metal processor, shall receive an automatic suspension of its dealer license and of any salvage vehicle agent's license assigned to that dealer for a period of 30 days. Upon receipt by the secretary of state of a written request from the dealer, the dealer shall have the right to an immediate hearing on the matter within that 30-day period. (25) For the purpose of this section, the estimated costs of the repair parts must be determined by using the current published retail cost of original manufacturer equipment parts or an estimate of the actual cost of the repair parts. The estimated labor costs must be computed by using the hourly rate and time allocations that are reasonable and commonly assessed in the repair industry in the community where the repairs are performed. (26) A police agency shall charge a fee for an inspection of a vehicle under subsection (13). Each local authority with a police agency shall determine the amount of the fee for inspections by that police agency, that must not exceed $100.00. Except as otherwise provided in this subsection, a fee collected under this subsection must be deposited with the local authority for that police agency. The records of the local authority regarding the collection and disposition of inspection fees is subject to review or audit by the local unit of government and must be made available upon request to the department. If an inspection was conducted by an employee of the department of state, the fee must be deposited with the department of state. A fee collected by a local authority must be used for law enforcement purposes related to stolen vehicles, including, but not limited to, equipment and road patrol services that increase the likelihood of recovering stolen vehicles or stolen vehicle parts, and salvage vehicle inspections. A fee collected by the department of state must be used by the department for the administration of the salvage vehicle inspection program and must not lapse to the general fund. A local police agency may compensate an off-duty and limited enforcement police officer for a salvage vehicle inspection. (27) For the purpose of this section, "actual cash value" means the retail dollar value of a vehicle as determined by an objective vehicle evaluation using local market resources such as dealers or want ads or by an independent vehicle evaluation or vehicle appraisal service or by a current issue of a nationally recognized used vehicle guide for financial institution appraisal purposes in this state. History:Add. 1978, Act 507, Eff. July 1, 1979 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1990, Act 96, Eff. Jan. 1, 1991 ;-- Am. 1992, Act 118, Imd. Eff. June 26, 1992 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003 ;-- Am. 2015, Act 48, Eff. Sept. 7, 2015 ;-- Am. 2016, Act 369, Eff. Mar. 22, 2017 ;-- Am. 2018, Act 108, Eff. July 4, 2018 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023Compiler's Notes:For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

257.217d - Special Congressional Medal of Honor Registration Plate.

Sec. 217d. (1) The secretary of state shall design and may issue a special Congressional Medal of Honor registration plate for residents of this state awarded the congressional medal of honor. (2) A special Congressional Medal of Honor registration plate is issued for only 1 vehicle intended for personal use by the applicant. (3) A recipient of the Congressional Medal of Honor may apply to the secretary of state for a special registration plate on a form prescribed by the secretary of state that must be accompanied by any proof of the applicant having been a Congressional Medal of Honor recipient that the secretary of state may require. The application must not require a service fee under section 804. (4) A person who qualifies to be issued a special registration plate under this section is entitled to only 1 special registration plate issued under subsection (1) that is exempt from payment of the tax provided in section 801. (5) A person with disabilities who applies for a special registration plate under this section must be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is disabled as is required for issuance of a permanent windshield placard under section 675. (6) A special registration plate issued under subsection (1) expires on the birthday of the vehicle owner in a year in which new plates are issued by the secretary of state. (7) The secretary of state shall deliver or cause to be delivered 1 or more special registration plates issued under this section to the home address of the applicant at no additional cost to the applicant. History:Add. 1980, Act 124, Imd. Eff. May 21, 1980 ;-- Am. 2000, Act 78, Imd. Eff. Apr. 7, 2000 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2006, Act 562, Eff. Jan. 1, 2007 ;-- Am. 2022, Act 143, Imd. Eff. July 11, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.217e - Certificate of Title for School Bus; Condition to Issuance.

Sec. 217e. A certificate of title for a school bus shall be issued to a school board that has purchased the school bus by the secretary of state only after a manufacturer's statement of origin has been provided to the secretary of state. If the body and chassis of a school bus are not built by the same manufacturer, a certificate of title for the school bus shall be issued to a school board by the secretary of state only after a manufacturer's statement of origin has been provided by the body dealer and chassis dealer to the secretary of state. History:Add. 1986, Act 39, Imd. Eff. Mar. 17, 1986

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.217f - Sale, Assignment, or Other Disposition of Vehicle for Which Salvage Certificate of Title Required.

Sec. 217f. Except as provided in section 248c, a vehicle salvage pool operator or broker shall not sell, assign, or otherwise dispose of a vehicle for which a salvage certificate of title is required, unless a salvage or scrap certificate of title has been issued for the vehicle by the department. History:Add. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994 ;-- Am. 2015, Act 48, Eff. Sept. 7, 2015

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.217g - Pickup Camper; Manufacturer's Identification Number.

Sec. 217g. A pickup camper manufactured for sale in this state after January 1, 1991 shall have a manufacturer's identification number permanently affixed to its door. History:Add. 1990, Act 98, Eff. Jan. 1, 1991

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.217h - Liability of Motor Vehicle Manufacturer.

Sec. 217h. A motor vehicle manufacturer shall not be liable for any claims or causes of action arising with respect to a vehicle for which a salvage, rebuilt, or scrap certificate of title has been issued. History:Add. 1993, Act 300, Eff. Jan. 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.217i - Issuance of Vehicle Identification Number and Certificate of Title for Assembled Vehicles; Requirements; Safety Study; "Assembled Vehicle" Defined.

Sec. 217i. (1) Notwithstanding any other provision of this act, the secretary of state shall, upon an applicant's payment of the proper fees and submission of all documentation required by the secretary of state, issue a vehicle identification number in the same manner as provided in section 230 and a certificate of title to an assembled vehicle that satisfies all applicable requirements of this act, if the assembled vehicle contains all of the following equipment: (a) Headlights. As used in this subdivision, "headlights" includes 1 headlight on each side, and high- and low-beam headlights. (b) Front and rear turn signals. (c) At least 1 taillight. If the vehicle is equipped with 2 taillights, both taillights shall be in working order. (d) Registration plate light. (e) Brake lights. (f) Horn. (g) Bright light indicator. (h) Windshield wipers. (i) Windshield washers. (j) Brake equipment as required under section 705. (k) Safety belts. This subdivision only applies to 1965 and newer model vehicles. (l) Safety glass windshield. The windshield required under this

subdivision shall not be made of plexiglass, shall be of a sufficient size to protect the driver of the vehicle and passengers, shall be free of any cracks or obstructions, and shall be made of a transparent material. (m) Except as otherwise provided in subdivision (n), adjustable outside rearview mirror on the driver's side. (n) Outside rearview mirror on each side of the vehicle. This subdivision only applies to a truck with a half-ton or more capacity. (o) Bumpers. This subdivision only applies to a passenger vehicle. The bumpers required under this subdivision shall be between 14 and 22 inches above the ground when the vehicle is not in 4-wheel drive. (p) Tires. The tires required by this subdivision shall have 2/32-inch tread, shall not have exposed cord or tread separation, and shall be approved for use by the United States Department of Transportation. (q) Exhaust. The exhaust required by this subdivision shall be in good working order and shall not produce excessive noise. If the original design of the exhaust included a tailpipe and resonator, the exhaust shall include a tailpipe and resonator. (r) Differential gear. (2) The department of state police shall conduct a safety study for the period beginning on January 1, 2019 and ending on December 31, 2020 of vehicles for which a vehicle identification number and certificate of title may be issued under this section. The safety study shall include all of the following: (a) The number of traffic crash fatalities occurring on public roadways that involved 1 or more of the vehicles described in this section. (b) The number of serious injuries sustained in traffic crashes occurring on public roadways that involved 1 or more of the vehicles described in this section. (c) Any other relevant safety data gathered during the period of the study. (d) Any safety recommendations that the department of state police believes will help increase traffic safety for the vehicles described in this section. (3) The study required under subsection (2) shall be filed with the governor, the senate majority leader, and the speaker of the house of representatives no later than April 1, 2021. (4) As used in this section and subject to subsection (3), "assembled vehicle" means 1 or more of the following: (a) A vehicle that is built from new or used materials or parts by a person not recognized as a manufacturer. (b) A vehicle that has been altered or modified to the extent that it no longer reflects its original manufacturer configuration. (c) A vehicle that has had its body replaced with a different style of body unit from another vehicle. (d) A vehicle that has been assembled from a kit. (e) An off-road vehicle, regardless of whether the original manufacturer's certificate of origin specifies that the vehicle is an off-road vehicle. (5) As used in this section, "assembled vehicle" does not include either of the following: (a) A military surplus vehicle designated by the federal government as off-road use only. (b) A gray market off-road minitruck. (c) An all-terrain vehicle that has 4 wheels and is equipped with a straddle seat. History:Add. 2018, Act 680, Eff. Mar. 28, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.218 - Specially Constructed, Reconstructed, or Foreign Vehicle; Application for Registration; Fees.

Sec. 218. (1) If a vehicle to be registered is a specially constructed, reconstructed, or foreign vehicle, that fact shall be stated in the application. With reference to each foreign vehicle which has been previously registered in another state, the owner shall surrender to the secretary of state all registration plates, registration certificates, and certificates of title or other evidence of foreign registration, as are in the owner's possession or under the owner's control, except as provided in subsections (2) and (3). (2) If the owner in the course of interstate operation of a vehicle desires to retain registration of a vehicle in another state, the owner shall not be required to surrender, but shall submit for inspection, evidence of the foreign registration and the secretary of state, upon a proper showing and upon application and payment of the registration fee, shall register the vehicle in this state. (3) If the owner of a vehicle previously registered in another state in which the certificate of title or other proof of ownership of a vehicle is in the possession of a holder of a security interest in the vehicle, the owner of the vehicle may apply to the secretary of state for registration of the vehicle for this state after payment of all fees required by this act and submission of proof of ownership of the vehicle to the secretary of state. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1980, Act 337, Imd. Eff. Dec. 23, 1980 ;-- Am. 1983, Act 242, Imd. Eff. Dec. 1, 1983

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.219 - Refusal of Registration, Transfer of Registration, Certificate of Title, or Salvage Certificate of Title; Grounds; Temporary Registration Plate.

Sec. 219. (1) The secretary of state shall refuse issuance of a registration or a transfer of registration upon any of the following grounds: (a) The application contains a false or fraudulent statement, the applicant has failed to furnish required information or reasonable additional information requested by the secretary of state, or the applicant is not entitled to the registration of the vehicle under this act. (b) The secretary of state has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle, or that the granting of registration would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle. (c) The registration of the vehicle is suspended or revoked for any reason provided in the motor vehicle laws of this state. (d) At the time of the application, the operator's or chauffeur's license of the owner or co-owner or lessee or co-lessee is suspended, revoked, or denied, except for an applicant who has been issued a license under section 304, or the operator has never been licensed by this state for a third or subsequent violation of section 625 or 625m, a local ordinance substantially corresponding to section 625 or 625m, or a law of another state substantially corresponding to section 625 or 625m, or for a fourth or subsequent suspension or revocation under section 904. (e) The required fee has not been paid. (f) The applicant, at the time of applying for registration or a transfer of registration other than a temporary registration issued under section 226b, fails to present a certificate of compliance or waiver for a motor vehicle as required under either part 63 or part 65 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.6301 to 324.6321 and 324.6501 to 324.6539. (g) The application for registration of a vehicle with an elected gross weight

of 55,000 pounds or more is not accompanied with proof of payment of the federal highway use tax levied under the surface transportation assistance act of 1982, Public Law 97-424. (h) The applicant is a motor carrier subject to an out-of-service order, the applicant has applied for a registration or transfer registration as a subterfuge for a person subject to an out-of-service order, or the applicant's business is operated, managed, controlled by, or affiliated with a person that is ineligible for registration, including, but not limited to, the applicant, a relative or family member of the applicant, or a corporate officer or shareholder of the applicant. As used in this subdivision, "out-of-service order" means that term as defined in 49 CFR 390.5, and also includes an out-of-service order issued under 49 CFR 386.73. (2) The secretary of state shall refuse issuance of a certificate of title or a salvage certificate of title upon any of the following grounds: (a) The application contains a false or fraudulent statement, the applicant has failed to furnish required information or reasonable additional information requested by the secretary of state, or the applicant is not entitled to the issuance of a certificate of title or salvage certificate of title under this act. (b) The secretary of state has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the issuance of a certificate of title or a salvage certificate of title would constitute a fraud against the rightful owner or other person having a valid security interest upon the vehicle. (c) The required fee has not been paid. (3) The secretary of state shall not issue a registration for a vehicle for which a temporary registration plate was issued under section 904c until the violation resulting in the issuance of the plate is adjudicated or the vehicle is transferred to a person who is subject to payment of a use tax under section 3 of the use tax act, 1937 PA 94, MCL 205.93. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1980, Act 84, Imd. Eff. Apr. 7, 1980 ;-- Am. 1982, Act 19, Imd. Eff. Mar. 4, 1982 ;-- Am. 1985, Act 67, Imd. Eff. July 1, 1985 ;-- Am. 1998, Act 346, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999 ;-- Am. 2005, Act 317, Imd. Eff. Dec. 27, 2005 ;-- Am. 2010, Act 155, Eff. Jan. 1, 2011 ;-- Am. 2018, Act 74, Eff. June 17, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.220 - Application for Original Registration or Certificate of Title; Examination of Indexes and Stolen Car Records.

Sec. 220. The department upon receiving application for original registration of a vehicle or any certificate of title shall first check the engine and serial number or vehicle number shown in the application against the indexes of registered motor vehicles and against the index of stolen and recovered motor vehicles required to be maintained by this act. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.221 - Application for Registration; Creation and Maintenance of Computerized Central File; Records; Preservation; Availability; Communication Impediment Designation; Requirements; Definition.

Sec. 221. (1) The secretary of state shall create and maintain a computerized central file of all applications for registration of motor vehicles and is not required to retain any other record of the application. The computerized central file must be interfaced with the law enforcement information network as provided in the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215. (2) The secretary of state shall preserve the records described in subsection (1) for 3 years after the date of registration. The records must be available to state and federal agencies and the friend of the court as provided under section 4 of the C.J.I.S. policy council act, 1974 PA 163, MCL 28.214, and rules promulgated under that section. The records, except for a communication impediment designation, must be available to the public through the secretary of state's commercial look-up service. (3) If an owner of a motor vehicle meets the requirements under subsection (4), the secretary of state shall allow the owner of a motor vehicle who is applying for a vehicle registration or for renewal of a vehicle registration to elect a communication impediment designation on the application maintained in the central file under subsection (1) to allow a person with access to the law enforcement information network under the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215, to view a communication impediment designation with a motor vehicle registration. (4) An owner of a motor vehicle seeking an election for a communication impediment designation under subsection (3) shall provide to the secretary of state a certification that meets all of the following: (a) Is signed by a physician, physician assistant, certified nurse practitioner, audiologist, speech-language pathologist, psychologist, or physical therapist licensed to practice in this state. (b) Identifies the individual for whom the communication impediment designation is being elected. (c) Attests to the nature of the communication impediment. (5) A person who intentionally makes a false statement of material fact or commits or attempts to commit a deception or fraud on a statement described under subsection (4) is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than $500.00, or both. (6) Subject to subsection (7), the secretary of state may cancel or revoke a communication impediment designation elected and maintained under this section if either of the following circumstances applies: (a) The secretary of state determines that a communication impediment designation was fraudulently or erroneously elected. (b) The secretary of state determines the communication impediment designation was abused during a traffic stop. (7) The secretary of state shall provide the owner of a motor vehicle notice and an opportunity to be heard before canceling or revoking a communication impediment designation under subsection (6). (8) As used in this section, "communication impediment" means the owner of a motor vehicle, or an individual who resides in the same household as the owner of the motor vehicle, has a health condition that may impede communication with a police officer during a traffic stop, including, but not limited to, any of the following: (a) Deafness or hearing loss. (b) An autism spectrum disorder. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1997, Act 101, Imd. Eff. Aug. 7, 1997 ;-- Am. 1998, Act 64, Eff. May 13, 1998 ;-- Am. 2020, Act 93, Eff. July 1, 2021 ;-- Am. 2021, Act

104, Eff. Dec. 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.222 - Registration Certificate; Issuance; Electronic Title; Flood, Rebuilt, Salvage, or Scrap Certificate of Title Issued by Another State or Jurisdiction; Delivery; Manufacture; Contents; Coat of Arms of State; Conduct Constituting Misdemeanor; Penalties; Certificate of Title for Certain Vehicles to Be Different in Color; Contents of Legend.

Sec. 222. (1) Except as otherwise provided in this act, the secretary of state shall issue a registration certificate when registering a vehicle upon receipt of the required fees. Except as otherwise provided in this act, the secretary of state shall issue a paper certificate of title, unless a security interest is entered electronically under section 238, or may issue a title electronically, upon receipt of the required fees. The secretary of state shall issue a flood, rebuilt, rebuilt salvage, salvage, or scrap certificate of title for a vehicle brought into this state from another state or jurisdiction that has a flood, rebuilt, salvage, or scrap certificate of title issued by that other state or jurisdiction. (2) The secretary of state shall deliver the registration certificate to the owner. The certificate must contain on its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, and a description of the vehicle as determined by the secretary of state. (3) The certificate of title must be created in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the certificate of title without ready detection. The certificate must contain all of the following: (a) The identical information required on the face of the registration certificate. (b) If the vehicle is a motor vehicle, the number of miles, not including the tenths of a mile, registered on the vehicle's odometer at the time of transfer. (c) Whether the vehicle is to be used or has been used as a taxi, as a police vehicle, or by a political subdivision of this state, unless the vehicle is owned by a dealer and loaned or leased to a political subdivision of this state for use as a driver education vehicle. (d) Whether the vehicle is a salvage vehicle. (e) If the vehicle has previously been issued a rebuilt certificate of title from this state or a comparable certificate of title from any other state or jurisdiction. (f) Whether the vehicle has been issued a scrap certificate of title from this state or a comparable certificate of title from any other state or jurisdiction. (g) Whether the vehicle is a flood vehicle or has previously been issued a flood certificate of title from this state or any other state or jurisdiction. (h) Whether the owner or co-owner or lessee or co-lessee of the vehicle is subject to registration denial under section 219(1)(d). (i) A statement of the owner's title and of all security interests in the vehicle or in an accessory on the vehicle as set forth in the application. (j) The date that the application was filed. (k) Any other information that the secretary of state may require. (4) A paper certificate of title must contain a form for assignment of title or interest and warranty of title by the owner with space for the notation of a security interest in the vehicle and in an accessory on the vehicle, which at the time of a transfer must be certified and signed, and space for a written odometer mileage statement that is required upon transfer under section 233a. The certificate of title must include a description of the proper procedure for transferring the title of a motor vehicle and for maintaining records of that transfer as provided under this act, including, but not limited to, the electronic lien title system established under section 241. The certificate of title may also contain other forms that the secretary of state considers necessary to facilitate the effective administration of this act. The certificate must bear the coat of arms of this state. (5) Except as otherwise provided under this subsection, the secretary of state shall mail or deliver a paper certificate of title to the owner or other person as the owner may direct in a separate instrument, in a form prescribed by the secretary of state. The secretary of state may issue a title electronically. However, as provided under section 238, the secretary of state is not required to issue a paper title to the owner of a vehicle if the title is subject to a security interest. (6) A person that intentionally reproduces, alters, counterfeits, forges, or duplicates a certificate of title or a document releasing a security interest or that uses a reproduced, altered, counterfeited, forged, or duplicated certificate of title or document releasing a security interest must be punished as follows: (a) If the intent of reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense punishable by imprisonment for 1 or more years, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor punishable by imprisonment for a period equal to that which could be imposed for the commission of the offense the person had the intent to aid or commit. The court may also assess a fine of not more than $10,000.00 against the person. (b) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense punishable by imprisonment for not more than 1 year, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than $1,000.00, or both. (7) A paper certificate of title for a police vehicle, a vehicle owned by a political subdivision of this state, a salvage vehicle, a rebuilt vehicle, a scrap vehicle, or a flood vehicle must be a different color from the certificate of title for all other vehicles unless the vehicle is loaned or leased to a political subdivision of this state for use as a driver education vehicle. (8) A scrap certificate of title must contain a legend that the vehicle is not to be titled or registered and is to be used for parts or scrap metal only. (9) A certificate of title must not be issued for a vehicle that has had a salvage certificate of title unless the certificate of title contains the legend "rebuilt salvage". History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1954, Act 112, Eff. Aug. 13, 1954 ;-- Am. 1958, Act 99, Eff. Sept. 13, 1958 ;-- Am. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 1968, Act 66, Eff. Aug. 1, 1968 ;-- Am. 1977, Act 287, Eff. Mar. 30, 1978 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1988, Act 470, Eff. Apr. 1, 1989 ;-- Am. 1990, Act 265, Imd. Eff. Oct. 17, 1990 ;-- Am. 1993, Act 300, Eff. July 1, 1994 ;-- Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999 ;-- Am. 2000, Act 397, Imd. Eff. Jan. 8, 2001 ;-- Am. 2002, Act 485, Eff. Oct. 1, 2002 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003 ;-- Am. 2004, Act 493, Eff. Oct. 1, 2005 ;-- Am. 2014, Act 290, Eff. Mar. 31, 2015 ;-- Am. 2023, Act 240, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.223 - Registration Certificate; Carrying; Electronic Accessibility; Display; Viewing on Electronic Device; Digital Photograph; Violation as Civil Infraction.

Sec. 223. (1) A registration certificate shall at all times be carried in the vehicle to which it refers or shall be carried by or electronically accessible to the person driving or in control of the vehicle, who shall display a paper or electronic copy of the registration certificate upon demand of a police officer. (2) If a person displays an electronic copy of his or her registration certificate using an electronic device, the police officer shall only view the electronic copy of the registration certificate and shall not manipulate the electronic device to view any other information on the electronic device. A person who displays an electronic copy of his or her registration certificate using an electronic device as provided in this subsection shall not be presumed to have consented to a search of the electronic device. A police officer may require the person to electronically forward the electronic copy of the registration certificate to a specified location provided by the police officer. The police officer may then view the electronic copy of the registration certificate in a setting in which it is safe for the officer to verify that the information contained in the electronic copy of the registration certificate is valid and accurate. This state, a law enforcement agency, or an employee of this state or a law enforcement agency is not liable for damage to or loss of an electronic device that occurs as a result of a police officer's viewing an electronic copy of a registration certificate in the manner provided in this section, regardless of whether the police officer or the owner or operator of the vehicle was in possession of the electronic device at the time the damage or loss occurred. (3) A digital photograph of a valid registration certificate satisfies the requirements of subsection (1). (4) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2007, Act 143, Imd. Eff. Nov. 19, 2007 ;-- Am. 2017, Act 59, Eff. Sept. 26, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.224 - Registration Plate; Digital Registration Plate; Issuance; Design; Display; Limitation on Renewal; Replacement.

Sec. 224. (1) Except as otherwise provided in this act regarding tabs or stickers, upon registering a vehicle, the secretary of state shall issue to the owner 1 registration plate. (2) A registration plate shall display the registration number assigned to the vehicle for which the registration plate is issued; the name of this state, which may be abbreviated; and when the registration plate expires, which may be shown by a tab or sticker furnished by the secretary of state. (3) A registration plate issued for motor vehicles owned and operated by this state; a state institution; a municipality; a privately incorporated, nonprofit volunteer fire department; or a nonpublic, nonprofit college or university of this state does not expire at any particular time but must be renewed when the registration plate is worn out or is illegible. This registration plate must be assigned upon proper application and payment of the applicable fee and may be used on any eligible vehicle titled to the applicant if a written record is kept of the vehicles upon which the registration plate is used. The written record shall state the time the registration plate is used on a particular vehicle. The record shall be open to inspection by a law enforcement officer or a representative of the secretary of state. (4) A registration plate issued for a vehicle owned by the civil air patrol as organized under 36 USC 40301 to 40307; a vehicle owned by a nonprofit organization and used to transport equipment for providing dialysis treatment to children at camp; an emergency support vehicle used exclusively for emergencies and owned and operated by a federally recognized nonprofit charitable organization; a vehicle owned and operated by a nonprofit food pantry or nonprofit food bank; a vehicle owned and operated by a nonprofit veterans center; a motor vehicle having a truck chassis and a locomotive or ship's body that is owned by a nonprofit veterans organization and used exclusively in parades and civic events; a vehicle owned and operated by a nonprofit recycling center or a federally recognized nonprofit conservation organization until December 31, 2000; a motor vehicle owned and operated by a senior citizen center; and a registration plate issued for buses including station wagons, carryalls, or similarly constructed vehicles owned and operated by a nonprofit parents' transportation corporation used for school purposes, parochial school, society, church Sunday school, or other grammar school, or by a nonprofit youth organization or nonprofit rehabilitation facility shall be issued upon proper application and payment of the applicable tax provided in section 801(1)(g) or (h) to the applicant for the vehicle identified in the application. The vehicle shall be used exclusively for activities of the school or organization and shall be designated by proper signs showing the school or organization operating the vehicle. The registration plate expires on December 31 in the fifth year following the date of issuance. The registration plate may be transferred to another vehicle upon proper application and payment of a $10.00 transfer fee. (5) The department shall offer a standard design registration plate that complies with the requirements of this act. The standard design registration plate shall be of a common color scheme and design that is made of fully reflectorized material and shall be clearly visible at night. (6) No later than 1 year after the effective date of the amendatory act that amended this section, the department shall permit the registrant of a vehicle to display a digital registration plate in lieu of the standard design registration plate described in subsection (5). As used in this subsection "digital registration plate" means an electronic display that is mounted on the rear of a vehicle in place of a registration plate issued by the secretary of state. Any data collected by the department or by a vendee selected by the department through the use of digital registration plates is the property of the department. Any use of data collected through the use of a digital registration plate is nonexclusive and is governed by this act. (7) The department may use the Pure Michigan brand or a successor or similar brand that is used in conjunction with this state's promotion, travel, and tourism campaigns or marketing efforts as part of the standard design for registration plates. (8) The registration plate and the required letters

and numerals on the registration plate shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight. The secretary of state may issue a tab or tabs designating the month and year of expiration. (9) Except as otherwise provided in this subsection, the secretary of state shall issue for every passenger motor vehicle rented without a driver the same type of registration plate as the type of registration plate issued for private passenger vehicles. This subsection does not apply to a special registration plate issued for a vehicle in a fleet under section 801h. (10) A person shall not operate a vehicle on the public highways or streets of this state displaying a registration plate other than the registration plate issued for the vehicle by the secretary of state, except as provided in this chapter for nonresidents, or by assignment as provided in subsection (3). (11) The registration plate displayed on a vehicle registered on the basis of elected gross weight shall indicate the elected gross weight for which the vehicle is registered. (12) Beginning on January 1, 2015, a registration plate issued by the department under this section shall not be renewed 10 years after the date that registration plate was issued. The owner of a vehicle whose registration plate is no longer eligible for renewal under this subsection must obtain a replacement registration plate upon payment of the fee required under section 804. For any alphanumeric series that the department has retired from circulation, upon request of the owner of a vehicle whose registration plate is no longer eligible for renewal under this subsection, the department may issue a new registration plate with the same registration number as was displayed on the expired registration plate as provided under section 803b. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1959, Act 247, Eff. Mar. 19, 1960 ;-- Am. 1961, Act 25, Imd. Eff. May 11, 1961 ;-- Am. 1965, Act 184, Imd. Eff. July 15, 1965 ;-- Am. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967 ;-- Am. 1970, Act 106, Imd. Eff. July 23, 1970 ;-- Am. 1976, Act 114, Imd. Eff. May 14, 1976 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1980, Act 46, Imd. Eff. Mar. 19, 1980 ;-- Am. 1980, Act 153, Imd. Eff. June 11, 1980 ;-- Am. 1980, Act 270, Imd. Eff. Oct. 1, 1980 ;-- Am. 1980, Act 476, Eff. Mar. 31, 1981 ;-- Am. 1982, Act 350, Imd. Eff. Dec. 21, 1982 ;-- Am. 1984, Act 173, Imd. Eff. June 29, 1984 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 1990, Act 181, Imd. Eff. July 18, 1990 ;-- Am. 1994, Act 395, Eff. Mar. 30, 1995 ;-- Am. 1995, Act 129, Imd. Eff. June 30, 1995 ;-- Am. 2006, Act 177, Imd. Eff. June 6, 2006 ;-- Am. 2012, Act 491, Imd. Eff. Dec. 28, 2012 ;-- Am. 2013, Act 179, Eff. Dec. 1, 2013 ;-- Am. 2018, Act 342, Eff. Jan. 14, 2019 ;-- Am. 2018, Act 656, Eff. Mar. 29, 2019Compiler's Notes:For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.225 - Registration Plate; Attachment to Vehicle; Legibility; Color; Distinctive Registration Plates; Name Plate, Insignia, or Advertising Device; Limitation; Historic Military Vehicle; Violation as Civil Infraction.

Sec. 225. (1) Except as otherwise provided in this subsection and subsection (6), a registration plate issued for a vehicle shall be attached to the rear of the vehicle. A registration plate issued for a truck tractor or road tractor shall be attached to the front of the vehicle. (2) A registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which the plate is issued so as to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position that is clearly visible. The plate shall be maintained free from foreign materials that obscure or partially obscure the registration information and in a clearly legible condition. The attachment to the rear of a vehicle of a tow ball, bicycle rack, removable hitch, or any other device designed to carry an object on the rear of a vehicle, including the object being carried, does not violate this subsection. (3) A registration plate or an expiration tab on the registration plate shall be of a different color designated by the secretary of state with a marked contrast between the color of the registration plate and the numerals or letters on the plate. The secretary of state may provide a distinctive registration plate as a replacement for a standard plate. To honor a special or historical event, the secretary of state may provide a commemorative plate as a replacement for a standard plate. (4) A person shall not attach a name plate, insignia, or advertising device to a registration plate in a manner that obscures or partially obscures the registration information. (5) A person shall not operate a motor vehicle that has a name plate, insignia, or advertising device attached to a registration plate in a manner that obscures or partially obscures the registration information. (6) A registration plate issued for a historic military vehicle that is authorized to be operated on the roads of this state is not required to be attached to the rear or the front of the historic military vehicle unless the historic military vehicle was originally manufactured with lighting and mounting provisions for a registration plate. However, if the registration plate is not attached to the exterior of the historic military vehicle, it shall be present in the historic military vehicle to which it refers and shall be made available upon demand of a police officer. As used in this subsection, "historic military vehicle" means a vehicle, including a trailer, regardless of the vehicle's size, weight, or year of manufacture, that was manufactured for use in any country's military forces and is maintained to represent its military design and markings accurately. (7) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978 ;-- Am. 1980, Act 46, Imd. Eff. Mar. 19, 1980 ;-- Am. 1980, Act 476, Eff. Mar. 31, 1981 ;-- Am. 1984, Act 132, Imd. Eff. June 1, 1984 ;-- Am. 1995, Act 129, Imd. Eff. June 30, 1995 ;-- Am. 2014, Act 26, Imd. Eff. Mar. 4, 2014 ;-- Am. 2018, Act 147, Eff. Aug. 14, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.226 - Expiration of Vehicle or Motorcycle Registration; Duties of Secretary of State; Issuance of Registration; Tax; Validity of Certificate of Title; Special Registration; Certification; Registration of Commercial Vehicle, Trailer, or Semitrailer; Assignment or Reassignment of Expiration Date Under International Registration Plan; Leased Vehicle

Multiyear Registration; Pandemic Expiration Extension.

Sec. 226. (1) Except as otherwise provided in subsection (13) or (14), a vehicle registration issued by the secretary of state expires on the owner's birthday, unless another expiration date is provided for under this act or unless the registration is for any of the following vehicles, in which case registration expires on the last day of February: (a) A commercial vehicle except for a commercial vehicle issued a registration under the international registration plan or a pickup truck or van owned by an individual. (b) Except for a trailer or semitrailer issued a registration under the international registration plan, a trailer or semitrailer owned by a business, corporation, or person other than an individual; or a pole trailer. (2) Except as otherwise provided in subsection (13) or (14), the expiration date for a registration issued for a motorcycle is the motorcycle owner's birthday. (3) The expiration date for a registration bearing the letters "SEN" or "REP" is February 1. (4) In the case of a vehicle owned by a business, corporation, or an owner other than an individual, the secretary of state may assign or reassign the expiration date of the registration. (5) The secretary of state shall do all of the following: (a) After the October 1 immediately preceding the year designated on the registration, issue a registration upon application and payment of the proper fee for a commercial vehicle, other than a pickup or van owned by an individual; or a trailer owned by a business, corporation, or person other than an individual. (b) Beginning 60 days before the expiration date assigned on an international registration plan registration plate, issue a registration under section 801g upon application and payment of the proper apportioned fee for a commercial vehicle engaged in interstate commerce. (c) Beginning 45 days before the owner's birthday or, if the owner has requested the expiration date described in subsection (14), 45 days before the expiration date, and 120 days before the expiration date assigned by the secretary of state, issue a registration for a vehicle other than those designated in subsection (1)(a) or (b). However, if an owner whose registration period begins 45 days before the owner's birthday or expiration date will be out of the state during the 45 days immediately preceding expiration of a registration or for other good cause shown cannot apply for a renewal registration within the 45-day period, application for a renewal registration may be made not more than 6 months before expiration. (6) Except as otherwise provided in this subsection and subsection (14), the secretary of state, upon application and payment of the proper fee, shall issue a registration for a vehicle or a motorcycle to a resident that expires on the owner's birthday or, if applicable, on the expiration date described in subsection (14). If the owner's next birthday is at least 6 months but not more than 12 months in the future, the owner shall receive a registration valid until the owner's next birthday or, if applicable, the expiration date described in subsection (14). If the owner's next birthday is less than 6 months in the future, the owner shall receive a registration valid until the owner's birthday following the owner's next birthday or, if applicable, the expiration date described in subsection (14). The tax required under this act for a registration described in this subsection is either of the following: (a) For an original registration, the tax must bear the same relationship to the tax required under section 801 for a 12-month registration as the length of the registration bears to 12 months. (b) For a renewal of a registration, either of the following: (i) For a registration that is for at least 6 months but not more than 12 months, the same amount as for 12 months. (ii) For a renewal of a registration that is for more than 12 months, 2 times the amount for 12 months. Partial months must be considered as whole months in the calculation of the required tax and in the determination of the length of time between the application for a registration and the owner's next birthday or, if applicable, the expiration date described in subsection (14). The tax required for that registration must be rounded off to whole dollars as provided in section 801. (7) A certificate of title remains valid until canceled by the secretary of state for cause or upon a transfer of an interest shown on the certificate of title. (8) The secretary of state, upon request, shall issue special registration for commercial vehicles, valid for 6 months after the date of issue, if the full registration fee exceeds $50.00, on the payment of 1/2 the full registration fee and a service charge as enumerated in section 802(1). (9) The secretary of state may issue a special registration for each of the following: (a) A new vehicle purchased or leased outside of this state and delivered in this state to the purchaser or lessee by the manufacturer of that vehicle for removal to a place outside of this state, if a certification is made that the vehicle will be primarily used, stored, and registered outside of this state and will not be returned to this state by the purchaser or lessee for use or storage. (b) A vehicle purchased or leased in this state and delivered to the purchaser or lessee by a dealer or by the owner of the vehicle for removal to a place outside of this state, if a certification is made that the vehicle will be primarily used, stored, and registered outside of this state and will not be returned to this state by the purchaser or lessee for use or storage. (10) A special registration issued under subsection (9) is valid for not more than 60 days after the date of issuance, and a fee must be collected for each special registration as provided in section 802(3). The special registration may be in the form determined by the secretary of state. If a dealer makes a retail sale or lease of a vehicle to a purchaser or lessee who is qualified and eligible to obtain a special registration, the dealer shall apply for the special registration for the purchaser or lessee. If a person other than a dealer sells or leases a vehicle to a purchaser or lessee who is qualified and eligible to obtain a special registration, the purchaser or lessee shall appear in person, or by a person exercising the purchaser's or lessee's power of attorney, at an office of the secretary of state and furnish a certification that the person is the bona fide purchaser or lessee or that the person has granted the power of attorney, together with other forms required for the issuance of the special registration and provide the secretary of state with proof that the vehicle is covered by an automobile insurance policy issued under section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, or proof that the vehicle is covered by a policy of insurance issued by an insurer under section 3163 of the insurance code of 1956, 1956 PA 218, MCL 500.3163. The certification required in this subsection must contain all of the following: (a) The address of the purchaser or lessee. (b) A statement that the vehicle is purchased or leased for registration outside of this state. (c) A statement that the vehicle must be primarily used, stored, and registered outside of this state. (d) The name of the jurisdiction in which the vehicle is to be registered. (e) The name and address of the lien holder. (f) Other information requested by the secretary of state. (11) In the case of a commercial vehicle, trailer, or semitrailer issued a registration under the international registration plan, the secretary of state in mutual agreement with the owner may assign or reassign the expiration date of the

registration. However, the expiration date agreed to must be either March 31, June 30, September 30, or December 31 or beginning on February 19, 2019, the last day of a calendar month. Renewals expiring on or after June 30, 2020 must be for a minimum of at least 12 months if there is a change in the established expiration date. Notwithstanding the provisions of this subsection, a commercial vehicle, trailer, or semitrailer registration issued under this subsection that expires on or after March 1, 2020 is valid until March 31, 2021. Notwithstanding the provisions of this subsection, a commercial vehicle, trailer, or semitrailer registration issued under this subsection that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. (12) The expiration date for a multiyear registration issued for a leased vehicle must be the date the lease expires but must not be for a period longer than 24 months. (13) A vehicle registration described in subsection (1) or a motorcycle registration described in subsection (2) that expires on or after March 1, 2020 is valid until March 31, 2021. A vehicle registration described in subsection (1) or a motorcycle registration described in subsection (2) that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. (14) Beginning October 1, 2022, in the case of a vehicle owned by an individual, upon request of that individual, a vehicle registration issued by the secretary of state expires 2 years after the owner's birthday. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1952, Act 153, Imd. Eff. Apr. 24, 1952 ;-- Am. 1953, Act 179, Imd. Eff. June 8, 1953 ;-- Am. 1955, Act 77, Imd. Eff. May 26, 1955 ;-- Am. 1957, Act 33, Eff. Sept. 27, 1957 ;-- Am. 1958, Act 55, Eff. July 1, 1958 ;-- Am. 1960, Act 85, Imd. Eff. Apr. 25, 1960 ;-- Am. 1962, Act 80, Imd. Eff. Apr. 24, 1962 ;-- Am. 1966, Act 180, Imd. Eff. July 1, 1966 ;-- Am. 1966, Act 348, Imd. Eff. Dec. 21, 1966 ;-- Am. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967 ;-- Am. 1978, Act 78, Imd. Eff. Mar. 22, 1978 ;-- Am. 1978, Act 391, Imd. Eff. Aug. 1, 1978 ;-- Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978 ;-- Am. 1979, Act 25, Imd. Eff. June 6, 1979 ;-- Am. 1980, Act 46, Imd. Eff. Mar. 19, 1980 ;-- Am. 1980, Act 84, Imd. Eff. Apr. 7, 1980 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1982, Act 254, Imd. Eff. Sept. 30, 1982 ;-- Am. 1983, Act 165, Eff. Oct. 1, 1983 ;-- Am. 1984, Act 324, Imd. Eff. Dec. 26, 1984 ;-- Am. 1986, Act 311, Imd. Eff. Dec. 23, 1986 ;-- Am. 1987, Act 142, Eff. Oct. 1, 1987 ;-- Am. 1989, Act 136, Imd. Eff. June 29, 1989 ;-- Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989 ;-- Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989 ;-- Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990 ;-- Am. 1992, Act 29, Eff. Jan. 1, 1993 ;-- Am. 1992, Act 297, Eff. Jan. 1, 1993 ;-- Am. 2000, Act 36, Eff. Apr. 1, 2001 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 163, Imd. Eff. June 23, 2004 ;-- Am. 2016, Act 425, Eff. Apr. 4, 2017 ;-- Am. 2018, Act 342, Eff. Jan. 14, 2019 ;-- Am. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021 ;-- Am. 2021, Act 112, Eff. Oct. 1, 2022 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023Compiler's Notes:Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."In subsection (10)(e), the words "lien holder" evidently should read "lienholder".

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.226a - Temporary Registration Plates or Markers.

Sec. 226a. (1) Temporary registration plates or markers may be issued to licensed dealers in vehicles and to persons engaged in the sale of vessels required to be numbered by part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199, upon application accompanied by the proper fee, for use by purchasers or lessees of vehicles, for a period not to exceed 30 days pending receipt of regular registration plates from the dealer or person. Only 1 temporary plate or marker may be issued to a purchaser or lessee of a vehicle. If a dealer or person requires a purchaser or lessee of a vehicle or purchaser or lessee of a vessel to pay for a temporary plate or marker, the dealer or person shall not charge the purchaser or lessee more than the dealer or person was charged by the secretary of state for the individual plate or marker. The secretary of state shall determine the composition and design of the temporary registration plates or markers. (2) A temporary registration plate or marker must show in ink the date of issue, a description of the vehicle for which issued, and any other information required by the secretary of state. A dealer or person shall immediately notify the secretary of state of each temporary registration plate or marker issued by the dealer or person, on a form prescribed by the secretary of state. When the regular plate is attached to a vehicle for which a temporary registration plate or marker was issued, the temporary plate must be destroyed. (3) All temporary registration plates or markers must be serially numbered and upon issuance the number must be noted on the statement of vehicle sale form or in the case of a boat trailer on a form prescribed by the secretary of state. (4) A dealer or person, upon demand, shall immediately surrender any temporary registration plates or markers in his or her possession if the secretary of state finds, after investigation, that the dealer or person has violated this section, and the dealer or person shall immediately forfeit any right to the temporary registration plates or markers. (5) The secretary of state may issue a registration plate upon application and payment of the proper fee to an individual, partnership, corporation, or association who in the ordinary course of business has occasion to legally repossess a vehicle in which a security interest is held. A registration plate issued under this subsection must be used to move and dispose of a vehicle. (6) The secretary of state may issue a registration plate upon application and payment of the proper fee to an individual, partnership, corporation, or association that in the ordinary course of business has occasion to legally pick up or deliver a vehicle not required to be titled under this act, to legally pick up or deliver a commercial motor vehicle being driven to a facility to undergo aftermarket modification, or to repair or service a vehicle, or to a dealer as defined in section 80102 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80102 to deliver a vessel or trailer to a customer or to and from a boat show or exposition. A

registration plate issued under this subsection must be used to move the vehicle. (7) The secretary of state may issue a registration plate upon application and payment of the proper fee to an individual, partnership, corporation, or association that in the ordinary course of business operates an auto auction, and that in the ordinary course of business has occasion to legally pick up a vehicle that will be offered for sale at the auction, or deliver a vehicle that has been offered for sale at the auction. The registration plate must be used only to move vehicles as provided in this subsection. Auto auctions that apply for a registration plate under this subsection shall furnish a surety bond as required by the secretary of state. History:Add. 1957, Act 33, Eff. Sept. 27, 1957 ;-- Am. 1958, Act 55, Eff. July 1, 1958 ;-- Am. 1962, Act 166, Eff. Mar. 28, 1963 ;-- Am. 1968, Act 278, Imd. Eff. July 1, 1968 ;-- Am. 1973, Act 150, Imd. Eff. Nov. 28, 1973 ;-- Am. 1984, Act 227, Imd. Eff. July 30, 1984 ;-- Am. 1989, Act 136, Imd. Eff. June 29, 1989 ;-- Am. 1994, Act 183, Imd. Eff. June 20, 1994 ;-- Am. 1996, Act 59, Imd. Eff. Feb. 26, 1996 ;-- Am. 1998, Act 384, Eff. Jan. 1, 1999 ;-- Am. 2002, Act 642, Eff. Jan. 1, 2003 ;-- Am. 2006, Act 516, Imd. Eff. Dec. 29, 2006 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.226b - Temporary Registration; Duration; Form; Fee; Use of Vehicle.

Sec. 226b. (1) A temporary registration may be issued to an owner of a vehicle. The registration shall be valid for either 30 days or 60 days from date of issue, at the discretion of the owner, and shall be in a form as determined by the secretary of state. A fee shall be collected for each temporary registration as provided in section 802. (2) A vehicle which has a temporary registration shall not be used for the transportation of passengers for hire or for the transportation of goods, wares, or merchandise or draw other vehicles transporting goods, wares, or merchandise. History:Add. 1957, Act 33, Eff. Sept. 27, 1957 ;-- Am. 1976, Act 47, Imd. Eff. Mar. 18, 1976 ;-- Am. 1982, Act 19, Imd. Eff. Mar. 4, 1982 ;-- Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.226c - Reflectorized Reflector Plates, Tabs, and Stickers.

Sec. 226c. Beginning with the registration plates manufactured in the year 1970 and succeeding years they shall be treated with an effective and dependable reflective material according to specifications promulgated by the department of administration in conjunction with the department of state highways, the department of state and the department of corrections. In any year during which registration plates are not furnished, the department shall furnish for each annual registration a reflective tab or sticker designating the year of registration. History:Add. 1969, Act 44, Imd. Eff. July 17, 1969

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.227 - Application for Renewal of Vehicle Registration; Fee; Presentation of Certificate of Title; Waiver; Proof of Vehicle Insurance; Transmission of Vehicle Policy Information; Disclosure.

Sec. 227. (1) Application for renewal of a vehicle registration shall be made by the owner upon proper application and by payment of the registration fee for the vehicle, as provided by law. (2) Every application shall be accompanied by the certificate of title pertaining to the vehicle, showing ownership in the person applying for registration at the time of the application. The secretary of state may waive the presentation of the certificate of title. (3) Every application for renewal of a motor vehicle registration shall be accompanied by proof of vehicle insurance in a form determined by the secretary of state. (4) Notwithstanding subsection (3), the secretary of state shall accept as proof of vehicle insurance a transmission of the applicant's vehicle policy information for an insured vehicle for which vehicle registration is sought. The secretary of state may determine in what format and on what timeline the secretary of state will receive vehicle policy information, which shall not be required more frequently than every 14 days. In determining the format under this subsection, the secretary of state shall consult with insurers. The transmission to the secretary of state of the vehicle policy information is proof of insurance to the secretary of state for motor vehicle registration purposes only and is not evidence that a policy of insurance actually exists between an insurer and an individual. Vehicle policy information submitted by an insurer and received by the secretary of state under this subsection is confidential, is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except the department of community health for purposes of 2006 PA 593, MCL 550.281 to 550.289, or under an order by a court of competent jurisdiction in connection with a claim or fraud investigation or prosecution. (6) As used in this section, "policy information" means the information an automobile insurer is required to supply to the secretary of state under section 3101a of the insurance code of 1956, 1956 PA 218, MCL 500.3101a. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 1968, Act 66, Eff. Aug. 1, 1968 ;-- Am. 1980, Act 459, Imd. Eff. Jan. 15, 1981 ;-- Am. 1982, Act 19, Imd. Eff. Mar. 4, 1982 ;-- Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996 ;-- Am. 2011, Act 92, Eff. Dec. 30, 2011

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.227a - Vehicle Involved in Violation; Renewal, Replacement, or Transfer of Registration Plate; Appearance of Owner or Representative at Branch Office Required; Cancellation of Registration; Circumstances; Notice and Opportunity to Be

Heard.

Sec. 227a. (1) If a court has notified the secretary of state of a vehicle registration number as provided in section 328(4) and the owner has not secured proof that the vehicle involved in the violation is currently insured under chapter 31 of the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being sections 500.3101 to 500.3179 of the Michigan Compiled Laws, the secretary of state shall not renew, replace, or transfer the registration plate of the vehicle involved in the violation or allow the purchase of a new registration plate for the vehicle involved in the violation, until the owner or the owner's representative appears at a branch office and does both of the following: (a) Shows a certified statement from an automobile insurer on a standard form prescribed by the commissioner of insurance that the vehicle involved in the violation is currently insured under a prepaid noncancelable policy for a period of not less than 6 months under chapter 31 of Act No. 218 of the Public Acts of 1956. (b) Pays a fee of $50.00 in addition to any other fee required by law, of which $25.00 shall be allocated to the secretary of state to defray the costs of administering this section. (2) The secretary of state may cancel the registration of a motor vehicle under either of the following circumstances: (a) The secretary of state receives notice that a court has determined that a vehicle involved in the violation was not insured as required by chapter 31 of Act No. 218 of the Public Acts of 1956, at the time of registration. (b) The secretary of state receives notice that a court has determined that the owner or the owner's representative presented a certificate of insurance that was forged, altered, fraudulent, or counterfeit when insurance was required by this act. (3) Before a cancellation occurs under subsection (2), the person who will be affected by the cancellation shall be given notice and an opportunity to be heard. History:Add. 1995, Act 287, Imd. Eff. Jan. 9, 1996

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.228 - Notification of Old and New Addresses; Violation as Civil Infraction.

Sec. 228. (1) If a person, after making application for or obtaining the registration of a vehicle or a certificate of title, moves from the address named in the application as shown upon a registration certificate or certificate of title, the person within 10 days after moving shall notify the secretary of state in writing of the old and new addresses. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.229 - Duplicate Registration Certificate, Registration Plate, Certificate of Title, or Duplicate Certificate of Title.

Sec. 229. (1) If a registration certificate, registration plate, certificate of title, or duplicate certificate of title is lost, mutilated, or becomes illegible, the person entitled to possession of a registration certificate, registration plate, certificate of title, or duplicate certificate of title or the legal representative or successor in interest of that person as shown by the records of the department shall immediately make application for and may obtain a duplicate or a new registration under a new registration number, as determined to be most advisable by the department, upon the applicant furnishing information satisfactory to the department and upon payment of the required fee. Every duplicate certificate of title shall contain the legend: "This is a duplicate certificate and may be subject to the rights of a person under the original certificate", and shall be delivered to the person entitled to possession of a registration certificate or certificate of title under section 222. Upon issuance of a duplicate registration certificate or plate, the previous registration certificate or plate last issued shall be void. (2) If a certificate of title is lost at the time that ownership of the vehicle is to be transferred to another person, the secretary of state need not issue a duplicate certificate of title if all of the following are met: (a) The person from whom ownership of the vehicle is to be transferred appears in person at a secretary of state office and supplies evidence satisfactory to the secretary of state of his or her identity and his or her ownership of the vehicle and pays the fee required under section 806. (b) The person to whom the vehicle is to be transferred, or his or her legal representative, accompanies the person described under subdivision (a) and makes application for an original certificate of title, supplies evidence satisfactory to the secretary of state of his or her identity, and pays the fee required under section 806. (3) If the secretary of state does not issue a duplicate certificate of title under subsection (2), the secretary of state's records shall indicate the transfer of the vehicle without a surrender of the certificate of title. (4) As provided under section 238, the secretary of state is not required to issue a duplicate title to the owner of a vehicle if the duplicate title is subject to a security interest. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 248, Eff. Jan. 1, 1965 ;-- Am. 1988, Act 276, Eff. Jan. 1, 1989 ;-- Am. 2014, Act 290, Eff. Mar. 31, 2015

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.230 - Special Identifying Number After Alteration or Defacement of Serial Number; Record.

Sec. 230. (a) The owner of a vehicle, the engine, serial or vehicle number of which has been altered, removed or defaced, may make application accompanied by the required fee in such form as may be prescribed by the secretary of state for a special identifying number. He shall furnish such information as will satisfy the secretary of state that he is the owner, whereupon the secretary of state shall assign a special number for the vehicle, preceded by a symbol indicating this state. A record of special numbers so assigned shall be maintained by the secretary of state. The owner shall cause said number to be stamped upon the engine or otherwise as directed by the secretary of state, and upon receipt by the secretary of state of a certificate by a peace officer that he has inspected

and found said number affixed upon the motor vehicle as directed in a workmanlike manner, together with application for a certificate of title such special number shall be regarded as the identifying number of said vehicle. (b) This section is not intended to prohibit the restoration by the owner of the identifying number of the vehicle for which the certificate of title has been issued by this state, nor to prevent any manufacturer or importer, or agents, thereof, other than a dealer, from placing or stamping in the ordinary course of business, numbers on vehicles or parts thereof removed or changed and replacing the numbered parts. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.230a - Motorcycle Without Visible Vehicle Identification Number; Seizure; Procedure; “Person” Defined.

Sec. 230A. (1) A police officer who finds a motorcycle that does not have a visible vehicle identification number may seize the motorcycle to determine if the motorcycle is stolen or otherwise in violation of law. (2) A police officer who seizes a motorcycle under subsection (1) shall do all of the following: (a) Secure and transport the motorcycle in a manner and to a place that will protect it from damage. (b) Determine, if possible, whether or not the motorcycle is stolen. (c) If necessary, facilitate an examination of the motorcycle by a forensic laboratory specialist or other trained specialist to determine if the vehicle identification number can be restored or otherwise located. (d) Unless otherwise required by law, return the motorcycle to the person from whom it was seized or to the lawful owner, within 30 calendar days after the date of the seizure. (3) A police agency holding a motor vehicle unlawfully beyond the 30 calendar days prescribed in subsection (2) is liable for damages. (4) A person may enforce the provisions of this section by filing a civil action in the district court that has jurisdiction of the place where the motorcycle was seized. The district court shall conduct a hearing on the action within 10 days from the date of the filing in a manner prescribed in the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948. (5) A person who prevails in an action authorized under subsection (4) shall be awarded costs and actual attorney fees. (6) As used in this section, "person" means an individual, partnership, corporation, association, governmental entity, or other legal entity. History:Add. 2000, Act 408, Eff. Mar. 28, 2001Compiler's Notes:Section number “Sec. 230A.” at the beginning of this section evidently should read “Sec. 230a.”.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.231 - Registration of Replacement Engines.

Sec. 231. The secretary of state is authorized to adopt and enforce such registration rules and regulations as may be deemed necessary and compatible with the public interest with respect to the change or substitution of 1 engine in place of another in any motor vehicle. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.232 - Furnishing List of Information to Federal, State, or Local Governmental Agency; Contract for Sale of Lists of Driver and Motor Vehicle Records; Records Maintained in Bulk; Surveys, Marketing, or Solicitations; Insertion of Safeguard in Agreement or Contract; Duties of Recipient of Personal Information; Disclosure of List Based on Driving Behavior or Sanctions.

Sec. 232. (1) Upon request, the secretary of state may furnish a list of information from the records of the department maintained under this act to a federal, state, or local governmental agency for use in carrying out the agency's functions, or to a private person or entity acting on behalf of a governmental agency for use in carrying out the agency's functions. The secretary of state may charge the requesting agency a preparation fee to cover the cost of preparing and furnishing a list provided under this subsection if the cost of preparation exceeds $25.00, and use the revenues received from the service to defray necessary expenses. If the secretary of state sells a list of information under this subsection to a member of the state legislature, the secretary of state shall charge the same fee as the fee for the sale of information under subsection (2) unless the list of information is requested by the member of the legislature to carry out a legislative function. The secretary of state may require the requesting agency to furnish 1 or more blank computer tapes, cartridges, or other electronic media and may require the agency to execute a written memorandum of agreement as a condition of obtaining a list of information under this subsection. (2) The secretary of state may contract for the sale of lists of driver and motor vehicle records and other records maintained under this act in bulk, in addition to those lists distributed at cost or at no cost under this section for purposes permitted by and described in section 208c(3). The secretary of state shall require each purchaser of records in bulk to execute a written purchase contract. Until October 1, 2027, the proceeds from each sale made under this subsection must be credited to the transportation administration collection fund created in section 810b. The secretary of state shall fix a price for the sale of lists or other records maintained in bulk, which may include personal information. The price per 1,000 records is based on the date the records are obtained and must not exceed $25.00 after January 1, 2023. (3) The secretary of state or any other state agency shall not sell or furnish any list of information under subsection (2) for the purpose of surveys, marketing, or solicitations. The secretary of state shall ensure that personal information disclosed in bulk will be used, rented, or sold solely for uses permitted under this act. (4) The secretary of state may insert any safeguard the secretary of state considers reasonable or necessary, including a bond requirement, in a memorandum of agreement or purchase contract executed under this section, to ensure that the information provided or sold is used only for a permissible purpose and that the rights of individuals and of the department are protected. (5) An

authorized recipient of personal information disclosed under this section that resells or rediscloses the information for any of the purposes permitted by and described in section 208c(3) shall do both of the following: (a) Make and keep for a period of not less than 5 years records identifying each person that received personal information from the authorized recipient and the permitted purpose for which it was obtained. (b) Allow a representative of the secretary of state, upon request, to inspect and copy records identifying each person that received personal information from the authorized recipient and the permitted purpose for which it was obtained. (6) The secretary of state shall not disclose a list based on driving behavior or sanctions to a nongovernmental agency, including an individual. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1956, Act 230, Eff. Aug. 11, 1956 ;-- Am. 1997, Act 101, Imd. Eff. Aug. 7, 1997 ;-- Am. 2000, Act 192, Eff. Jan. 1, 2001 ;-- Am. 2005, Act 173, Imd. Eff. Oct. 12, 2005 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 73, Eff. Oct. 1, 2015 ;-- Am. 2019, Act 88, Imd. Eff. Sept. 30, 2019 ;-- Am. 2022, Act 223, Imd. Eff. Oct. 14, 2022 ;-- Am. 2023, Act 129, Imd. Eff. Sept. 29, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-II - Chapter II Administration, Registration, Certificate of Title and Anti-Theft (257.201...257.259)Section 257.232a - Furnishing Name and Address of Lessee of Vehicle to Secretary of State or Police Officer.

Sec. 232a. A person in the business of leasing or renting a vehicle registered under this act shall furnish, upon request, the name and address of the lessee of the vehicle to the secretary of state or a police officer when needed by the secretary of state or the police officer in the course of an investigation or proceeding for a violation of this act or other felony or misdemeanor. History:Add. 1977, Act 13, Imd. Eff. May 11, 1977

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)300-1949-III-CANCELLATION-SUSPENSION-OR-REVOCATION-OF-LICENSES - Cancellation, Suspension, or Revocation of Licenses (257.317...257.323d)Section 257.317 - Suspension or Revocation of Right of Nonresident to Operate Vehicle in State; Forwarding Certified Copy of Record; Notification to Other States.

Sec. 317. (1) The secretary of state may suspend, deny, or revoke the right of a nonresident to operate a motor vehicle in this state for a cause for which the license of a resident driver may be suspended, denied, or revoked. A nonresident who drives a motor vehicle on a highway when the privilege to drive has been suspended, revoked, or denied by the secretary of state is guilty of a misdemeanor punishable as provided in section 904. (2) The secretary of state, on receiving a record of the conviction, civil infraction determination, suspension, revocation, or forfeiture of bail in this state of a nonresident of a violation the record of which is required to be maintained under section 204a, shall forward a certified copy of the record to the motor vehicle administrator or other appropriate officer in the state in which the individual is a resident. (3) Within 10 days after an appeal is completed or the appeal period has expired if an appeal is not made in a conviction, civil infraction determination, or bond forfeiture entered against a nonresident in this state for a violation committed while operating a commercial motor vehicle or any violation for a commercial driver license holder regardless of vehicle type, except a parking violation, the secretary of state shall notify the motor vehicle administration or other appropriate officer of the state where the nonresident is licensed of that conviction, determination, or forfeiture. (4) If the secretary of state suspends, revokes, cancels, or denies the driving privileges of a nonresident for 60 days or more and that nonresident is licensed by another state to operate a commercial motor vehicle, the secretary of state shall, within 10 days after the effective date of the suspension, revocation, cancellation, or denial, forward a notification about that suspension, revocation, cancellation, or denial to the motor vehicle administrator or other appropriate officer of the state where the nonresident is licensed to operate a motor vehicle. A notice given under this subsection must include both the denial, if any, and the violation that caused the suspension, revocation, cancellation, or denial of the nonresident's driving privileges. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1967, Act 226, Eff. Nov. 2, 1967 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2018, Act 566, Eff. Mar. 28, 2019 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021

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Sec. 318. (1) The secretary of state may suspend or revoke the license issued under this act upon receiving notice of the conviction of that person in another state of an offense in that state, or the determination of responsibility of that person in an administrative adjudication in another state for a violation in that state which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur. (2) The secretary of state shall suspend a license issued under this act upon receiving notice of the license holder's failure to comply with a citation issued by another state until the secretary of state receives satisfactory evidence of compliance from the other state. This subsection does not apply unless the governor of this state has entered into an interstate compact requiring the suspension described in this subsection. The secretary of state may only share the information described in this subsection to verify driving privileges or licensure status, to report a conviction or withdrawal, or to

ensure compliance with 49 CFR 384.209. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008 ;-- Am. 2018, Act 566, Eff. Mar. 28, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)300-1949-III-CANCELLATION-SUSPENSION-OR-REVOCATION-OF-LICENSES - Cancellation, Suspension, or Revocation of Licenses (257.317...257.323d)Section 257.319 - Suspension of License; Crimes; Violations; Waiver; Restricted License; "Prior Conviction" as Used in Subsection (8); 2 or More Convictions; Appeal.

Sec. 319. (1) The secretary of state shall immediately suspend an individual's license as provided in this section on receiving a record of the individual's conviction for a crime described in this section, whether the conviction is under a law of this state, a local ordinance that substantially corresponds to a law of this state, a law of another state that substantially corresponds to a law of this state, or, beginning October 31, 2010, a law of the United States that substantially corresponds to a law of this state. (2) The secretary of state shall suspend the individual's license for 1 year for any of the following crimes: (a) Fraudulently altering or forging documents pertaining to motor vehicles in violation of section 257. (b) A violation of section 413 of the Michigan penal code, 1931 PA 328, MCL 750.413. (c) A felony in which a motor vehicle was used. As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the individual convicted operated a motor vehicle and while operating the vehicle presented real or potential harm to individuals or property and 1 or more of the following circumstances existed: (i) The vehicle was used as an instrument of the felony. (ii) The vehicle was used to transport a victim of the felony. (iii) The vehicle was used to flee the scene of the felony. (iv) The vehicle was necessary for the commission of the felony. (d) A violation of section 602a(2) or (3) or section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL 750.479a. (e) Beginning October 31, 2010, a violation of section 601d. (3) The secretary of state shall suspend the individual's license for 90 days for any of the following crimes: (a) Failing to stop and disclose identity at the scene of an accident resulting in injury in violation of section 617a. (b) A violation of section 601b(2), section 601c(1), section 653a(3), section 626 before October 31, 2010, or, beginning October 31, 2010, section 626(2). (c) Malicious destruction resulting from the operation of a vehicle under section 382(1)(b), (c), or (d) of the Michigan penal code, 1931 PA 328, MCL 750.382. (4) The secretary of state shall suspend the individual's license for 30 days for malicious destruction resulting from the operation of a vehicle under section 382(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.382. (5) For perjury or making a false certification to the secretary of state under any law requiring the registration of a motor vehicle or regulating the operation of a vehicle on a highway, or for conduct prohibited under section 324(1) or a local ordinance that substantially corresponds to section 324(1), the secretary of state shall suspend the individual's license as follows: (a) If the individual has no prior conviction for an offense described in this subsection within 7 years, for 90 days. (b) If the individual has 1 or more prior convictions for an offense described in this subsection within 7 years, for 1 year. (6) For a violation of section 414 of the Michigan penal code, 1931 PA 328, MCL 750.414, the secretary of state shall suspend the individual's license as follows: (a) If the individual has no prior conviction for that offense within 7 years, for 90 days. (b) If the individual has 1 or more prior convictions for that offense within 7 years, for 1 year. (7) For a violation of section 624a or 624b, the secretary of state shall suspend the individual's license as follows: (a) If the individual has 1 prior conviction for an offense described in section 624a or 624b, for 90 days. The secretary of state may issue the individual a restricted license after the first 30 days of suspension. (b) If the individual has 2 or more prior convictions for an offense described in section 624a or 624b, for 1 year. The secretary of state may issue the individual a restricted license after the first 60 days of suspension. (8) The secretary of state shall suspend the individual's license for a violation of section 625 or 625m as follows: (a) For 180 days for a violation of section 625(1) or (8) before October 31, 2010 or, beginning October 31, 2010, section 625(1)(a) or (b) or (8) if the individual has no prior convictions within 7 years. The secretary of state may issue the individual a restricted license during a specified portion of the suspension, except that the secretary of state shall not issue a restricted license during the first 30 days of suspension. (b) For 90 days for a violation of section 625(3) if the individual has no prior convictions within 7 years. However, if the individual is convicted of a violation of section 625(3), for operating a vehicle when, due to the consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance, the individual's ability to operate the vehicle was visibly impaired, the secretary of state shall suspend the individual's license under this subdivision for 180 days. The secretary of state may issue the individual a restricted license during all or a specified portion of the suspension. (c) For 30 days for a violation of section 625(6) if the individual has no prior convictions within 7 years. The secretary of state may issue the individual a restricted license during all or a specified portion of the suspension. (d) For 90 days for a violation of section 625(6) if the individual has 1 or more prior convictions for that offense within 7 years. (e) For 180 days for a violation of section 625(7) if the individual has no prior convictions within 7 years. The secretary of state may issue the individual a restricted license after the first 90 days of suspension. (f) For 90 days for a violation of section 625m if the individual has no prior convictions within 7 years. The secretary of state may issue the individual a restricted license during all or a specified portion of the suspension. (g) Beginning October 31, 2010, for 1 year for a violation of section 625(1)(c) if the individual has no prior convictions within 7 years or not more than 2 convictions within 10 years. The secretary of state may issue the individual a restricted license, except that the secretary of state shall not issue a restricted license during the first 45 days of suspension. (h) Beginning October 31, 2010, the department shall order an individual convicted of violating section 625(1)(c) not to operate a motor vehicle under a restricted license issued under subdivision (g) unless the vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625l. The ignition interlock device may be removed after the interlock device provider provides the department with verification that the individual has operated the vehicle with no instances of reaching or

exceeding a blood alcohol level of 0.025 grams per 210 liters of breath. This subdivision does not prohibit the removal of the ignition interlock device for any of the following: (i) A start-up test failure that occurs within the first 2 months after installation of the device. As used in this subdivision, "start-up test failure" means that the ignition interlock device has prevented the motor vehicle from being started. Multiple unsuccessful attempts at 1 time to start the vehicle are treated as 1 start-up test failure only under this subparagraph. (ii) A start-up test failure occurring more than 2 months after installation of the device, if not more than 15 minutes after detecting the start-up test failure the individual delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath. (iii) A retest prompted by the device, if not more than 5 minutes after detecting the retest failure the individual delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath. (i) Beginning October 31, 2010, if an individual violates the conditions of the restricted license issued under subdivision (g) or operates or attempts to operate a motor vehicle with a blood alcohol level of 0.025 grams per 210 liters of breath, the secretary of state shall impose an additional like period of suspension and restriction as prescribed under subdivision (g). This subdivision does not require an additional like period of suspension and restriction for any of the following: (i) A start-up test failure within the first 2 months after installation of the ignition interlock device. As used in this subdivision, "start-up test failure" means that the ignition interlock device has prevented the motor vehicle from being started. Multiple unsuccessful attempts at 1 time to start the vehicle are treated as 1 start-up test failure only under this subparagraph. (ii) A start-up test failure occurring more than 2 months after installation of the device, if not more than 15 minutes after detecting the start-up test failure the individual delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath. (iii) Any retest prompted by the device, if not more than 5 minutes after detecting the retest failure the individual delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath. (9) For a violation of section 367c of the Michigan penal code, 1931 PA 328, MCL 750.367c, the secretary of state shall suspend the individual's license as follows: (a) If the individual has no prior conviction for an offense described in this subsection within 7 years, for 6 months. (b) If the individual has 1 or more convictions for an offense described in this subsection within 7 years, for 1 year. (10) For a violation of section 315(4), the secretary of state may suspend the individual's license for 6 months. (11) Except as provided in subsection (13), a suspension under this section must be imposed notwithstanding a court order unless the court order complies with section 323. (12) If the secretary of state receives records of more than 1 conviction of an individual that results from the same incident, a suspension must be imposed only for the violation to which the longest period of suspension applies under this section. (13) The secretary of state may waive a restriction, suspension, or revocation of an individual's license imposed under this act if the individual submits proof that a court in another state revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a restriction, suspension, or revocation prescribed under this act for the violation and that the revocation, suspension, or restriction was served for the violation, or may grant a restricted license. (14) The secretary of state shall not issue a restricted license to an individual whose license is suspended under this section unless a restricted license is authorized under this section and the individual is otherwise eligible for a license. (15) The secretary of state shall not issue a restricted license to an individual under subsection (8) that would permit the individual to operate a commercial motor vehicle. (16) Except as provided in subsection (15), a restricted license issued under this section must permit the individual to whom it is issued to take any driving skills test required by the secretary of state and to operate a vehicle under 1 or more of the following circumstances: (a) In the course of the individual's employment or occupation. (b) To and from any combination of the following: (i) The individual's residence. (ii) The individual's work location. (iii) An alcohol or drug education or treatment program as ordered by the court. (iv) The court probation department. (v) A court-ordered community service program. (vi) An educational institution at which the individual is enrolled as a student. (vii) A place of regularly occurring medical treatment for a serious condition for the individual or a member of the individual's household or immediate family. (viii) An ignition interlock service provider as required. (17) While driving with a restricted license, the individual shall carry proof of his or her destination and the hours of any employment, class, or other reason for traveling and shall display that proof on a peace officer's request. (18) Subject to subsection (20), as used in subsection (8), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance that substantially corresponds to a law of this state, or a law of another state that substantially corresponds to a law of this state: (a) Except as provided in subsection (19), a violation or attempted violation of any of the following: (i) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content. (ii) Section 625m. (iii) Former section 625b. (b) Negligent homicide, manslaughter, or murder that results from the operation of a vehicle or an attempt to commit any of those crimes. (c) Beginning October 31, 2010, a violation of section 601d or section 626(3) or (4). (19) Except for purposes of the suspensions described in subsection (8)(c) and (d), only 1 violation or attempted violation of section 625(6), a local ordinance that substantially corresponds to section 625(6), or a law of another state that substantially corresponds to section 625(6) may be used as a prior conviction. (20) If 2 or more convictions described in subsection (18) are convictions for violations arising out of the same transaction, only 1 conviction must be used to determine whether the individual has a prior conviction. (21) Any period of suspension or restriction required under this section is not subject to appeal to the secretary of state. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1967, Act 226, Eff. Nov. 2, 1967 ;-- Am. 1976, Act 285, Eff. Apr. 1, 1977 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 1981, Act 159, Eff. Mar. 31, 1982 ;-- Am. 1981, Act 222, Imd. Eff. Jan. 5, 1982 ;-- Am. 1982, Act 64, Eff. Mar. 30, 1983 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1986, Act 177, Imd. Eff. July 7, 1986 ;-- Am. 1988, Act 205, Eff. July 1,

1988 ;-- Am. 1988, Act 406, Eff. Mar. 30, 1989 ;-- Am. 1991, Act 93, Eff. Jan. 1, 1992 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1994, Act 211, Eff. Nov. 1, 1994 ;-- Am. 1994, Act 449, Eff. May 1, 1995 ;-- Am. 1996, Act 493, Eff. Apr. 1, 1997 ;-- Am. 1996, Act 587, Eff. June 1, 1997 ;-- Am. 1998, Act 347, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 118, Eff. Apr. 1, 2000 ;-- Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999 ;-- Am. 2000, Act 152, Imd. Eff. June 12, 2000 ;-- Am. 2000, Act 460, Eff. Mar. 28, 2001 ;-- Am. 2001, Act 103, Eff. Oct. 1, 2001 ;-- Am. 2001, Act 134, Eff. Feb. 1, 2002 ;-- Am. 2001, Act 159, Eff. Feb. 1, 2002 ;-- Am. 2002, Act 422, Eff. Oct. 1, 2002 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2008, Act 462, Eff. Oct. 31, 2010 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2010, Act 155, Eff. Jan. 1, 2011 ;-- Am. 2010, Act 267, Eff. June 30, 2011 ;-- Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2016, Act 32, Eff. June 6, 2016 ;-- Am. 2016, Act 358, Eff. Jan. 1, 2018 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”Section 2 of Act 205 of 1988 provides: “This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date.”Enacting section 1 of Act 32 of 2016 provides:"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)300-1949-III-CANCELLATION-SUSPENSION-OR-REVOCATION-OF-LICENSES - Cancellation, Suspension, or Revocation of Licenses (257.317...257.323d)Section 257.319b - Suspension or Revocation of Commercial Learners Permits or Vehicle Group Designations on Operator's or Chauffeur's License; Notice of Conviction, Bond Forfeiture, Civil Infraction Determination, Violation of Law, or Refusal to Submit to Chemical Test; Period of Suspension or Revocation; Denial, Cancellation, or Revocation of Hazardous Material Indorsement; Notice of Security Risk; Applicability of Conditions; Definitions.

Sec. 319b. (1) The secretary of state shall immediately suspend or revoke, as applicable, all commercial learners permits or vehicle group designations on the operator's or chauffeur's license of an individual upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the individual, or notice that a court or administrative tribunal has found the individual responsible, for a violation described in this subsection of a law of this state, a local ordinance substantially corresponding to a law of this state while the individual was operating a commercial motor vehicle, or a law of another state substantially corresponding to a law of this state, or notice that the individual has refused to submit to a chemical test of the individual's blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the individual's blood, breath, or urine while the individual was operating a commercial motor vehicle as required by a law or local ordinance of this or another state. The period of suspension or revocation is as follows: (a) Suspension for 60 days, to run consecutively with any commercial driver license action imposed under this section, if the individual is convicted of or found responsible for 1 of the following while operating a commercial motor vehicle: (i) Two serious traffic violations arising from separate incidents within 36 months. (ii) A violation of section 667, 668, 669, or 669a. (iii) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a. (iv) A violation of section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857. (v) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11 while operating a commercial motor vehicle other than a vehicle covered under subparagraph (iii) or (iv). (vi) A violation of commercial motor vehicle fraudulent testing law. (b) Suspension for 120 days, to be served consecutively with a 60-day suspension imposed under subdivision (a)(i), if the individual is convicted of or found responsible for 1 of the following arising from separate incidents within 36 months while operating a commercial motor vehicle: (i) Three serious traffic violations. (ii) Any combination of 2 violations described in subdivision (a)(ii). (c) Suspension for 1 year, to run consecutively with any commercial driver license action imposed under this section, if the individual is convicted of or found responsible for 1 of the following: (i) A violation of section 625(1), (3), (4), (5), (6), (7), or (8), section 625m, or former section 625(1) or (2), or former section 625b, while operating a commercial or noncommercial motor vehicle. (ii) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the individual. (iii) Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used. (iv) A refusal of a peace officer's request to submit to a chemical test of the individual's blood, breath, or urine to determine the amount of alcohol or presence of a controlled substance or both in the individual's blood, breath, or urine while the individual was operating a commercial or noncommercial motor vehicle as required by a law or local ordinance of this state or another state. (v) Operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle. (vi) Causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide. (vii) A violation of commercial motor vehicle fraudulent testing law. (viii) Any combination of 3 violations described in subdivision (a)(ii) arising from separate incidents within 36 months while operating a commercial motor vehicle. (d) Suspension for 3 years, to run consecutively with any commercial driver license action imposed under this section, if the individual is convicted of or found responsible for an offense enumerated in subdivision (c)(i) to (vi) in which a commercial motor vehicle was used if the vehicle was carrying hazardous material required to have a placard under

49 CFR parts 100 to 199. (e) Revocation for life, to run consecutively with any commercial driver license action imposed under this section, but with eligibility for reissue of a group vehicle designation after not less than 10 years and after approval by the secretary of state, if the individual is convicted of or found responsible for 2 violations or a combination of any 2 violations arising from 2 or more separate incidents involving any of the following: (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section 625m, or former section 625(1) or (2), or former section 625b, while operating a commercial or noncommercial motor vehicle. (ii) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the licensee. (iii) Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used. (iv) A refusal of a request of a police officer to submit to a chemical test of the individual's blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the individual's blood while the individual was operating a commercial or noncommercial motor vehicle in this state or another state. (v) Operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle. (vi) Causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide. (f) Revocation for life if an individual is convicted of or found responsible for any of the following: (i) One violation of a felony in which a commercial motor vehicle was used and that involved the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance. (ii) A conviction of any offense described in subdivision (c) or (d) after having been approved for the reissuance of a vehicle group designation under subdivision (e). (iii) A conviction of a violation of chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z. (2) The secretary of state shall immediately deny, cancel, or revoke a hazardous material indorsement on the operator's or chauffeur's license of an individual with a vehicle group designation upon receiving notice from a federal government agency that the individual poses a security risk warranting denial, cancellation, or revocation under the uniting and strengthening America by providing appropriate tools required to intercept and obstruct terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The denial, cancellation, or revocation cannot be appealed under section 322 or 323 and remains in effect until the secretary of state receives a federal government notice that the individual does not pose a security risk in the transportation of hazardous materials. (3) The secretary of state shall immediately suspend or revoke, as applicable, all commercial learners permits or vehicle group designations on an individual's operator's or chauffeur's license upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the individual, or notice that a court or administrative tribunal has found the individual responsible, for a violation of section 319d(4) or 319f, a local ordinance substantially corresponding to section 319d(4) or 319f, or a law or local ordinance of another state, the United States, Canada, the United Mexican States, or a local jurisdiction of either of these countries substantially corresponding to section 319d(4) or 319f, while operating a commercial motor vehicle. The period of suspension or revocation, that must run consecutively with any commercial driver license action imposed under this section, is as follows: (a) Suspension for 180 days if the individual is convicted of or found responsible for a violation of section 319d(4) or 319f while operating a commercial motor vehicle. (b) Suspension for 180 days if the individual is convicted of or found responsible for a violation of section 319d(4) or 319f while operating a commercial motor vehicle that is either carrying hazardous material required to have a placard under 49 CFR parts 100 to 199 or designed to carry 16 or more passengers, including the driver. (c) Suspension for 2 years if the individual is convicted of or found responsible for 2 violations, in any combination, of section 319d(4) or 319f while operating a commercial motor vehicle arising from 2 or more separate incidents during a 10-year period. (d) Suspension for 3 years if the individual is convicted of or found responsible for 3 or more violations, in any combination, of section 319d(4) or 319f while operating a commercial motor vehicle arising from 3 or more separate incidents during a 10-year period. (e) Suspension for 3 years if the individual is convicted of or found responsible for 2 or more violations, in any combination, of section 319d(4) or 319f while operating a commercial motor vehicle carrying hazardous material required to have a placard under 49 CFR parts 100 to 199, or designed to carry 16 or more passengers, including the driver, arising from 2 or more separate incidents during a 10-year period. (4) The secretary of state shall suspend or revoke, as applicable, any privilege to operate a commercial motor vehicle as directed by the federal government or its designee. (5) For the purpose of this section only, a bond forfeiture or a determination by a court of original jurisdiction or an authorized administrative tribunal that an individual has violated the law is considered a conviction. (6) The secretary of state shall suspend or revoke a vehicle group designation under subsection (1) or deny, cancel, or revoke a hazardous material indorsement under subsection (2) notwithstanding a suspension, restriction, revocation, or denial of an operator's or chauffeur's license or vehicle group designation under another section of this act or a court order issued under another section of this act or a local ordinance substantially corresponding to another section of this act. (7) A conviction, bond forfeiture, or civil infraction determination, or notice that a court or administrative tribunal has found an individual responsible for a violation described in this subsection while the individual was operating a noncommercial motor vehicle counts against the individual who holds a license to operate a commercial motor vehicle the same as if the individual had been operating a commercial motor vehicle at the time of the violation. For the purpose of this subsection, a noncommercial motor vehicle does not include a recreational vehicle used off-road. This subsection applies to the following state law violations or a local ordinance substantially corresponding to any of those violations or a law of another state or out-of-state jurisdiction substantially corresponding to any of those violations: (a) Operating a vehicle in violation of section 625. (b) Refusing to submit to a chemical test of the individual's blood, breath, or urine for the purpose of determining the amount of alcohol or the presence of a controlled substance or both in the individual's blood, breath, or urine as required by a law or local ordinance of this or another state. (c) Leaving the scene of an accident. (d) Using a vehicle to commit a felony. (8) When determining the applicability of conditions listed in this section, the secretary of state shall consider only violations

that occurred after January 1, 1990. (9) When determining the applicability of conditions listed in subsection (1)(a) or (b), the secretary of state shall count only from incident date to incident date. (10) As used in this section: (a) "Felony in which a commercial motor vehicle was used" means a felony during the commission of which the individual convicted operated a commercial motor vehicle and while the individual was operating the vehicle 1 or more of the following circumstances existed: (i) The vehicle was used as an instrument of the felony. (ii) The vehicle was used to transport a victim of the felony. (iii) The vehicle was used to flee the scene of the felony. (iv) The vehicle was necessary for the commission of the felony. (b) "Serious traffic violation" means any of the following: (i) A traffic violation that occurs in connection with an accident in which an individual died. (ii) Reckless driving. (iii) Excessive speeding as defined in regulations promulgated under 49 USC 31301 to 31317. (iv) Improper lane use. (v) Following too closely. (vi) Operating a commercial motor vehicle without obtaining any vehicle group designation on the individual's license. (vii) Operating a commercial motor vehicle without either having an operator's or chauffeur's license in the individual's possession or providing proof to the court, not later than the date by which the individual must appear in court or pay a fine for the violation, that the individual held a valid vehicle group designation and indorsement on the date that the citation was issued. (viii) Operating a commercial motor vehicle while in possession of an operator's or chauffeur's license that has a vehicle group designation but does not have the appropriate vehicle group designation or indorsement required for the specific vehicle group being operated or the passengers or type of cargo being transported. (ix) Beginning October 28, 2013, a violation of section 602b(2) or (3) or, beginning on the effective date of the amendatory act that added section 602b(8), a violation of section 602b(2). (x) Any other serious traffic violation as defined in 49 CFR 383.5 or as prescribed under this act. History:Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988 ;-- Am. 1991, Act 93, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1996, Act 404, Eff. Dec. 21, 1996 ;-- Am. 1998, Act 356, Eff. Oct. 1, 1999 ;-- Am. 2002, Act 259, Imd. Eff. May 1, 2002 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2004, Act 495, Eff. Jan. 31, 2005 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2023, Act 39, Eff. June 30, 2023Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989. “(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”MCL 257.319b, as amended by 2008 PA 463, contains no changes from the 2006 PA 298 amendment.

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Sec. 319c. (1) The secretary of state shall provide the United States department of transportation with the following information pertaining to an operator's or chauffeur's license with a vehicle group designation: (a) A notice of the issuance of an operator's or chauffeur's license with a vehicle group designation within 10 days after the issuance of the license. (b) A notice of a suspension, revocation, or denial of a license within 10 days after the suspension, revocation, or denial. (2) Within 10 days after receiving a record of conviction, civil infraction determination, or forfeiture of bail in this state of a nonresident driver of a commercial motor vehicle for a violation under the motor vehicle laws of this state, other than a parking violation, the secretary of state shall notify the motor vehicle administrator or other appropriate officer in the state in which the person is licensed. History:Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

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(257.301...257.329)300-1949-III-CANCELLATION-SUSPENSION-OR-REVOCATION-OF-LICENSES - Cancellation, Suspension, or Revocation of Licenses (257.317...257.323d)Section 257.319d - Operation of Commercial Motor Vehicle by Person With Certain Alcohol Content; Out-of-Service Order; Violations; Penalty.

Sec. 319d. (1) A person, whether licensed or not, shall not operate a commercial motor vehicle within this state with an alcohol content of 0.015 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (2) A peace officer who has reasonable cause to believe that a person was operating a commercial motor vehicle within the state with an alcohol content of 0.015 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, as measured by a preliminary chemical breath analysis or a chemical test provided under section 625a, shall order the person out-of-service immediately for 24 hours, which shall begin upon issuance of the order. (3) A peace officer shall immediately order a person who refuses to submit to a preliminary chemical breath analysis requested or a chemical test provided under section 625a out-of-service for 24 hours, which shall begin when the order is issued. (4) A person ordered out-of-service as described in this section shall not operate a commercial motor vehicle within this state during the 24-hour out-of-service period. (5) A peace officer who issues an out-of-service order under this section shall provide for the safe and expeditious disposition of a product carried by a commercial motor vehicle that is hazardous or would result in damage to the vehicle, human health, or the environment. (6) Failure to comply with subsection (1) is not a civil infraction or criminal violation of this act. (7) A person who violates subsection (4) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. History:Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1994, Act 449, Eff. May 1, 1995 ;-- Am. 1996, Act 404, Eff. Dec. 21, 1996 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

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Sec. 319f. (1) A person shall not operate a commercial motor vehicle in this state in violation of an out-of-service order. (2) Except as otherwise provided in this subsection, the secretary of state shall immediately suspend all vehicle group designations on the operator's or chauffeur's license of a person convicted of violating a driver out-of-service or vehicle out-of-service order as required under 49 CFR 383.51. (3) A person who violates an out-of-service order shall be ordered to pay a civil fine as required under section 907. (4) As used in this section, "commercial motor vehicle" means that term as defined in section 7a and any motor vehicle having a GVWR or GCWR of 10,001 pounds or more. History:Add. 1996, Act 404, Eff. Dec. 21, 1996 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011

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Sec. 319g. (1) An employer shall not knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle in violation of any of the following: (a) Section 667, 668, 669, 669a, or 670 or a federal, state, or local law or regulation pertaining to railroad-highway grade crossings. (b) Motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a. (c) Section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857. (d) Motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 31 of the motor bus transportation act, 1982 PA 432, MCL 474.131. (e) Motor carrier safety regulations 49 CFR 392.10 or 392.11 while operating a commercial motor vehicle other than a vehicle covered under subdivision (b), (c), or (d). (f) Transportation security regulations 49 CFR parts 1570 and 1572 or motor carrier safety regulations 49 CFR parts 383 and 384 that regulate who may operate a commercial motor vehicle that is used to transport hazardous material. (g) A federal regulation or state law or local ordinance pertaining to an out-of-service order. (2) Except as otherwise provided for violations listed under subsection (1)(a) and (g), a person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine under section 907. History:Add. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 495, Eff. Jan. 31, 2005 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011

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257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)300-1949-III-CANCELLATION-SUSPENSION-OR-REVOCATION-OF-LICENSES - Cancellation, Suspension, or Revocation of Licenses (257.317...257.323d)Section 257.320 - Investigation or Reexamination of Person; Notice; Restricting, Suspending, Revoking, or Imposing Other Terms and Conditions on License; Service of Notice; Suspension of License for More Than 1 Year Prohibited; Reexamination; Failure to Appear for Scheduled Reexamination; Prohibited Restricted License.

Sec. 320. (1) The secretary of state after notice as provided in this section may conduct an investigation or reexamination of a person, based upon 1 or more of the following: (a) The secretary of state has reason to believe that the person is incompetent to drive a motor vehicle or is afflicted with a mental or physical infirmity or disability rendering it unsafe for that person to drive a motor vehicle. (b) The person, as a driver, has in 1 or more instances been involved in an accident resulting in the death of a person. (c) The person, within a 24-month period, has been involved in 3 accidents resulting in personal injury or damage to the property of a person, and the official police report indicates a moving violation on the part of the driver in each of the accidents. (d) The person has charged against him or her a total of 12 or more points as provided in section 320a within a period of 2 years, or a total of 6 or more points as provided in section 320a(q) within a period of 2 years. (e) The person has been convicted of violating restrictions, terms, or conditions of the person's license. (2) The secretary of state, upon good cause, or based solely on the licensed operator's or chauffeur's driving record, may restrict, suspend, revoke, or impose other terms and conditions on the license of a person subject to an investigation or reexamination and require the immediate surrender of the license of that person. The secretary of state shall, in all cases, prescribe the period of restriction, suspension, revocation, or other terms and conditions. (3) Service of notice shall be made by regular mail to the last known address of the licensee as shown on the most recent license application or change of address on the license as provided by section 315. (4) A license shall not be suspended under this section for a period of more than 1 year. (5) The reexamination may be held by the secretary of state pursuant to this section notwithstanding any restriction, suspension, revocation, or denial of a license under this section, section 303 or 319, chapter V, section 625 or 625b, or under any other law of this state. A suspension ordered pursuant to this section shall be in addition to other suspensions. (6) If a licensed operator or chauffeur fails to appear for a reexamination scheduled by the secretary of state pursuant to this section, the licensed operator's or chauffeur's license may be suspended immediately and shall remain suspended until the licensed operator or chauffeur appears for a reexamination by the secretary of state. However, the secretary of state may restrict, suspend, or revoke the license based solely on the licensed operator's or chauffeur's driving record. (7) Notwithstanding any other provision of this act, the secretary of state shall not issue a restricted license to a person to operate a commercial motor vehicle when a vehicle group designation is required to operate that vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1958, Act 180, Eff. Sept. 13, 1958 ;-- Am. 1967, Act 132, Eff. Nov. 2, 1967 ;-- Am. 1968, Act 332, Eff. Jan. 1, 1969 ;-- Am. 1974, Act 316, Imd. Eff. Dec. 15, 1974 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2016, Act 448, Eff. Jan. 5, 2018Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

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Sec. 320a. (1) Within 5 days after receipt of a properly prepared abstract from a court of this state or another state, the secretary of state shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:(a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile6 points(b) A violation of section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4) or, beginning October 31, 2010, a violation of section 601d6 points(c) A violation of section 625(1), (4), (5), (7), or (8), section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance substantially corresponding to section 625(1), (4), (5), (7), or (8), or section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.821276 points(d) Failing to stop and disclose identity at the scene of an accident when required by law6 points(e) Operating a motor vehicle in violation of section 6266 points(f) Fleeing or eluding an officer6 points(g) A violation of section 627(6) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 15 miles per hour5 points(h) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour4 points(i) A violation of section 625(3) or (6), section 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82127, or a law or ordinance substantially corresponding to section 625(3) or (6) or section 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.821274 points(j) A violation of section 626a or a law or ordinance substantially corresponding to section 626a4 points(k) A violation of section 627(6) pertaining to speed in a work zone described in

that section by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour4 points(l) Beginning October 31, 2010, a moving violation resulting in an at-fault collision with another vehicle, an individual, or any other object4 points(m) Careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b3 points(n) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 miles per hour but not more than 15 miles per hour3 points(o) A violation of section 653a(2)2 points(p) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 5 miles per hour but not more than 10 miles per hour2 points(q) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 1 mile per hour but not more than 5 miles per hour1 point(r) Disobeying a traffic signal or stop sign, or improper passing3 points(s) A violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b2 points(t) A violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6)2 points(u) All other moving violations pertaining to the operation of motor vehicles reported under this section2 points(v) A refusal by an individual less than 21 years of age to submit to a preliminary breath test required by a peace officer under section 625a2 points(w) A violation of section 627(6) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by 10 miles per hour or less3 points(x) A third or subsequent violation of section 602b2 points(y) A second violation of section 602b1 point(2) Points must not be entered for a violation of section 310e(14), 311, 602c, 625m, 658, 710d, 717, 719, 719a, or 723. (3) Points must not be entered for bond forfeitures. (4) Points must not be entered for overweight loads or for defective equipment. (5) If more than 1 conviction, civil infraction determination, or probate court disposition results from the same incident, points must be entered only for the violation that receives the highest number of points under this section. (6) If an individual has accumulated 9 points as provided in this section, the secretary of state may call the individual in for an interview as to the individual's driving ability and record after due notice as to time and place of the interview. If the individual fails to appear as provided in this subsection, the secretary of state shall add 3 points to the individual's record. (7) If an individual violates a speed restriction established by an executive order issued during a state of energy emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state shall enter points for the violation under subsection (1). (8) The secretary of state shall enter 6 points upon the record of an individual whose license is suspended or denied under section 625f. However, if a conviction, civil infraction determination, or probate court disposition results from the same incident, additional points for that offense must not be entered. (9) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in this state, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation must be noted on the Michigan driver's record, but points must not be assessed against the Michigan driver license. History:Add. 1958, Act 180, Eff. Sept. 13, 1958 ;-- Am. 1960, Act 82, Eff. Aug. 17, 1960 ;-- Am. 1963, Act 34, Eff. Sept. 6, 1963 ;-- Am. 1965, Act 41, Imd. Eff. May 25, 1965 ;-- Am. 1965, Act 351, Imd. Eff. July 23, 1965 ;-- Am. 1968, Act 332, Eff. Jan. 1, 1969 ;-- Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974 ;-- Am. 1975, Act 24, Imd. Eff. Apr. 15, 1975 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 25, Eff. Mar. 31, 1981 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 1981, Act 72, Imd. Eff. June 30, 1981 ;-- Am. 1981, Act 159, Eff. Mar. 31, 1982 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1982, Act 533, Eff. Mar. 30, 1983 ;-- Am. 1987, Act 154, Eff. Dec. 1, 1987 ;-- Am. 1991, Act 93, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 94, Eff. Jan. 1, 1993 ;-- Am. 1994, Act 211, Eff. Nov. 1, 1994 ;-- Am. 1996, Act 387, Eff. Apr. 1, 1997 ;-- Am. 1996, Act 471, Eff. Apr. 1, 1997 ;-- Am. 1996, Act 493, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 350, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 21, Eff. Oct. 1, 2000 ;-- Am. 1999, Act 40, Imd. Eff. June 9, 1999 ;-- Am. 2000, Act 460, Eff. Mar. 28, 2001 ;-- Am. 2001, Act 103, Eff. Oct. 1, 2001 ;-- Am. 2002, Act 149, Eff. July 1, 2002 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2003, Act 315, Eff. Apr. 8, 2004 ;-- Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2004, Act 495, Imd. Eff. Dec. 29, 2004 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2010, Act 58, Eff. July 1, 2010 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2012, Act 592, Eff. Mar. 28, 2013 ;-- Am. 2016, Act 448, Eff. Jan. 5, 2018 ;-- Am. 2018, Act 349, Eff. Feb. 13, 2019 ;-- Am. 2023, Act 39, Eff. June 30, 2023Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”In OAG 6480, issued November 23, 1987, the Attorney General stated: “It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987.”

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Sec. 320b. (1) A driver safety school may be established in a county by an advisory board consisting of the superintendent of schools of the largest school district in the county who shall act as chairperson and fiscal agent, the county superintendent of schools, a judge of the family division of circuit court, the prosecuting attorney, the sheriff, the chief of police of the largest city in the county; and a judge of a court having jurisdiction over traffic offenses or civil infractions, and 2 citizens at large, who shall be appointed by the county board of commissioners. A school so established shall be conducted under the supervision of the superintendent of public instruction and pursuant to the rules prescribed by the superintendent. (2) Courses, as prescribed by the

superintendent of public instruction, shall be offered for the purpose of developing good driving habits and promoting highway traffic safety. The courses shall be open to the following persons: (a) A person who is referred to a school by a court having jurisdiction over traffic violations after 2 or more convictions or civil infraction determinations of a moving traffic violation within a 12-month period and who, in the determination of the court, is in need of the remedial education. (b) A person who, after a hearing as provided in section 320, is referred to a school by the secretary of state. (c) A person who voluntarily chooses to attend. (3) For the purpose of referral as provided in this section, the court, after entry of judgment of conviction for a misdemeanor, may stay the imposition of sentence until the violator has attended the school. A person referred to a school by a court or by the secretary of state may attend any school in the state which has been established in conformity with this section. (4) A fee not to exceed $10.00 may be charged for attendance at the school. The fees shall be established by the advisory board and shall be used to defray the cost of instruction, materials, and clinical services. (5) A person shall not be referred to a school which has not been approved by the advisory board and the superintendent of public instruction. History:Add. 1957, Act 230, Eff. Sept. 27, 1957 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1998, Act 358, Eff. Oct. 1, 1999Admin Rule:R 340.431 et seq. of the Michigan Administrative Code.

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Sec. 320c. Before a license is issued to a person whose license has been suspended or revoked, the person may be examined in a manner prescribed by the secretary of state and shall be required to meet all of the qualifications prescribed in section 309. An examination shall not be required if the license has been suspended pursuant to section 321a. History:Add. 1966, Act 174, Imd. Eff. July 1, 1966 ;-- Am. 1978, Act 391, Eff. Jan. 15, 1979 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

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Sec. 320d. (1) Notwithstanding section 320a, the secretary of state shall not enter the points corresponding to a moving violation committed in this state by an individual the secretary of state determines to be eligible under this section on the individual's driving record or make information concerning that violation available to any insurance company if the individual attends and successfully completes a basic driver improvement course under this section and an approved sponsor provides a certificate of successful completion of that course to the secretary of state not more than 60 days after the date on which the secretary of state notified the individual that the individual was eligible to take a basic driver improvement course. This subsection does not apply to an individual who completes a court-ordered basic driver improvement course as described in subsection (17). (2) The secretary of state shall determine if an individual is eligible under subsection (3) to attend a basic driver improvement course upon receipt of an abstract of a moving violation. If the secretary of state determines that an individual is eligible to attend a basic driver improvement course, the secretary of state shall do all of the following: (a) Notify the individual of the individual's eligibility by first-class mail at the individual's last known address as indicated on the individual's operator's or chauffeur's license and inform the individual of the manner and time within which the individual is required to attend and complete a basic driver improvement course. (b) Provide all eligible participants with information on how to access a list of approved sponsors and basic driver improvement course locations, including the secretary of state's website address and telephone number to call for more information. (c) If an approved sponsor does not provide notice of successful completion of the course by the individual within the time prescribed in subsection (1), the secretary of state shall enter the points required under section 320a. (3) Except as provided in subsection (17), an individual is ineligible to take a basic driver improvement course if any of the following apply: (a) The violation occurred while the individual was operating a commercial motor vehicle or was licensed as a commercial driver while operating a noncommercial motor vehicle. (b) The violation is a criminal offense. (c) The violation is a violation for which 4 or more points may be assessed under section 320a. (d) The violation is a violation of section 626b, 627(9), 627a, or 682. (e) The individual was cited for more than 1 moving violation arising from the same incident. (f) The individual's license was suspended under section 321a(2) in connection with the violation. (g) The individual previously successfully completed a basic driver improvement course. (h) The individual has 3 or more points on the individual's driving record. (i) The individual's operator's or chauffeur's license is restricted, suspended, or revoked, or the individual was not issued an operator's or chauffeur's license. (4) Except as provided in subsection (17), an individual is not eligible to take a basic driver improvement course for a second or subsequent violation an individual receives within the time allowed under

subsection (1). (5) The secretary of state shall maintain a computerized database of the following: (a) Individuals who have attended a basic driver improvement course. (b) Individuals who have successfully completed a basic driver improvement course. (6) The database maintained under subsection (5) must only be used for determining eligibility under subsections (3) and (4). The secretary of state shall only make the information contained in the database available to approved sponsors under subsection (10). Information in this database concerning an individual must be maintained for the life of that individual. (7) An individual shall be charged a fee of not more than $100.00 by an approved sponsor to participate in a basic driver improvement course and, if applicable, to obtain a certificate in a form as approved by the secretary of state demonstrating that the individual successfully completed the course. An approved sponsor shall remit a portion of the fee, as determined annually by the secretary of state, to cover the costs of implementing and administering this course program. (8) Fees remitted to the department under subsection (7) by an approved sponsor must be credited to the basic driver improvement course fund created under subsection (9). (9) The basic driver improvement course fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. Money in the fund at the close of the fiscal year remains in the fund and does not lapse to the general fund. The secretary of state is the administrator of the fund for auditing purposes. The secretary of state shall expend money from the fund, upon appropriation, only to pay the costs of administering this section. (10) An approved sponsor shall conduct a study of the effect, if any, that the successful completion of its basic driver improvement course has on reducing collisions, moving violations, or both for students completing its course in this state. An approved sponsor shall conduct this study every 5 years on each of the course delivery modalities employed by the approved sponsor. The secretary of state shall make all of the following information available to the approved sponsor for that purpose, subject to applicable state and federal laws governing the release of information: (a) The number of individuals who successfully complete a basic driver improvement course under this section. (b) The number of individuals who are eligible to take a basic driver improvement course under this section but who do not successfully complete that course. (c) The number and type of moving violations committed by individuals after successfully completing a basic driver improvement course under this section in comparison to the number and type of moving violations committed by individuals who have not taken a basic driver improvement course. (11) The secretary of state shall report on the findings of all studies conducted under subsection (10) to the standing committees of the house of representatives and senate on transportation issues. (12) The secretary of state shall approve basic driver improvement course sponsors, and enter into an agreement with approved sponsors, if the basic driver improvement course offered by that sponsor satisfies the requirements listed in section 3a. (13) A sponsor seeking to be an approved sponsor shall submit to the secretary of state an application on a form prescribed by the secretary of state along with a properly executed security bond in the principal sum of $20,000.00 with good and sufficient surety. Every sponsor that is an approved sponsor on March 28, 2013 also shall submit to the secretary of state a security bond described in this subsection. The bond must indemnify or reimburse the secretary of state or an individual taking the sponsor's basic driver improvement course for monetary loss caused through fraud, cheating, or misrepresentation in the conduct of the sponsor's business where the fraud, cheating, or misrepresentation was made by the sponsor or by an employee, agent, instructor, or salesperson of the sponsor. The surety shall make indemnification or reimbursement for a monetary loss only after judgment based on fraud, cheating, or misrepresentation has been entered in a court of record against the sponsor. The aggregate liability of the surety must not exceed the sum of the bond. The surety on the bond may cancel the bond by giving 30 days' written or electronic notice to the secretary of state and after giving notice is not liable for a breach of condition occurring after the effective date of the cancellation. (14) An approved sponsor shall not engage in a deceptive or unconscionable method, act, or practice, including, but not limited to, all of the following: (a) Using, adopting, or conducting business under a name that is the same as, like, or deceptively similar to the name of another approved sponsor. (b) Except as otherwise provided in this subsection, using the words "state", "government", "municipal", "city", or "county" as part of the name of the approved sponsor. (c) Advertising, representing, or implying that an approved sponsor is supervised, recommended, or endorsed by, or affiliated or associated with, or employed by, or an agent or representative of this state, the secretary of state, or a bureau of the secretary of state. (d) Advertising or publicizing under a name other than the approved sponsor's full business name as identified on the sponsor's application to be an approved sponsor. (e) Advertising that the sponsor is open for business before the sponsor becomes an approved sponsor. (f) Soliciting business on the premises of any facility rented, leased, owned, or used by the secretary of state. (g) Misrepresenting the quantity or quality of the instruction provided by, or the requirements for, a basic driver improvement course. (h) Failing to promptly restore any deposit, down payment, or other payment that a person is entitled to after an agreement is rescinded, canceled, or otherwise terminated as required under the agreement or applicable law. (i) Taking advantage of a student's or potential student's inability to reasonably protect the student's or potential student's interest because of a disability, illiteracy, or inability to understand the language of an agreement, if the sponsor knows or reasonably should have known of the student's or potential student's inability. (j) Failing to honor a term of an agreement. (k) Falsifying a document, agreement, record, report, or certificate associated with a basic driver improvement course. (15) Except as otherwise provided in this act, the secretary of state may impose 1 or more of the sanctions listed under subsection (16) if the secretary of state determines that an approved sponsor did 1 or more of the following: (a) Failed to meet a requirement under this act or an agreement established under this act. (b) Violated this act or an agreement established under this act. (c) Made an untrue or misleading statement of a material fact to the secretary of state or concealed a material fact in connection with an application or record under this act. (d) Permitted fraud or engaged in a fraudulent method, act, or practice in connection with a basic driver improvement course, or induced or countenanced fraud or a fraudulent method, act, or practice in connection with a basic driver improvement course. (e) Engaged in an unfair or deceptive method, act, or practice or made an untrue statement of a material fact. (f) Violated a suspension or an order

issued under this act. (g) Failed to maintain good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47, in connection with its business operations. (16) After the secretary of state determines that an approved sponsor committed a violation listed in subsection (15), the secretary of state may impose upon the approved sponsor 1 or more of the following sanctions: (a) Denial of an application for approval as a basic driver improvement course sponsor. (b) Suspension or revocation of the approval of an approved sponsor. (c) A requirement to take the affirmative action determined necessary by the secretary of state, including, but not limited to, payment of restitution to a student or to an injured person. (17) An individual who is ordered by a court to complete a basic driver improvement course shall take the basic driver improvement course whether or not the individual is eligible under subsections (3) and (4). The secretary of state shall enter the points required under section 320a for an individual who completes a court-ordered basic driver improvement course but is not otherwise eligible under subsections (3) and (4). (18) As used in this section, "approved sponsor" means a sponsor of a basic driver improvement course that is approved by the secretary of state under subsection (12) and whose approved status is not suspended or revoked under subsection (16). History:Add. 2008, Act 568, Eff. Dec. 31, 2010 ;-- Am. 2010, Act 289, Imd. Eff. Dec. 16, 2010 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2023, Act 39, Eff. June 30, 2023

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***** 257.320e.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 320e. (1) Except as otherwise provided in subsection (2) or (3), an individual whose operator's or chauffeur's license is suspended, revoked, or restricted under section 303, 319, 320, 324, 625, 625b, 625f, or 904 shall pay a license reinstatement fee of $125.00 to the secretary of state before a license is issued or returned to the individual. The increase in the reinstatement fee from $60.00 to $125.00 must be imposed for a license that is issued or returned on or after October 1, 1991 regardless of when the license was suspended, revoked, or restricted. Of the increase in the reinstatement fee from $60.00 to $125.00, $25.00 must be allocated to the department of state, $10.00 must be deposited by the department of treasury in the drunk driving prevention equipment and training fund created under section 625h(1), and $30.00 must be deposited by the department of treasury in the drunk driving caseflow assistance fund created under section 625h(5). The fee must be waived if the license was suspended or restricted because of the individual's mental or physical infirmity or disability. (2) An individual whose operator's or chauffeur's license is suspended, revoked, or restricted under section 319(7) shall pay a license reinstatement fee of $125.00 to the secretary of state before a license is issued or returned to the individual. The fee must be waived if the license was suspended or restricted because of the individual's mental or physical infirmity or disability. (3) Except as provided in subsection (4), an individual whose operator's or chauffeur's license is suspended as provided in section 321c shall pay a license reinstatement fee of $85.00 to the secretary of state before a license is issued or returned to the person. The fee must be deposited in the state general fund and must be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section. (4) Beginning October 1, 2021, the secretary of state shall waive the reinstatement fee for an individual whose operator's or chauffeur's license was suspended, revoked, or restricted for reasons that are no longer eligible for the suspension, revocation, or restriction of an operator's or chauffeur's license under this act. The secretary of state shall immediately reinstate an operator's or chauffeur's license that was suspended, revoked, or restricted for reasons that are no longer eligible under this act. (5) The secretary of state shall assess points and take licensing action, including suspending, revoking, or denying a license under this act, according to the law in effect at the time of the conspiracy to commit the offense or at the time the offense was committed or attempted or the civil infraction occurred. If 1 or more of the convictions involved in a licensing sanction is a violation or attempted violation of this act committed or attempted after January 1, 1992, the secretary of state shall apply the law in effect after January 1, 1992. (6) Judicial review of an administrative licensing sanction under section 303 must be governed by the law in effect at the time the offense was committed or attempted. If 1 or more of the convictions involved in an administrative licensing sanction is a violation or attempted violation of this act committed or attempted after January 1, 1992, judicial review of that sanction must be governed by the law in effect after January 1, 1992. History:Add. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 18, Imd. Eff. Mar. 29, 1983 ;-- Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987 ;-- Am. 1991, Act 98, Eff. Oct. 1, 1991 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1994, Act 449, Eff. May 1, 1995 ;-- Am. 1996, Act 240, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 493, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 346, Eff. Oct. 1, 1999 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021 ;-- Am. 2024, Act 113, Eff. (sine die)Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

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***** 257.320e THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.320e.amended ***** Sec. 320e. (1) Except as otherwise provided in subsection (2) or (3), an individual whose operator's or chauffeur's license is suspended, revoked, or restricted under section 303, 319, 320, 324, 625, 625b, 625f, 732a, or 904 shall pay a license reinstatement fee of $125.00 to the secretary of state before a license is issued or returned to the individual. The increase in the reinstatement fee from $60.00 to $125.00 must be imposed for a license that is issued or returned on or after October 1, 1991 regardless of when the license was suspended, revoked, or restricted. Of the increase in the reinstatement fee from $60.00 to $125.00, $25.00 must be allocated to the department of state, $10.00 must be deposited by the department of treasury in the drunk driving prevention equipment and training fund created under section 625h(1), and $30.00 must be deposited by the department of treasury in the drunk driving caseflow assistance fund created under section 625h(5). The fee must be waived if the license was suspended or restricted because of the individual's mental or physical infirmity or disability. (2) An individual whose operator's or chauffeur's license is suspended, revoked, or restricted under section 319(7) shall pay a license reinstatement fee of $125.00 to the secretary of state before a license is issued or returned to the individual. The fee must be waived if the license was suspended or restricted because of the individual's mental or physical infirmity or disability. (3) Except as provided in subsection (4), an individual whose operator's or chauffeur's license is suspended as provided in section 321c shall pay a license reinstatement fee of $85.00 to the secretary of state before a license is issued or returned to the person. The fee shall be deposited in the state general fund and shall be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section. (4) Beginning on the effective date of the 2020 amendatory act that added this subsection, the secretary of state shall waive the reinstatement fee for an individual whose operator's or chauffeur's license was suspended, revoked, or restricted for reasons that are no longer eligible for the suspension, revocation, or restriction of an operator's or chauffeur's license under this act. The secretary of state shall immediately reinstate an operator's or chauffeur's license that was suspended, revoked, or restricted for reasons that are no longer eligible under this act. (5) The secretary of state shall assess points and take licensing action, including suspending, revoking, or denying a license under this act, according to the law in effect at the time of the conspiracy to commit the offense or at the time the offense was committed or attempted or the civil infraction occurred. If 1 or more of the convictions involved in a licensing sanction is a violation or attempted violation of this act committed or attempted after January 1, 1992, the secretary of state shall apply the law in effect after January 1, 1992. (6) Judicial review of an administrative licensing sanction under section 303 must be governed by the law in effect at the time the offense was committed or attempted. If 1 or more of the convictions involved in an administrative licensing sanction is a violation or attempted violation of this act committed or attempted after January 1, 1992, judicial review of that sanction must be governed by the law in effect after January 1, 1992. History:Add. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 18, Imd. Eff. Mar. 29, 1983 ;-- Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987 ;-- Am. 1991, Act 98, Eff. Oct. 1, 1991 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1994, Act 449, Eff. May 1, 1995 ;-- Am. 1996, Act 240, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 493, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 346, Eff. Oct. 1, 1999 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

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Sec. 321. Upon suspending or revoking a license, the department shall require that the license be surrendered to and be destroyed by the department. At the end of the suspension period, the licensee may obtain a replacement license. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002

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Sec. 321a. (1) Except as provided in subsection (2), 28 days or more after an individual fails to answer a citation, or a notice to appear in court for a violation for which license suspension is allowed under this act or a local ordinance that substantially corresponds to a violation for which license suspension is allowed under this act, or fails to comply with an order or judgment of the court for a violation for which license suspension is allowed under this act, including, but not limited to, paying all fines, costs, fees, and assessments, the court shall give notice by mail at the last known address of the individual that if the individual fails to appear or fails to comply with the order or judgment within 14 days after the notice is issued, the secretary of state shall suspend the individual's operator's or chauffeur's license. If the individual fails to appear or fails to comply with the order or judgment within the 14-day period, the court shall, within 14 days, inform the secretary of state, who shall immediately suspend the license of the individual. The secretary of state shall immediately notify the individual of the suspension by regular mail at the individual's last known address. (2) If an individual is charged with, or convicted of, a violation of section 625, section 626, any driving violation under this act that causes injury, death, or serious impairment of a body function of another individual, a serious offense involving a motor vehicle, or a local ordinance that substantially corresponds to section 625(1), (2), (3), (6), or (8) or 626, and the individual fails to answer a citation or a notice to appear in court, or a notice to appear for any matter pending, or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, the court shall immediately give notice by first-class mail sent to the individual's last known address that if the individual fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within 14 days after the notice is issued, the secretary of state shall suspend the individual's operator's or chauffeur's license. If the individual fails to appear within the 7-day period, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately suspend the individual's operator's or chauffeur's license and notify the individual of the suspension by first-class mail sent to the individual's last known address. (3) A suspension imposed under subsection (1) or (2) remains in effect until both of the following occur: (a) The secretary of state is notified by each court in which the individual failed to answer a citation or notice to appear or failed to pay a fine or cost that the individual has answered that citation or notice to appear or paid that fine or cost. (b) The individual has paid to the court a $45.00 driver license clearance fee for each failure to answer a citation or failure to pay a fine or cost. (4) For the purposes of subsection (3)(a), the court shall give to the individual a copy of the information being transmitted to the secretary of state. Upon showing that copy, the individual must not be arrested or issued a citation for driving on a suspended license, on an expired license, or without a license on the basis of any matter resolved under subsection (3)(a), even if the information being sent to the secretary of state has not yet been received or recorded by the department. (5) For each fee received under subsection (3)(b), the court shall transmit the following amounts on a monthly basis: (a) Fifteen dollars to the secretary of state. The money received by the secretary of state under this subdivision must be deposited in the state general fund and must be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section. (b) Fifteen dollars to 1 of the following, as applicable: (i) If the matter is before the circuit court, to the treasurer of the county for deposit in the general fund. (ii) If the matter is before the district court, to the treasurer of the district funding unit for that court, for deposit in the general fund. As used in this section, "district funding unit" means that term as defined in section 8104 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8104. (iii) If the matter is before a municipal court, to the treasurer of the city in which the municipal court is located, for deposit in the general fund. (c) Fifteen dollars to the juror compensation reimbursement fund created in section 151d of the revised judicature act of 1961, 1961 PA 236, MCL 600.151d. (6) The secretary of state shall immediately suspend the operator's and chauffeur's license of an individual licensed to operate a commercial motor vehicle, or an individual who operates a commercial motor vehicle without a license to operate that vehicle, if the individual fails to answer an out-state citation, or a notice to appear in a court or an authorized administrative tribunal for a violation reportable to the secretary of state under section 732, or fails to comply with an order or judgment of an out-state court or an authorized administrative tribunal reportable to the secretary of state under section 732, or fails to appear or fails to comply with the out-state court or an authorized administrative tribunal order or judgment reportable to the secretary of state under section 732, including, but not limited to, paying all fines, costs, fees, and assessments. For a suspension imposed under this subsection, the secretary of state shall immediately notify the individual of the suspension by regular mail at the individual's last known address. (7) A suspension imposed under subsection (6) remains in effect until the secretary of state is notified by the court or authorized administrative tribunal of the other state in which the individual failed to answer a citation, or notice to appear, or failed to pay a fine or cost, that the individual has answered that citation or notice to appear or has paid the fine or cost. (8) The secretary of state shall not suspend the individual's license under subsection (6) if the individual fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, the parking or standing of a vehicle. (9) The secretary of state, on being informed of the failure of an individual to appear or comply as provided in subsection (6), shall not issue a license to the individual or renew a license for the individual until the court or authorized administrative tribunal of the other state informs the secretary of state that the individual has resolved all outstanding matters regarding the notices, orders, or citations. (10) As used in this section, "a serious offense involving a motor vehicle" means a felony or misdemeanor punishable by at least 93 days in jail, during the commission of which the individual operated a motor vehicle in a manner that presented real or potential harm to a person or property and 1 or more of the following circumstances apply to the offense: (a) The motor vehicle was used as an instrument of the offense. (b) The motor vehicle was used to transport a victim of the offense. (c) The motor vehicle was used to flee the scene of the offense. (d) The motor vehicle was necessary for the commission of the offense. History:Add. 1968, Act 332, Eff. Jan. 1, 1969 ;-- Am. 1978, Act 391, Eff. Jan. 15, 1979 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;--

Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987 ;-- Am. 1988, Act 205, Eff. July 1, 1988 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1989, Act 89, Eff. Sept. 19, 1989 ;-- Am. 1991, Act 95, Eff. Jan. 1, 1992 ;-- Am. 1994, Act 211, Eff. Nov. 1, 1994 ;-- Am. 1995, Act 55, Eff. Jan. 1, 1996 ;-- Am. 1996, Act 493, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 1998, Act 343, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2002, Act 741, Eff. Jan. 1, 2003 ;-- Am. 2004, Act 62, Eff. May 3, 2004 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2012, Act 13, Eff. May 16, 2012 ;-- Am. 2017, Act 235, Eff. Jan. 1, 2018 ;-- Am. 2017, Act 236, Eff. Jan. 1, 2018 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021Compiler's Notes:Section 2 of Act 205 of 1988 provides: “This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date.”Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989. “(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

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Sec. 321b. Any policeman, law enforcing agent, or judicial officer who is informed by an official communication from the secretary of state that the secretary of state has suspended or revoked an operator's, moped, or chauffeur's license under the provisions of this act, shall obtain and destroy the suspended or revoked license. History:Add. 1968, Act 332, Eff. Jan. 1, 1969 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002

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Sec. 321c. (1) If a friend of the court notifies the secretary of state that a licensee has failed to appear for a hearing, comply with a repayment plan order, or respond to a license suspension notice under the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, the secretary of state shall immediately suspend the operator's or chauffeur's license of the licensee and shall notify the licensee of the suspension by first-class mail. (2) If a person's license is suspended under subsection (1), the secretary of state shall not issue a license to the person if the person's license is already suspended, revoked, or denied or if the person does not have a license to suspend until the person is in compliance with subsection (3) and other provisions of this act. (3) A suspension imposed under subsection (1) or (2) remains in effect until all of the following occur: (a) The person obtains a certificate from the friend of the court showing that the person is complying with the custody, parenting time, or support order, and provides that certificate to the secretary of state. (b) The person pays to the circuit court clerk a $45.00 driver license clearance fee. (c) The person pays the reinstatement fee imposed under section 320e. (4) Unless a person's license is otherwise suspended, revoked, denied, or canceled, the license is immediately reinstated on satisfaction of the requirements of subsection (3). The secretary of state shall reissue the operator's or chauffeur's license of a person whose suspension is rescinded under subsection (3) within 30 days after receipt of the certificate obtained under subsection (3)(a), evidence of the payment of the fee under subsection (3)(b), and the fee imposed under section 320e. (5) For each fee received under subsection (3)(b), the clerk shall transmit the following amounts on a monthly basis: (a) Fifteen dollars to the secretary of state. The secretary of state shall deposit money received under this subdivision in the general fund. The money must be expended to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section. (b) Thirty dollars to the treasurer of the county. The treasurer shall deposit money received under this subdivision in the county friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530. History:Add. 1996, Act 240, Eff. Jan. 1, 1997 ;-- Am. 2009, Act 194, Imd. Eff. Dec. 28, 2009 ;-- Am. 2020, Act 127, Imd. Eff. July 1, 2020

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Sec. 322. (1) The secretary of state shall appoint a hearing officer to hear appeals from persons aggrieved by a final determination of

the secretary of state denying an application for an operator's or chauffeur's license, suspending, restricting, or revoking an operator's or chauffeur's license, or other license action. (2) The appeal shall be in writing and filed with the secretary of state within 14 days after the final determination. Upon notice of the appeal, the hearing officer shall require production of all documents filed in the matter, together with a transcript of any testimony taken. (3) In a hearing or matter properly before the hearing officer, he or she may do any of the following: (a) Issue subpoenas to compel attendance of witnesses. (b) Issue process to compel attendance. (c) Punish for contempt any witness failing to appear or testify in the same manner as provided by the rules and practice in the circuit court. (d) Swear witnesses, administer oaths, and exemplify records in any matter before the officer. (e) Take additional testimony he or she considers appropriate. (4) A verbatim record shall be made of the hearing. (5) After a hearing, the hearing officer may affirm, modify, or set aside a final determination of the secretary of state denying an application for an operator's or chauffeur's license, suspending, restricting, or revoking an operator's or chauffeur's license, or any other license action. The hearing officer shall include his or her findings of fact and conclusions of law in the record. (6) Except as provided in subsection (7), if a person whose license has been denied or revoked under section 303(2)(c), (d), or (g) applies for a license or reinstatement of a license after the time period specified in section 303(4) has elapsed, the hearing officer may issue a restricted license to that person, setting restrictions upon operating a vehicle as the hearing officer determines are appropriate. If the hearing officer issues a restricted license following a hearing held after October 1, 1999, he or she shall do both of the following: (a) Require a properly installed and functioning ignition interlock device on each motor vehicle the person owns or intends to operate, the costs of which shall be borne by the person whose license is restricted. (b) Condition issuance of a restricted license upon verification by the secretary of state that an ignition interlock device has been installed. (7) The hearing officer shall not issue a restricted license under subsection (6) that would permit the person to operate a commercial motor vehicle that hauls hazardous material. (8) If the hearing officer issues a restricted license to a person who intends to operate a vehicle owned by his or her employer, the secretary of state shall notify the employer of the employee's license restriction that requires the installation of an ignition interlock device. An employer who receives notice under this subsection is not required to install an ignition interlock device on the employer-owned vehicle. This subsection does not apply to a vehicle that is operated by a self-employed individual who uses the vehicle for both business and personal use. (9) If the hearing officer issues a restricted license requiring an ignition interlock device, the initial period for requiring the device shall be not less than 1 year. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1976, Act 9, Imd. Eff. Feb. 13, 1976 ;-- Am. 1998, Act 340, Eff. Oct. 1, 1999 ;-- Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001 ;-- Am. 2008, Act 462, Eff. Oct. 31, 2010

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Sec. 322a. A person who is issued a restricted license by the department requiring an ignition interlock device shall not remove the device or cause the device to be removed unless the department has issued an order authorizing its removal. History:Add. 2008, Act 462, Eff. Oct. 31, 2010

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Sec. 323. (1) A person aggrieved by a final determination of the secretary of state denying the person an operator's or chauffeur's license, a vehicle group designation, or an indorsement on a license or revoking, suspending, or restricting an operator's or chauffeur's license, vehicle group designation, or an indorsement may petition for a review of the determination in the circuit court in the county where the person was arrested if the denial or suspension was imposed under section 625f or under the order of a trial court under section 328 or, in all other cases, in the circuit court in the person's county of residence. The person shall file the petition within 63 days after the determination is made except that for good cause shown the court may allow the person to file petition within 182 days after the determination is made. As provided in section 625f, a peace officer aggrieved by a determination of a hearing officer in favor of a person who requested a hearing under section 625f may, with the prosecuting attorney's consent, petition for review of the determination in the circuit court in the county where the arrest was made. The peace officer shall file the petition within 63 days after the determination is made except that for good cause shown the court may allow the peace officer to file the petition within 182 days after the determination is made. (2) Except as otherwise provided in this section, the circuit court shall enter an order setting the cause for hearing for a day certain not more than 63 days after the order's date. The order, a copy of the petition that includes the person's full name, current address, birth date, and driver's license number, and all supporting affidavits must be served on the secretary of state's office in Lansing not less than 20 days before the date set for the hearing. If the person is

seeking a review of the record prepared under section 322 or section 625f, the service upon the secretary of state must be made not less than 50 days before the date set for the hearing. (3) The court may take testimony and examine all the facts and circumstances relating to the denial, suspension, or restriction of the person's license under sections 303(1)(d), 320, or 904(10) or (11), a licensing action under section 310d, or a suspension for a first violation under section 625f. The court may affirm, modify, or set aside the restriction, suspension, or denial, except the court shall not order the secretary of state to issue a restricted or unrestricted chauffeur's license that would permit the person to drive a commercial motor vehicle that hauls a hazardous material. The court shall enter the order and the petitioner shall file a certified copy of the order with the secretary of state's office in Lansing within 7 days after entry of the order. (4) Except as otherwise provided in this section, in reviewing a determination resulting in a denial, suspension, restriction, or revocation under this act, the court shall confine its consideration to a review of the record prepared under section 322 or 625f or the driving record created under section 204a for a statutory legal issue, and may determine that the petitioner is eligible for full driving privileges or, if the petitioner is subject to a revocation under section 303, may determine that the petitioner is eligible for restricted driving privileges. The court shall set aside the secretary of state's determination only if 1 or more of the following apply: (a) In determining whether a petitioner is eligible for full driving privileges, the petitioner's substantial rights have been prejudiced because the determination is any of the following: (i) In violation of the Constitution of the United States, the state constitution of 1963, or a statute. (ii) In excess of the secretary of state's statutory authority or jurisdiction. (iii) Made upon unlawful procedure resulting in material prejudice to the petitioner. (iv) Not supported by competent, material, and substantial evidence on the whole record. (v) Arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion. (vi) Affected by other substantial and material error of law. (b) In determining whether a petitioner is eligible for review of a revocation or denial under section 303, or whether a petitioner is eligible for restricted driving privileges, all of the following apply: (i) The petitioner's substantial rights have been prejudiced as described in subdivision (a). (ii) All of the following are satisfied: (A) The revocation or denial occurred at least 1 year after the petitioner's license was revoked or denied, or, if the petitioner's license was previously revoked or denied within the 7 years preceding the most recent revocation or denial, at least 5 years after the most recent revocation or denial, whichever is later. (B) The court finds that the petitioner meets the department's requirements under the rules promulgated by the department under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.238. For purposes of this sub-subparagraph only, the court may take additional testimony to supplement the record prepared under section 322 or 625f or the driving record created under section 204a, but shall not expand the record. (C) If the revocation or denial was under section 303(2)(a), (b), (c), or (g), the petitioner rebuts by clear and convincing evidence the presumption that he or she is a habitual offender, and establishes to the court's satisfaction that he or she is likely to adhere to any requirements imposed by the court. For purposes of this sub-subparagraph, the conviction that resulted in the revocation and any record of denial of reinstatement by the department are prima facie evidence that the petitioner is a habitual offender. For purposes of this sub-subparagraph only, the court may take additional testimony to supplement the record prepared under section 322 or 625f or the driving record created under section 204a, but shall not expand the record. (5) If the court determines that a petitioner is eligible for restricted driving privileges under subsection (4)(b), the court shall issue an order that includes, but is not limited to, all of the following: (a) The court's findings under section 303 and R 257.1 to R 257.1727 of the Michigan Administrative Code. (b) A requirement that each motor vehicle operated by the petitioner be equipped with a properly installed and functioning ignition interlock device for a period of not less than 1 year before the petitioner will be eligible to return to the secretary of state for a hearing. The petitioner shall bear the cost of an ignition interlock device required under this subdivision. A restricted license must not be issued to the petitioner until the secretary of state has verified that 1 or more ignition interlock devices, if applicable, have been installed as required by this subdivision. (c) A method by which the court will verify that the petitioner maintains no-fault insurance for each vehicle described in subdivision (b) as required by chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. (d) A requirement that a restricted license issued to the petitioner must not permit the petitioner to operate a commercial motor vehicle that hauls hazardous materials. (e) A provision that the secretary of state shall revoke the petitioner's restricted license if any of the following occur: (i) The petitioner violates the restrictions on his or her license. (ii) The petitioner violates subdivision (b). (iii) The petitioner removes, or causes to be removed, an ignition interlock device required under subdivision (b), unless the secretary of state has authorized the removal under section 322a. (iv) The petitioner commits an act that would be a major violation if the petitioner's license had been issued under section 322(6) or consumes alcohol or a controlled substance without a prescription. As used in this subparagraph, "major violation" means that term as defined in R 257.301a of the Michigan Administrative Code. (v) The petitioner is arrested for a violation of section 625 or a local ordinance, law of this state or another state, or law of the United States that substantially corresponds to section 625. (6) If the court determines that a petitioner is eligible for restricted driving privileges under this section and the petitioner intends to operate a vehicle owned by his or her employer, the court shall notify the employer of the petitioner's obligation under subsection (5)(b). This subsection does not require an employer who receives a notice under this subsection to install an ignition interlock device on a vehicle. This subsection does not apply to a vehicle that is operated by a self-employed individual who uses the vehicle for both business and personal use. (7) If a court determines that a petitioner is eligible for restricted driving privileges, the secretary of state shall not issue a restricted license to the petitioner until he or she has satisfied any other applicable requirements of state or federal law, and shall not issue a restricted license to the petitioner if the order granting eligibility for restricted driving privileges does not comply with subsection (5). (8) If a court determines that a petitioner is eligible for restricted driving privileges, the court shall notify the department of its determination through the issuance of an order under subsection (5) and shall not retain jurisdiction over a license issued under this section. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1953, Act 120, Eff. Oct. 2, 1953 ;-- Am. 1958, Act 113, Eff. Sept. 13, 1958 ;-- Am.

1978, Act 57, Imd. Eff. Mar. 10, 1978 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1981, Act 71, Imd. Eff. June 30, 1981 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1994, Act 449, Eff. May 1, 1995 ;-- Am. 1998, Act 346, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001 ;-- Am. 2016, Act 117, Eff. Aug. 15, 2016 ;-- Am. 2018, Act 99, Eff. July 1, 2018Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

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Sec. 323a. (1) A person who is aggrieved by a final determination of the secretary of state suspending or revoking the operator's or chauffeur's license of the person may, within 63 days after the determination, petition the circuit court for the county in which the conviction or civil infraction determination resulting in the license being suspended or revoked was entered, or the circuit court for the county of residence of the person if the license was suspended or revoked as provided in section 318, or for the accumulation of 12 or more points as provided in sections 320 and 320a, for an order staying the revocation or suspension of the license. Except as provided in subsection (2), the court may enter an ex parte order staying the suspension or revocation subject to terms and conditions prescribed by the court until the determination of an appeal to the secretary of state or of an appeal or a review by the circuit court, or for a lesser time which the court considers proper, except that the court shall not enter an ex parte order staying the suspension or revocation of a person who drives a truck or truck tractor, including a trailer, which hauls hazardous material. (2) The court shall not enter an ex parte order staying the suspension, denial, or revocation if the order is based upon a claim of undue hardship. (3) This section shall not apply to a suspension for a violation of the financial responsibility act contained in chapter V. History:Add. 1960, Act 78, Eff. Aug. 17, 1960 ;-- Am. 1961, Act 19, Imd. Eff. May 10, 1961 ;-- Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

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Sec. 323b. The license of a minor shall be canceled by the secretary of state upon the written request of the custodial parent or parents or legal guardian of the minor. The secretary of state may reduce the graduated driver license level or delay advancement to the next level of a minor upon the written request of the custodial parent or parents or legal guardian of the minor. History:Add. 1965, Act 306, Eff. Mar. 31, 1966 ;-- Am. 1972, Act 49, Imd. Eff. Feb. 19, 1972 ;-- Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001

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Sec. 323c. (1) A person denied a license to operate a motor vehicle or whose license for that purpose has been suspended by the secretary of state under section 625f has a right to a review of the matter in circuit court as provided in sections 323 and 323a. Except as provided in this section, the court may order the secretary of state to issue to the person a restricted license permitting the

person to drive only to and from the person's residence and work location; in the course of the person's employment or occupation; to and from an alcohol or drug education program or treatment program as ordered by a court; to and from the person's residence and the court probation department, or a court-ordered community service program, or both; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The restricted license shall permit the driver to take any driving skills test required by the secretary of state. If the denial, suspension, or revocation of a person's license or vehicle group designation under section 625f occurred in connection with the operation of a commercial motor vehicle, the court shall not order the secretary of state to issue a restricted license that would permit the person to operate a commercial motor vehicle. The court shall not order the secretary of state to issue a restricted operator's or chauffeur's license that would permit a person to operate a commercial motor vehicle hauling hazardous material. The court shall not order the secretary of state to issue a restricted license unless the person states under oath and the court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, or educational institution, and does not have a family member or other person able to provide transportation. The court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this section, "work location" includes, as applicable, either or both of the following: (a) The specific place or places of employment. (b) The territory or territories regularly visited by the person in pursuance of the person's occupation. (2) If the person's license has been suspended pursuant to section 625f within the immediately preceding 7-year period, a restricted license shall not be issued. (3) Notwithstanding any other provision of this section, the court shall not issue a restricted license to a person who has accumulated over 24 points, as provided in section 320a, within the 2-year period preceding the date of the suspension of his or her license. (4) Notwithstanding any other provision of this act, the court shall not issue a restricted license to a person to operate a commercial motor vehicle when a vehicle group designation is required to operate that vehicle. History:Add. 1968, Act 335, Eff. Nov. 15, 1968 ;-- Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

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Sec. 323d. (1) The drug case information management fund is created as a separate fund in the state treasury. The purpose of the fund is to help defray the costs of complying with requirements for the timely management and reporting to the secretary of state of information concerning cases involving an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and 333.17766a of the Michigan Compiled Laws, or of a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978. Money in the fund shall be expended only as provided in subsection (3). (2) The state treasurer shall credit the drug case information management fund with the money collected from license reinstatement fees as provided in section 320e(2). The state treasurer may invest money contained in the drug case information management fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of money as required by this section. The state treasurer shall credit all earnings from the fund to the fund. Money in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund. (3) The state court administrator, at the direction of the supreme court and upon confirmation of the amount by the state treasurer, shall distribute from the drug case information management fund the total amount available in a fiscal year to each circuit of the circuit court, each district of the district court, and each probate court as provided in this subsection. The state court administrator, after reimbursement of costs as provided in this subsection, shall distribute the balance of the drug case information management fund annually after costs are disbursed to each circuit of the circuit court, each district of the district court, and each probate court in an amount determined by multiplying the amount available for distribution by a fraction, the numerator of which is the number of cases in which the defendant was charged with an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, in the prior calendar year in that circuit of the circuit court, that district of the district court, or that probate court, as certified by the state court administrator, and the denominator of which is the total number of cases in all circuits of the circuit court, all districts of the district court, and all probate courts in which the defendant was charged with an attempt to violate, a conspiracy to violate, or a violation of part 74 of section 17766a of Act No. 368 of the Public Acts of 1978, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978. The state court administrative office shall be reimbursed annually from the drug case information management fund for all reasonable costs associated with the administration of this section, including judicial and staff training, on-site management assistance, forms

development and conversion, and software development and conversion. History:Add. 1993, Act 359, Eff. Sept. 1, 1994

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Sec. 324. (1) A person shall not do any of the following: (a) Display, or cause or permit to be displayed, or have in possession an operator's or chauffeur's license knowing the operator's or chauffeur's license to be fictitious or to have been canceled, revoked, suspended, or altered. (b) Lend to or knowingly permit use of, by one not entitled to its use, the operator's or chauffeur's license issued to the person lending or permitting the use of the operator's or chauffeur's license. (c) Display or to represent as one's own any operator's or chauffeur's license not issued to the person displaying the operator's or chauffeur's license. (d) Fail or refuse to surrender to the department upon demand, any operator's or chauffeur's license which has been suspended, canceled, or revoked as provided by law. (e) Use a false or fictitious name or give a false or fictitious address in an application for an operator's or chauffeur's license, or any renewal or duplicate of an operator's or chauffeur's license, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in making an application. (f) Alter or otherwise cause to be altered any operator's or chauffeur's license so as to knowingly make a false statement or knowingly conceal a material fact in order to misrepresent as one's own the operator's or chauffeur's license. (g) Use or have in possession in committing a crime an operator's or chauffeur's license that has been altered or that is used to knowingly make a false statement or to knowingly conceal a material fact in order to misrepresent as one's own the operator's or chauffeur's license. (h) Furnish to a peace officer false, forged, fictitious, or misleading verbal or written information identifying the person as another person, if the person is detained for a violation of this act or of a local ordinance substantially corresponding to a provision of this act. (i) Commit fraud related to the testing for or issuance of a commercial driver license or permit. (j) Fail to schedule a retest appointment within 30 days after receiving the secretary of state's retest notification. (2) An operator's or chauffeur's license issued to a person under this chapter upon an application that is untrue, or that contains false statements as to any material matters, or that was obtained by fraud in the testing for or issuance of the license, is void from the date of issuance. The operator or chauffeur who was issued the license is considered unlicensed and the license issued shall be returned upon request or order of the department. A person whose commercial driver license application is voided or canceled under this subsection, including as required under 49 CFR part 383, shall not reapply for a commercial driver license except as follows: (a) Not sooner than 60 days after an application is voided or canceled. (b) If the person obtained the license by fraud in the testing for or issuance of the commercial driver license or commercial learner's permit, not sooner than 365 days after the permit or license is canceled. (c) If the person failed to schedule a retesting for a new commercial learner's permit or commercial driver license within 30 days after receiving the notification by the secretary of state for retesting, until the driver meets the department's requirements for applying for a new commercial learner's permit or commercial driver license. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959 ;-- Am. 1967, Act 17, Eff. Nov. 2, 1967 ;-- Am. 1985, Act 79, Eff. Oct. 1, 1985 ;-- Am. 2001, Act 159, Eff. Feb. 1, 2002 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2015, Act 11, Eff. July 8, 2015

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Sec. 325. An individual shall not cause or knowingly permit any minor to drive a motor vehicle upon a highway as an operator, unless the minor has first obtained a license to drive a motor vehicle under the provisions of this chapter. An individual who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than $100.00. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1972, Act 49, Imd. Eff. Feb. 19, 1972 ;-- Am. 2020, Act 382, Eff. Oct. 1, 2021

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Sec. 326. No person shall knowingly authorize or permit a motor vehicle owned by him or under his control to be driven by any person in violation of any of the provisions of this act. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 327. No person shall knowingly employ any chauffeur to operate a motor vehicle who is not licensed as provided in this chapter. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 328. (1) The owner of a motor vehicle who operates or permits the operation of the motor vehicle on the highways of this state or the operator of the motor vehicle shall produce, under subsection (2), on the request of a police officer, evidence that the motor vehicle is insured under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. Subject to section 907(14), an owner or operator of a motor vehicle who fails to produce evidence of insurance on request under this subsection or who fails to have motor vehicle insurance for the vehicle as required under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, is responsible for a civil infraction. If an individual displays an electronic copy of his or her certificate of insurance using an electronic device, the police officer shall only view the electronic copy of the certificate of insurance and shall not manipulate the electronic device to view any other information on the electronic device. An individual who displays an electronic copy of his or her certificate of insurance using an electronic device as provided in this subsection is not presumed to have consented to a search of the electronic device. A police officer may require the individual to electronically forward the electronic copy of the certificate of insurance to a specified location provided by the police officer. The police officer may then view the electronic copy of the certificate of insurance in a setting in which it is safe for the officer to verify that the information contained in the electronic copy of the certificate of insurance is valid and accurate. This state, a law enforcement agency, or an employee of this state or a law enforcement agency is not liable for damage to or loss of an electronic device that occurs as a result of a police officer's viewing an electronic copy of a certificate of insurance in the manner provided in this section, regardless of whether the police officer or the owner or operator of the vehicle was in possession of the electronic device at the time the damage or loss occurred. (2) A certificate of insurance, in paper or electronic form and issued by an insurance company, that certifies that the security that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is in force is prima facie evidence that insurance is in force for the motor vehicle described in the certificate of insurance until the expiration date shown on the certificate. The certificate, in addition to describing the motor vehicles for which insurance is in effect, must, if applicable, state the name of each individual named on the policy, policy declaration, or a declaration certificate whose operation of the vehicle would cause the liability coverage of that insurance to become void. (3) If, before the appearance date on a citation issued under subsection (1), the defendant submits proof to the court that the motor vehicle had insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, at the time the violation of subsection (1) occurred, all of the following apply: (a) The court shall not assess a fine or costs. (b) The court shall not forward an abstract of the court record to the secretary of state. (c) The court may assess a fee of not more than $25.00 that shall be paid to the court funding unit. (4) If an owner or operator of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered may require the individual to surrender his or her operator's or chauffeur's license unless proof that the vehicle has insurance that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the court. If the court requires the license to be surrendered, the court shall order the secretary of state to suspend the individual's license. The court shall immediately destroy the license and shall forward an abstract of the court record to the secretary of state as required by section 732. On receipt of the abstract, the secretary of state shall suspend the individual's license beginning with the date on which the individual is determined to be responsible for the civil infraction for a period of 30 days or until proof of insurance that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the secretary of state, whichever occurs later. An individual who submits proof of insurance to the secretary of state under this subsection shall pay a service fee of $25.00 to the secretary of state. The individual shall not be required to be examined under section 320c and shall not be required to pay a replacement license fee. (5) If an owner or operator of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered shall notify the secretary of state of the vehicle registration number and the year and make of the motor vehicle being operated at the time of the violation. A notification under this subsection must be made on the abstract or on a form approved by the supreme court administrator. On receipt, the secretary of state shall immediately enter this information in the records of the department. The secretary of state shall not renew, transfer, or replace the registration plate of the vehicle involved in the violation or allow the purchase of a new registration plate for the vehicle involved in the violation until the owner meets the requirements of section 227a or unless the vehicle involved in the violation is transferred or sold to a person other than the owner's spouse, mother, father, sister, brother, or child. (6) An owner or operator of a motor vehicle who knowingly produces false evidence under this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (7) Points must not be entered on a driver's record under section 320a for a violation of this section. (8) This section does not apply to the owner or operator of a motor vehicle that is registered in a state other than this state or a foreign country or province. History:Add. 1980, Act 459, Imd. Eff. Jan. 15, 1981 ;-- Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996 ;-- Am. 2004, Act 52, Eff. May 1, 2004 ;-- Am. 2015, Act 135, Eff. Jan. 5, 2016 ;--

Am. 2020, Act 376, Eff. Oct. 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)300-1949-III-VIOLATION-OF-LICENSE-PROVISIONS - Violation of License Provisions (257.324...257.329)Section 257.329 - Possessing, Selling, or Offering for Sale a Stolen, False, or Counterfeit Certificate of Insurance; Penalty.

Sec. 329. (1) A person who knowingly possesses, sells, or offers for sale a stolen, false, or counterfeit certificate of insurance is guilty of a felony. (2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than $1,500.00 or more than $7,000.00, or both. (3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than $5,000.00 or more than $15,000.00, or both. History:Add. 1992, Act 309, Eff. Mar. 31, 1993

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.301 - Valid Operator's or Chauffeur's License Required; Group Designation and Indorsements; Surrender of Other Valid Licenses; Notice; Number of Licenses Permitted; Certifying Nonpossession of Valid License; Pandemic Expiration Extension.

Sec. 301. (1) Except as provided in this act, an individual shall not drive a motor vehicle on a highway in this state unless that individual has a valid operator's or chauffeur's license with the appropriate group designation and indorsements for the type or class of vehicle being driven or towed. A resident of this state holding a commercial driver license group indorsement issued by another state shall apply for a license transfer within 30 days after establishing domicile in this state. (2) An individual shall not receive a license to operate a motor vehicle until that individual surrenders to the secretary of state all valid licenses to operate a motor vehicle issued to that individual by this or any state or certifies that he or she does not possess a valid license. The secretary of state shall notify the issuing state that the licensee is now licensed in this state. (3) An individual shall not have more than 1 valid driver license. (4) An individual shall not drive a motor vehicle as a chauffeur unless that individual holds a valid chauffeur's license. An individual shall not receive a chauffeur's license until that individual surrenders to the secretary of state a valid operator's or chauffeur's license issued to that individual by this or any state or certifies that he or she does not possess a valid license. (5) An individual holding a valid chauffeur's license need not procure an operator's license. (6) An operator's or chauffeur's license that expires on or after March 1, 2020 is valid until March 31, 2021. An operator's or chauffeur's license that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1967, Act 7, Imd. Eff. Apr. 21, 1967 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.302 - Operators' and Chauffeurs' Licenses; Persons Exempt.

Sec. 302. The following persons are exempt from obtaining a license under this chapter: (a) A person serving in the Armed Forces of the United States if furnished with a driver's permit and operating an official motor vehicle in that service or a person who is a military driver and operates a commercial motor vehicle for a military purpose. This exemption applies to active duty military personnel, members of the military reserves, active duty United States Coast Guard personnel, and members of the national guard while on active duty, including, but not limited to, personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians who are civilians required to wear military uniforms. This exemption does not apply to any of the following: (i) United States reserve technicians. (ii) Except as otherwise provided in this subdivision, a person who is a civilian and in the employ of the Armed Forces of the United States. (b) A person while driving or operating a road roller, a snow motor, road machinery, or a farm tractor or implement of husbandry temporarily drawn, moved, or propelled on a highway, if

the person is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1). (c) A nonresident who is not less than 16 years of age and who has been licensed either as an operator or a chauffeur under a law requiring the licensing of operators or chauffeurs in his or her home state and who has in his or her immediate possession either a valid operator's or a valid chauffeur's license issued to him or her in his or her home state. (d) A nonresident who is over the age of 17 years, whose home state does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if all of the following apply: (i) The motor vehicle is registered in the home state or country of the nonresident. (ii) The nonresident has in his or her immediate possession a registration card evidencing ownership and registration of the motor vehicle in his or her home state or country, or is able at any time or place required to prove lawful possession or the right to operate the motor vehicle and to establish his or her proper identity. (iii) The nonresident is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1). (e) A person who is a member of the Armed Forces of the United States on official leave, who on the date of his or her orders granting leave possessed an operator's or chauffeur's license, valid except for the expiration date of the license. This exemption applies only to the person's first leave of absence following the expiration of his or her license and exempts the person from the provisions of this act for a period not to exceed 30 days. (f) A person who is a discharged member of the Armed Forces of the United States, who on the date of his or her discharge possesses an operator's or chauffeur's license, valid except for the expiration date, for a period not to exceed 30 days from date of discharge. (g) A person who is a member of the Armed Forces of the United States, stationed in this state, who resides in another state and has a valid license issued by the state in which he or she resides. (h) A person while operating a commercial motor vehicle in the course of a driving test administered by a certified examiner appointed by the secretary of state and while accompanied by the examiner, if the person is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1). (i) A person while operating a commercial motor vehicle who is not disqualified from operating a commercial motor vehicle and who holds a commercial driver license that is issued to him or her by another state or jurisdiction under 49 CFR part 383. (j) A person with a mobility disability while operating a power-driven mobility device. This subdivision does not apply to a person with a mobility disability while operating a power-driven mobility device on a street, road, or highway in this state. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1968, Act 90, Imd. Eff. June 4, 1968 ;-- Am. 1972, Act 89, Imd. Eff. Mar. 20, 1972 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008 ;-- Am. 2018, Act 428, Eff. Mar. 20, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.302a - Nonresident Using License to Operate Motor Vehicle Issued by Another Country; Establishment of Unique Driver Record; Reciprocal Agreement.

Sec. 302a. (1) Except as otherwise provided by this act, and as provided in this section, a nonresident operator of a motor vehicle who is the holder of a license to operate a motor vehicle issued by a country other than the United States is not required to obtain a license to operate a passenger vehicle in this state if he or she does not receive compensation for such operation. The nonresident operator may operate a motor vehicle in compliance with otherwise applicable state and federal law using the license to operate a motor vehicle issued by a country other than the United States if the country that issued the nonresident operator's license is a party to an international treaty, convention, or agreement regulating traffic, driving, or the operation of motor vehicles to which the United States or this state is also a party, according to the terms of that treaty, convention, or agreement. If the issuing country is not a party to a treaty, convention, or agreement described in this subsection, the nonresident operator may operate a motor vehicle using the license issued by his or her home country if he or she would otherwise be able to satisfy the requirements of section 307(1) except for any requirement to establish an address in this state or residency. While operating a passenger vehicle in this state, a nonresident operator who is the holder of a license to operate a motor vehicle issued by a country other than the United States shall have in his or her immediate possession his or her valid license to operate a motor vehicle issued by that country and, if no English translation appears on the front or back of the license, 1 of the following: (a) A valid international driving permit. (b) If the license to operate a motor vehicle is issued by a country that does not permit the issuance of an international driving permit, a document containing a photo and an English translation that substantially corresponds to an international driving permit, which shall be used solely to properly identify the individual appearing on the license for the purpose of enforcing this act. (2) The secretary of state shall establish a unique driver record for an individual upon receipt of an abstract of conviction for any offense committed in violation of this act by that individual who is operating a motor vehicle in this state as provided in subsection (1). The operation of a motor vehicle in this state by an individual who possesses a valid license to operate a motor vehicle issued by a country other than the United States is subject to this act. (3) An individual for whom a unique driver record has been created under subsection (2) is subject to all fees, fines, restrictions, and enforcement as if he or she were licensed under this act. (4) Nothing in this section prohibits the secretary of state from entering into a reciprocal agreement and exchanging letters confirming the extension of privileges to operate vehicles with another country. (5) The secretary of state shall publish on its website a list of the countries with which it has entered into a reciprocal agreement described in subsection (4). History:Add. 1990, Act 181, Imd. Eff. July 18, 1990 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2016, Act 138, Eff. Mar. 29, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.303.amended -

Operator's or Chauffeur's License; Issuance; Prohibitions; Revocation; Denial of License; Multiple Convictions or Civil Infractions; "Felony in Which a Motor Vehicle Was Used" Defined.

***** 257.303.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 303. (1) The secretary of state shall not issue a license under this act to any of the following individuals: (a) An individual, as an operator, who is less than 18 years of age, except as otherwise provided in this act. (b) An individual, as a chauffeur, who is less than 18 years of age, except as otherwise provided in this act. (c) An individual whose license is suspended, revoked, denied, or canceled in any state. If the suspension, revocation, denial, or cancellation is not from the jurisdiction that issued the last license to the individual, the secretary of state may issue a license after the expiration of 5 years from the effective date of the most recent suspension, revocation, denial, or cancellation. (d) An individual who in the opinion of the secretary of state is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle on the highways. (e) An individual who is unable to understand highway warning or direction signs in the English language. (f) An individual who is unable to pass a knowledge, skill, or ability test administered by the secretary of state in connection with issuing an original operator's or chauffeur's license, original motorcycle indorsement, or an original or renewal of a vehicle group designation or vehicle indorsement. (g) A nonresident, including, but not limited to, a foreign exchange student. (h) An individual who has failed to answer a citation or notice to appear in court or for any matter pending or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, in violation of section 321a, until that individual answers the citation or notice to appear in court or for any matter pending or complies with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, as provided under section 321a. (i) An individual not licensed under this act who has been convicted of, has received a juvenile disposition for, or has been determined responsible for a crime or civil infraction described in section 319, 324, or 904. An individual shall be denied a license under this subdivision for the length of time corresponding to the period of the licensing sanction that would have been imposed under section 319, 324, or 904 if the individual had been licensed at the time of the violation. (j) An individual not licensed under this act who is determined to have violated section 624a or 624b. The individual shall be denied a license under this subdivision for a period of time that corresponds to the period of the licensing sanction that would have been imposed under those sections had the individual been licensed at the time of the violation. (k) An individual whose commercial driver license application is canceled under section 324(2). (l) Unless otherwise eligible under section 307(1), an individual who is not a citizen of the United States. (2) On receiving the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of an individual and deny issuance of an operator's or chauffeur's license to an individual who has any of the following, whether under a law of this state, a local ordinance that substantially corresponds to a law of this state, a law of another state that substantially corresponds to a law of this state, or, beginning October 31, 2010, a law of the United States that substantially corresponds to a law of this state: (a) Any combination of 2 convictions within 7 years for reckless driving in violation of section 626 before October 31, 2010 or, beginning October 31, 2010, 626(2). (b) Any combination of 2 or more convictions within 7 years for any of the following: (i) A felony in which a motor vehicle was used. (ii) A violation or attempted violation of section 601b(2) or (3), section 601c(1) or (2), section 602a(4) or (5), section 617, section 653a(3) or (4), or section 904(4) or (5). (iii) Negligent homicide, manslaughter, or murder that results from the operation of a vehicle or an attempt to commit any of those crimes. (iv) A violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a. (c) Any combination of 2 convictions within 7 years for any of the following or a combination of 1 conviction for a violation or attempted violation of section 625(6) and 1 conviction for any of the following within 7 years: (i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content. (ii) A violation or attempted violation of section 625m. (iii) A violation or attempted violation of former section 625b. (d) One conviction for a violation or attempted violation of section 315(5), section 601b(3), section 601c(2), section 602a(4) or (5), section 617, section 625(4) or (5), section 653a(4), section 904(4) or (5), or, beginning October 31, 2010, section 626(3) or (4). (e) One conviction of negligent homicide, manslaughter, or murder that results from the operation of a vehicle or an attempt to commit any of those crimes. (f) One conviction for a violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a. (g) Any combination of 3 convictions within 10 years for any of the following or 1 conviction for a violation or attempted violation of section 625(6) and any combination of 2 convictions for any of the following within 10 years, if any of the convictions resulted from an arrest on or after January 1, 1992: (i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content. (ii) A violation or attempted violation of section 625m. (iii) A violation or attempted violation of former section 625b. (3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order unless the court order complies with section 323. (4) Except as otherwise provided under section 304, the secretary of state shall not issue a license under this act to an individual whose license has been revoked under this act or revoked and denied under subsection (2) until all of the following occur, as applicable: (a) The later of the following: (i) The expiration of not less than 1 year after the license was revoked or denied. (ii) The expiration of not less than 5 years after the date of a subsequent revocation or denial occurring within 7 years after the date of any prior revocation or denial. (b) For a denial under subsection (2)(a), (b), (c), and (g), the individual rebuts by

clear and convincing evidence the presumption that results from the prima facie evidence that the individual is a habitual offender. The convictions that resulted in the revocation and denial constitute prima facie evidence that the individual is a habitual offender. (c) The individual meets the requirements of the department. (5) The secretary of state shall deny issuing a vehicle group designation to an individual under either of the following circumstances: (a) The individual has been disqualified by the United States Secretary of Transportation from operating a commercial motor vehicle. (b) Beginning on and after January 30, 2012, the individual does not meet the requirements of the federal regulations under 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the individual intends to perform and, if required, fails to present to the secretary of state a valid medical certification. (6) Multiple convictions or civil infraction determinations that result from the same incident must be treated as a single violation for purposes of denial or revocation of a license under this section. (7) As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the individual operated a motor vehicle and while operating the vehicle presented real or potential harm to individuals or property and 1 or more of the following circumstances existed: (a) The vehicle was used as an instrument of the felony. (b) The vehicle was used to transport a victim of the felony. (c) The vehicle was used to flee the scene of the felony. (d) The vehicle was necessary for the commission of the felony. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1961, Act 123, Eff. Sept. 8, 1961 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1978, Act 391, Eff. Jan. 15, 1979 ;-- Am. 1980, Act 515, Eff. Apr. 1, 1981 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 216, Imd. Eff. Nov. 11, 1983 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1991, Act 98, Eff. Jan. 1, 1992 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1994, Act 449, Eff. May 1, 1995 ;-- Am. 1996, Act 387, Eff. Apr. 1, 1997 ;-- Am. 1996, Act 493, Eff. Apr. 1, 1997 ;-- Am. 1996, Act 587, Eff. June 1, 1997 ;-- Am. 1998, Act 351, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2000, Act 460, Eff. Mar. 28, 2001 ;-- Am. 2001, Act 103, Eff. Oct. 1, 2001 ;-- Am. 2001, Act 159, Eff. Feb. 1, 2002 ;-- Am. 2002, Act 422, Eff. Oct. 1, 2002 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2005, Act 142, Imd. Eff. Sept. 29, 2005 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008 ;-- Am. 2008, Act 462, Eff. Oct. 31, 2010 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2010, Act 155, Eff. Jan. 1, 2011 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021 ;-- Am. 2024, Act 42, Eff. (sine die)Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.303 - Operator's or Chauffeur's License; Issuance; Prohibitions; Revocation; Denial of License; Multiple Convictions or Civil Infractions; "Felony in Which a Motor Vehicle Was Used" Defined.

***** 257.303 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.303.amended ***** Sec. 303. (1) The secretary of state shall not issue a license under this act to any of the following individuals: (a) An individual, as an operator, who is less than 18 years of age, except as otherwise provided in this act. (b) An individual, as a chauffeur, who is less than 18 years of age, except as otherwise provided in this act. (c) An individual whose license is suspended, revoked, denied, or canceled in any state. If the suspension, revocation, denial, or cancellation is not from the jurisdiction that issued the last license to the individual, the secretary of state may issue a license after the expiration of 5 years from the effective date of the most recent suspension, revocation, denial, or cancellation. (d) An individual who in the opinion of the secretary of state is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle on the highways. (e) An individual who is unable to understand highway warning or direction signs in the English language. (f) An individual who is unable to pass a knowledge, skill, or ability test administered by the secretary of state in connection with issuing an original operator's or chauffeur's license, original motorcycle indorsement, or an original or renewal of a vehicle group designation or vehicle indorsement. (g) An individual who has been convicted of, has received a juvenile disposition for, or has been determined responsible for 2 or more moving violations under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state within the preceding 3 years, if the violations occurred before issuance of an original license to the person in this state, another state, or another country. (h) A nonresident, including, but not limited to, a foreign exchange student. (i) An individual who has failed to answer a citation or notice to appear in court or for any matter pending or fails to comply with an order or judgment of the court, including, but not limited to, paying all

fines, costs, fees, and assessments, in violation of section 321a, until that individual answers the citation or notice to appear in court or for any matter pending or complies with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, as provided under section 321a. (j) An individual not licensed under this act who has been convicted of, has received a juvenile disposition for, or has been determined responsible for a crime or civil infraction described in section 319, 324, or 904. An individual shall be denied a license under this subdivision for the length of time corresponding to the period of the licensing sanction that would have been imposed under section 319, 324, or 904 if the individual had been licensed at the time of the violation. (k) An individual not licensed under this act who is determined to have violated section 624a or 624b. The individual shall be denied a license under this subdivision for a period of time that corresponds to the period of the licensing sanction that would have been imposed under those sections had the individual been licensed at the time of the violation. (l) An individual whose commercial driver license application is canceled under section 324(2). (m) Unless otherwise eligible under section 307(1), an individual who is not a citizen of the United States. (2) On receiving the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of an individual and deny issuance of an operator's or chauffeur's license to an individual who has any of the following, whether under a law of this state, a local ordinance that substantially corresponds to a law of this state, a law of another state that substantially corresponds to a law of this state, or, beginning October 31, 2010, a law of the United States that substantially corresponds to a law of this state: (a) Any combination of 2 convictions within 7 years for reckless driving in violation of section 626 before October 31, 2010 or, beginning October 31, 2010, 626(2). (b) Any combination of 2 or more convictions within 7 years for any of the following: (i) A felony in which a motor vehicle was used. (ii) A violation or attempted violation of section 601b(2) or (3), section 601c(1) or (2), section 602a(4) or (5), section 617, section 653a(3) or (4), or section 904(4) or (5). (iii) Negligent homicide, manslaughter, or murder that results from the operation of a vehicle or an attempt to commit any of those crimes. (iv) A violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a. (c) Any combination of 2 convictions within 7 years for any of the following or a combination of 1 conviction for a violation or attempted violation of section 625(6) and 1 conviction for any of the following within 7 years: (i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content. (ii) A violation or attempted violation of section 625m. (iii) A violation or attempted violation of former section 625b. (d) One conviction for a violation or attempted violation of section 315(5), section 601b(3), section 601c(2), section 602a(4) or (5), section 617, section 625(4) or (5), section 653a(4), section 904(4) or (5), or, beginning October 31, 2010, section 626(3) or (4). (e) One conviction of negligent homicide, manslaughter, or murder that results from the operation of a vehicle or an attempt to commit any of those crimes. (f) One conviction for a violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a. (g) Any combination of 3 convictions within 10 years for any of the following or 1 conviction for a violation or attempted violation of section 625(6) and any combination of 2 convictions for any of the following within 10 years, if any of the convictions resulted from an arrest on or after January 1, 1992: (i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content. (ii) A violation or attempted violation of section 625m. (iii) A violation or attempted violation of former section 625b. (3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order unless the court order complies with section 323. (4) Except as otherwise provided under section 304, the secretary of state shall not issue a license under this act to an individual whose license has been revoked under this act or revoked and denied under subsection (2) until all of the following occur, as applicable: (a) The later of the following: (i) The expiration of not less than 1 year after the license was revoked or denied. (ii) The expiration of not less than 5 years after the date of a subsequent revocation or denial occurring within 7 years after the date of any prior revocation or denial. (b) For a denial under subsection (2)(a), (b), (c), and (g), the individual rebuts by clear and convincing evidence the presumption that results from the prima facie evidence that he or she is a habitual offender. The convictions that resulted in the revocation and denial constitute prima facie evidence that he or she is a habitual offender. (c) The individual meets the requirements of the department. (5) The secretary of state shall deny issuing a vehicle group designation to an individual under either of the following circumstances: (a) The individual has been disqualified by the United States Secretary of Transportation from operating a commercial motor vehicle. (b) Beginning on and after January 30, 2012, the individual does not meet the requirements of the federal regulations under 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the individual intends to perform and, if required, fails to present to the secretary of state a valid medical certification. (6) Multiple convictions or civil infraction determinations that result from the same incident must be treated as a single violation for purposes of denial or revocation of a license under this section. (7) As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the individual operated a motor vehicle and while operating the vehicle presented real or potential harm to individuals or property and 1 or more of the following circumstances existed: (a) The vehicle was used as an instrument of the felony. (b) The vehicle was used to transport a victim of the felony. (c) The vehicle was used to flee the scene of the felony. (d) The vehicle was necessary for the commission of the felony. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1961, Act 123, Eff. Sept. 8, 1961 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1978, Act 391, Eff. Jan. 15, 1979 ;-- Am. 1980, Act 515, Eff. Apr. 1, 1981 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 216, Imd. Eff. Nov. 11, 1983 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1991, Act 98, Eff. Jan. 1, 1992 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1994, Act 449, Eff. May 1, 1995 ;-- Am.

1996, Act 387, Eff. Apr. 1, 1997 ;-- Am. 1996, Act 493, Eff. Apr. 1, 1997 ;-- Am. 1996, Act 587, Eff. June 1, 1997 ;-- Am. 1998, Act 351, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2000, Act 460, Eff. Mar. 28, 2001 ;-- Am. 2001, Act 103, Eff. Oct. 1, 2001 ;-- Am. 2001, Act 159, Eff. Feb. 1, 2002 ;-- Am. 2002, Act 422, Eff. Oct. 1, 2002 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2005, Act 142, Imd. Eff. Sept. 29, 2005 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008 ;-- Am. 2008, Act 462, Eff. Oct. 31, 2010 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2010, Act 155, Eff. Jan. 1, 2011 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.303a - Suspension, Revocation, Denial, Disqualification, or Cancellation of License by Another State.

Sec. 303a. Except as otherwise provided in this act, the suspension, revocation, denial, disqualification, or cancellation of an operator's license, chauffeur's license, or commercial driver license by another state or the United States shall run concurrently with a suspension, revocation, denial, disqualification, or cancellation of an operator's license, chauffeur's license, or commercial driver license by this state that is imposed for the same offense. History:Add. 2006, Act 298, Imd. Eff. July 20, 2006Compiler's Notes:Former MCL 257.303a, which pertained to mental or physical infirmities or disabilities, was repealed by Act 76 of 1989, Imd. Eff. June 16, 1989.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.304.amended - Restricted License; Issuance; Conditions; Carrying and Displaying Restricted License; Order; Prohibition; Completion of Specialty Court Interlock Program and Certificate as Evidence of Abstinence; "Certificate" Defined; Imposition of License Sanctions; Completion of Specialty Court Program; Exemption From Immobilization or Forfeiture; Applicability of Section.

***** 257.304.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 304. (1) Except as provided in subsection (3), the secretary of state shall issue a restricted license to an individual whose license was suspended or restricted under section 319 or revoked or denied under section 303 based on either of the following: (a) Two or more convictions for violating section 625(1) or (3) or a local ordinance of this state that substantially corresponds to section 625(1) or (3). (b) One conviction for violating section 625(1) or (3) or a local ordinance of this state that substantially corresponds to section 625(1) or (3), preceded by 1 or more convictions for violating a local ordinance or law of another state that substantially corresponds to section 625(1), (3), or (6), or a law of the United States that substantially corresponds to section 625(1), (3), or (6). (2) A restricted license issued under subsection (1) must not be issued until after the individual's operator's or chauffeur's license has been suspended or revoked for 45 days and the judge assigned to a specialty court certifies to the secretary of state that both of the following conditions have been met: (a) The individual has been admitted into a specialty court interlock program. (b) An ignition interlock device approved, certified, and installed as required under sections 625k and 625l has been installed on each motor vehicle owned or operated, or both, by the individual. (3) A restricted license must not be issued under subsection (1) if the individual is otherwise ineligible for an operator's or chauffeur's license under this act, unless the individual's ineligibility is based on 1 or more of the following: (a) Section 303(1)(h) or (j). (b) Section 303(2)(c)(i) or (iii). (c) Section 303(2)(g)(i) or (iii). (d) Section 319(4), (5), (6), (7), (8)(a) to (e), or (9). (e) Section 320(1)(d). (f) Section 321a(1) or (2). (g) Section 323c. (h) Section 625f. (i) Section 904(10). (j) Section 82105a(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82105a. (k) Section 3177 of the insurance code of 1956, 1956 PA 218, MCL 500.3177. (l) Section 10 of the motor vehicle accident claims act, 1965 PA 198, MCL 257.1110. (4) A restricted license issued under subsection (1) permits the individual to whom it is issued to operate only the vehicle equipped with an ignition interlock device described in subsection (2)(b), to take any driving skills test required by the secretary of state, and to drive to and from any combination of the following locations or events: (a) In the course of the individual's employment or occupation if the employment or occupation does not require a commercial driver license. (b) To and from any combination of the following: (i) The individual's residence. (ii) The individual's work location. (iii) An alcohol, drug, or mental health education and treatment as ordered by the court. (iv) Alcoholics Anonymous, Narcotics Anonymous, or other court-ordered self-help programs. (v) Court hearings and

probation appointments. (vi) Court-ordered community service. (vii) An educational institution at which the individual is enrolled as a student. (viii) A place of regularly occurring medical treatment for a serious condition or medical emergency for the individual or a member of the individual's household or immediate family. (ix) Alcohol or drug testing as ordered by the court. (x) An ignition interlock service provider as required. (xi) At the discretion of the judge, the custodian of a minor child may drive to and from the facilities of a provider of day care services at which the custodian's minor child is enrolled, or an educational institution at which the custodian's minor child is enrolled as a student for the purposes of classes, academic meetings or conferences, and athletic or other extracurricular activities sanctioned by the educational institution in which the minor child is a participant. As used in this subparagraph, "minor child" means an individual who is less than 18 years of age. (5) While driving with a restricted license, the individual shall carry proof of the individual's destination and the hours of any employment, class, or other reason for traveling and shall display that proof on a peace officer's request. (6) Except as otherwise provided in this section, a restricted license issued under subsection (1) is effective until a hearing officer orders an unrestricted license under section 322. Subject to subsection (7), the hearing officer shall not order an unrestricted license until the later of the following events occurs: (a) The court notifies the secretary of state that the individual has successfully completed the specialty court program. (b) The minimum period of license sanction that would have been imposed under section 303 or 319 but for this section has been completed. (c) The individual demonstrates that the individual has operated with an ignition interlock device for not less than 1 year. (d) The individual satisfies the requirements of section 303 and R 257.313 of the Michigan Administrative Code. (7) A hearing officer shall not issue an unrestricted license for at least 1 year if either of the following applies: (a) The hearing officer determines that the individual consumed any alcohol during the period that the individual's license was restricted under this section, as determined by breath, blood, urine, or transdermal testing unless a second test, administered within 5 minutes after administering the first test, showed an absence of alcohol. (b) The hearing officer determines that the individual consumed or otherwise used any controlled substance during the period that the individual's license was restricted under this section, except as lawfully prescribed. (8) In determining whether to order an unrestricted license under subsection (6), the successful completion of the specialty court program and a certificate from the specialty court judge must be considered positive evidence of the petitioner's abstinence while the petitioner participated in the specialty court program. This subsection does not apply to a determination made under subsection (7). As used in this subsection, "certificate" includes, but is not limited to, a statement that the participant has maintained a period of abstinence from alcohol for not less than 6 months at the time the participant completed the specialty court program. (9) If the secretary of state receives a notification from a specialty court, the secretary of state shall summarily impose 1 of the following license sanctions, as applicable: (a) Suspension for the full length of time provided under section 319(8). However, a restricted license must not be issued as provided under section 319(8). This subdivision applies if the underlying conviction or convictions would have subjected the individual to a license sanction under section 319(8) if this section did not apply. (b) A license revocation and denial for the full length of time provided under section 303. The minimum period of license revocation and denial imposed must be the same as if this section did not apply. This subdivision applies if the underlying conviction or convictions would have caused a license revocation and denial under section 303 if this section did not apply. (10) After the individual completes the specialty court program, the following apply: (a) The secretary of state shall postpone considering the issuance of an unrestricted license under section 322 for a period of 3 months for each act that would be a minor violation if the individual's license had been issued under section 322(6). As used in this subdivision, "minor violation" means that term as defined in R 257.301a of the Michigan Administrative Code. (b) The restricted license issued under this section must be suspended or revoked or denied as provided in subsection (9), unless set aside under section 322(5), if any of the following events occur: (i) The individual operates a motor vehicle without an ignition interlock device that meets the criteria under subsection (2)(b). (ii) The individual removes, or causes to be removed, an ignition interlock device from a vehicle the individual owns or operates unless the secretary of state has authorized its removal under section 322a. (iii) The individual commits any other act that would be a major violation if the individual's license had been issued under section 322(6). As used in this subparagraph, "major violation" means that term as defined in R 257.301a of the Michigan Administrative Code. (iv) The individual is arrested for a violation of any of the following: (A) Section 625. (B) A local ordinance of this state or another state that substantially corresponds to section 625. (C) A law of the United States that substantially corresponds to section 625. (c) If the individual is convicted of or found responsible for any offense that requires the suspension, revocation, denial, or cancellation of the individual's operator's or chauffeur's license, the restricted license issued under this section must be suspended until the requisite period of license suspension, revocation, denial, or cancellation, as appropriate, has elapsed. (d) If the individual has failed to pay any court-ordered fines or costs that resulted from the operation of a vehicle, the restricted license issued under this section must be suspended pending payment of those fines and costs. (11) The vehicle of an individual admitted to the specialty court interlock program whose vehicle would otherwise be subject to immobilization or forfeiture under this act is exempt from both immobilization and forfeiture under sections 625n and 904d if both of the following apply: (a) The individual is a specialty court interlock program participant in good standing or the individual successfully satisfactorily completes the specialty court interlock program. (b) The individual does not subsequently violate a law of this state for which vehicle immobilization or forfeiture is a sanction. (12) This section only applies to individuals arrested for a violation of section 625 on or after January 1, 2011. History:Add. 2010, Act 155, Eff. Jan. 1, 2011 ;-- Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2013, Act 226, Imd. Eff. Dec. 26, 2013 ;-- Am. 2016, Act 32, Eff. June 6, 2016 ;-- Am. 2017, Act 162, Eff. Feb. 11, 2018 ;-- Am. 2018, Act 48, Imd. Eff. Mar. 1, 2018 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021 ;-- Am. 2023, Act 125, Imd. Eff. Sept. 19, 2023 ;-- Am. 2024, Act 42, Eff. (sine die) ;-- Am. 2024, Act 113, Eff. (sine die)Compiler's Notes:Former MCL 257.304, which pertained to report of name change, was repealed by Act 172 of 2000, Imd. Eff. June 20, 2000.Enacting section 1 of Act 32 of 2016

provides:"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.304 - Restricted License; Issuance; Conditions; Carrying and Displaying Restricted License; Order; Prohibition; Completion of Specialty Court Interlock Program and Certificate as Evidence of Abstinence; "Certificate" Defined; Imposition of License Sanctions; Completion of Specialty Court Program; Exemption From Immobilization or Forfeiture; Applicability of Section.

***** 257.304 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.304.amended ***** Sec. 304. (1) Except as provided in subsection (3), the secretary of state shall issue a restricted license to an individual whose license was suspended or restricted under section 319 or revoked or denied under section 303 based on either of the following: (a) Two or more convictions for violating section 625(1) or (3) or a local ordinance of this state that substantially corresponds to section 625(1) or (3). (b) One conviction for violating section 625(1) or (3) or a local ordinance of this state that substantially corresponds to section 625(1) or (3), preceded by 1 or more convictions for violating a local ordinance or law of another state that substantially corresponds to section 625(1), (3), or (6), or a law of the United States that substantially corresponds to section 625(1), (3), or (6). (2) A restricted license issued under subsection (1) must not be issued until after the individual's operator's or chauffeur's license has been suspended or revoked for 45 days and the judge assigned to a specialty court certifies to the secretary of state that both of the following conditions have been met: (a) The individual has been admitted into a specialty court interlock program. (b) An ignition interlock device approved, certified, and installed as required under sections 625k and 625l has been installed on each motor vehicle owned or operated, or both, by the individual. (3) A restricted license must not be issued under subsection (1) if the individual is otherwise ineligible for an operator's or chauffeur's license under this act, unless the individual's ineligibility is based on 1 or more of the following: (a) Section 303(1)(i) or (k). (b) Section 303(2)(c)(i) or (iii). (c) Section 303(2)(g)(i) or (iii). (d) Section 319(4), (5), (6), (7), (8)(a) to (e), or (9). (e) Section 320(1)(d). (f) Section 321a(1) or (2). (g) Section 323c. (h) Section 625f. (i) Section 732a(5). (j) Section 904(10). (k) Section 82105a(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82105a. (l) Section 3177 of the insurance code of 1956, 1956 PA 218, MCL 500.3177. (m) Section 10 of the motor vehicle accident claims act, 1965 PA 198, MCL 257.1110. (4) A restricted license issued under subsection (1) permits the individual to whom it is issued to operate only the vehicle equipped with an ignition interlock device described in subsection (2)(b), to take any driving skills test required by the secretary of state, and to drive to and from any combination of the following locations or events: (a) In the course of the individual's employment or occupation if the employment or occupation does not require a commercial driver license. (b) To and from any combination of the following: (i) The individual's residence. (ii) The individual's work location. (iii) An alcohol, drug, or mental health education and treatment as ordered by the court. (iv) Alcoholics Anonymous, Narcotics Anonymous, or other court-ordered self-help programs. (v) Court hearings and probation appointments. (vi) Court-ordered community service. (vii) An educational institution at which the individual is enrolled as a student. (viii) A place of regularly occurring medical treatment for a serious condition or medical emergency for the individual or a member of the individual's household or immediate family. (ix) Alcohol or drug testing as ordered by the court. (x) An ignition interlock service provider as required. (xi) At the discretion of the judge, the custodian of a minor child may drive to and from the facilities of a provider of day care services at which the custodian's minor child is enrolled, or an educational institution at which the custodian's minor child is enrolled as a student for the purposes of classes, academic meetings or conferences, and athletic or other extracurricular activities sanctioned by the educational institution in which the minor child is a participant. As used in this subparagraph, "minor child" means an individual who is less than 18 years of age. (5) While driving with a restricted license, the individual shall carry proof of his or her destination and the hours of any employment, class, or other reason for traveling and shall display that proof on a peace officer's request. (6) Except as otherwise provided in this section, a restricted license issued under subsection (1) is effective until a hearing officer orders an unrestricted license under section 322. Subject to subsection (7), the hearing officer shall not order an unrestricted license until the later of the following events occurs: (a) The court notifies the secretary of state that the individual has successfully completed the specialty court program. (b) The minimum period of license sanction that would have been imposed under section 303 or 319 but for this section has been completed. (c) The individual demonstrates that he or she has operated with an ignition interlock device for not less than 1 year. (d) The individual satisfies the requirements of section 303 and R 257.313 of the Michigan Administrative Code. (7) A hearing officer shall not issue an unrestricted license for at least 1 year if either of the following applies: (a) The hearing officer determines that the individual consumed any alcohol during the period that his or her license was restricted under this section, as determined by breath, blood, urine, or transdermal testing unless a second test, administered within 5 minutes after administering the first test, showed an absence of alcohol. (b) The hearing officer determines that the individual consumed or otherwise used any controlled substance during the period that his or her license was restricted under this section, except as lawfully prescribed. (8) In determining whether to order an unrestricted license under subsection (6), the successful completion of the specialty court program and a certificate from the specialty court judge must be considered positive evidence of the petitioner's abstinence while the petitioner participated in the specialty court program. This subsection does not apply to a determination made under subsection (7). As used in this subsection, "certificate" includes, but is not limited to, a statement that the participant has maintained a period of abstinence from alcohol for not less than 6 months at the time the participant completed the specialty court program. (9) If the secretary of state receives a notification from a specialty court, the secretary of state shall summarily impose 1 of the following license sanctions, as applicable: (a) Suspension for the full length of time provided under section 319(8). However, a restricted license must not be issued as

provided under section 319(8). This subdivision applies if the underlying conviction or convictions would have subjected the individual to a license sanction under section 319(8) if this section did not apply. (b) A license revocation and denial for the full length of time provided under section 303. The minimum period of license revocation and denial imposed must be the same as if this section did not apply. This subdivision applies if the underlying conviction or convictions would have caused a license revocation and denial under section 303 if this section did not apply. (10) After the individual completes the specialty court program, the following apply: (a) The secretary of state shall postpone considering the issuance of an unrestricted license under section 322 for a period of 3 months for each act that would be a minor violation if the individual's license had been issued under section 322(6). As used in this subdivision, "minor violation" means that term as defined in R 257.301a of the Michigan Administrative Code. (b) The restricted license issued under this section must be suspended or revoked or denied as provided in subsection (9), unless set aside under section 322(5), if any of the following events occur: (i) The individual operates a motor vehicle without an ignition interlock device that meets the criteria under subsection (2)(b). (ii) The individual removes, or causes to be removed, an ignition interlock device from a vehicle he or she owns or operates unless the secretary of state has authorized its removal under section 322a. (iii) The individual commits any other act that would be a major violation if the individual's license had been issued under section 322(6). As used in this subparagraph, "major violation" means that term as defined in R 257.301a of the Michigan Administrative Code. (iv) The individual is arrested for a violation of any of the following: (A) Section 625. (B) A local ordinance of this state or another state that substantially corresponds to section 625. (C) A law of the United States that substantially corresponds to section 625. (c) If the individual is convicted of or found responsible for any offense that requires the suspension, revocation, denial, or cancellation of the individual's operator's or chauffeur's license, the restricted license issued under this section must be suspended until the requisite period of license suspension, revocation, denial, or cancellation, as appropriate, has elapsed. (d) If the individual has failed to pay any court-ordered fines or costs that resulted from the operation of a vehicle, the restricted license issued under this section must be suspended pending payment of those fines and costs. (11) The vehicle of an individual admitted to the specialty court interlock program whose vehicle would otherwise be subject to immobilization or forfeiture under this act is exempt from both immobilization and forfeiture under sections 625n and 904d if both of the following apply: (a) The individual is a specialty court interlock program participant in good standing or the individual successfully satisfactorily completes the specialty court interlock program. (b) The individual does not subsequently violate a law of this state for which vehicle immobilization or forfeiture is a sanction. (12) This section only applies to individuals arrested for a violation of section 625 on or after January 1, 2011. History:Add. 2010, Act 155, Eff. Jan. 1, 2011 ;-- Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2013, Act 226, Imd. Eff. Dec. 26, 2013 ;-- Am. 2016, Act 32, Eff. June 6, 2016 ;-- Am. 2017, Act 162, Eff. Feb. 11, 2018 ;-- Am. 2018, Act 48, Imd. Eff. Mar. 1, 2018 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021 ;-- Am. 2023, Act 125, Imd. Eff. Sept. 19, 2023Compiler's Notes:Former MCL 257.304, which pertained to report of name change, was repealed by Act 172 of 2000, Imd. Eff. June 20, 2000.Enacting section 1 of Act 32 of 2016 provides:"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.306 - Temporary Instruction Permit; Operation of Motor Vehicle Without Operator's License or Permit; Pandemic Expiration Extension; Temporary Driver Education Certificate; Motorcycle Temporary Instruction Permit.

Sec. 306. (1) The secretary of state, on receiving an application for a temporary instruction permit from an individual who is 18 years of age or older, may issue that permit that entitles the applicant, while carrying the permit, to drive a motor vehicle other than a motor vehicle requiring an indorsement under section 312a or a vehicle group designation under section 312e on the highways for a period of 180 days when accompanied by a licensed adult operator or chauffeur who is actually occupying a seat beside the driver. A temporary instruction permit issued under this subsection that expires on or after March 1, 2020 is valid until March 31, 2021. A temporary instruction permit issued under this subsection that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. (2) The secretary of state may issue an original operator's license and designate level 1, 2, or 3 graduated licensing provisions to an individual who is less than 18 years of age, has been licensed in another state or country, and has satisfied the applicable requirements of section 310e. An original operator's license with a designated level 1, 2, or 3 graduated licensing provision issued under this subsection that expires on or after March 1, 2020 is valid until March 31, 2021. An original operator's license with a designated level 1, 2, or 3 graduated licensing provision issued under this subsection that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. (3) A student enrolled in a driver education course as that term is defined in section 3 of the driver education provider and instructor act, 2006 PA 384, MCL 256.623, or a motorcycle safety course approved by the department of state may operate a motor vehicle that does not require a group designation under section 312e without holding an operator's license or permit while under the direct supervision of the program instructor. (4) A student enrolled in a driver education course as that term is defined in section 3 of the driver education provider and instructor act, 2006 PA 384, MCL 256.623, and who has successfully completed 10 hours of classroom instruction and the equivalent of 2 hours of behind-the-wheel training may be issued a temporary driver education certificate furnished by the department of state that authorizes a student to drive a motor vehicle, other than a motor vehicle that requires an indorsement under section 312a or a vehicle group designation under section 312e, when accompanied by a licensed parent or guardian, or when accompanied by a nonlicensed parent or guardian and a licensed adult for the purpose of receiving additional instruction until the end of the student's driver education course. A temporary driver education certificate issued under this subsection that expires on or

after March 1, 2020 is valid until March 31, 2021. A temporary driver education certificate issued under this subsection that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. (5) Beginning January 1, 2015, the secretary of state, on receiving proper application from an individual 16 or 17 years of age who is enrolled in or has successfully completed an approved motorcycle safety course under section 811a, or an individual who is 18 years of age or older and who holds a valid operator's or chauffeur's license, may issue a motorcycle temporary instruction permit that entitles the applicant, while carrying the permit, to operate a motorcycle on the public streets and highways for a period of 180 days under the following conditions: (a) The applicant shall operate the motorcycle under the constant visual supervision of a licensed motorcycle operator who is at least 18 years of age. (b) The applicant shall not operate the motorcycle at night. (c) The applicant shall not operate the motorcycle with a passenger. (d) The applicant shall not be eligible for more than 2 motorcycle temporary instruction permits in a 10-year period. (6) A motorcycle temporary instruction permit issued under subsection (5) that expires on or after March 1, 2020 is valid until March 31, 2021. A motorcycle temporary instruction permit issued under subsection (5) that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1956, Act 60, Imd. Eff. Apr. 2, 1956 ;-- Am. 1957, Act 141, Imd. Eff. May 28, 1957 ;-- Am. 1972, Act 61, Imd. Eff. Mar. 1, 1972 ;-- Am. 1976, Act 24, Imd. Eff. Feb. 27, 1976 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1979, Act 8, Imd. Eff. May 1, 1979 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1980, Act 335, Imd. Eff. Dec. 23, 1980 ;-- Am. 1982, Act 187, Eff. Jan. 1, 1984 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1996, Act 387, Eff. Apr. 1, 1997 ;-- Am. 1999, Act 40, Imd. Eff. June 9, 1999 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 71, Imd. Eff. Apr. 20, 2004 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2014, Act 120, Eff. Jan. 1, 2015 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989. “(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.306a - Commercial Learner's Permit; Pandemic Expiration Extension.

Sec. 306a. (1) The secretary of state may issue a commercial learner's permit that entitles an individual to drive a vehicle requiring a vehicle group designation or endorsement under section 312e if all of the following apply: (a) The individual submits a proper application and meets the requirements of 49 CFR part 383. (b) The individual is 18 years of age or older. (c) The individual holds a valid operator's or chauffeur's license that is not a restricted license. (d) The individual passes the knowledge tests for an original vehicle group designation or endorsement, as required by 49 CFR part 383. (e) If the individual is applying for a hazardous materials endorsement, he or she has been approved for the hazardous materials endorsement by the Federal Transportation Security Administration. (2) An individual issued a commercial learner's permit under subsection (1), or an equivalent commercial learner's permit issued by another jurisdiction, may operate a vehicle requiring a vehicle group designation or endorsement under section 312e, if all of the following apply: (a) The individual has the permit and a valid operator's or chauffeur's license in his or her possession while operating the vehicle on a public roadway. (b) The individual is accompanied by an instructor certified under the driver education provider and instructor act, 2006 PA 384, MCL 256.621 to 256.705, and all of the following apply: (i) The instructor has in his or her possession a valid license with a vehicle group designation and any endorsement necessary to operate the vehicle as provided in section 312e. (ii) The instructor is at all times physically present in the front seat of the vehicle next to the operator or, in the case of a passenger vehicle, directly behind the operator or in the first row behind the operator. (iii) The instructor has the operator under observation and direct supervision. (c) The individual shall not operate a vehicle transporting hazardous materials as defined in 49 CFR part 383. (d) If the individual has a permit to operate a tank vehicle, the individual may only operate an empty tank vehicle and shall not operate any tank vehicle that previously contained hazardous materials unless the tank has been purged of all hazardous material residue. (e) If the individual has a permit to operate a vehicle designed to carry 16 or more passengers or a school bus, the individual shall not operate a vehicle designed to carry 16 or more passengers or a school bus with any passengers other than the following individuals: (i) The instructor described in this section. (ii) Federal or state auditors or inspectors. (iii) Test examiners. (iv) Other trainees. (3) Beginning October 1, 2021, a commercial learner's permit issued under this section is valid for 1 year from the date of issuance. (4) Notwithstanding subsection (3), a commercial learner's permit issued under this section that expires on or after March 1, 2020 is valid until March 31, 2021. Notwithstanding subsection (3), a commercial

learner's permit issued under this section that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. History:Add. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021 ;-- Am. 2022, Act 193, Imd. Eff. Oct. 4, 2022Compiler's Notes:Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.307.amended - Application for Operator's or Chauffeur's License to Operate Noncommercial Motor Vehicle; Documents to Be Supplied to Verify Citizenship or Identity and Legal Presence; Manner; Contents; Image and Signature; Voter Registration Opt-Out; Equipment; Signature and Certification; Application Fee; Duties of Secretary of State; Donor Registry; Driving Record From Another Jurisdiction; Operation of Commercial Motor Vehicle; Application for Original, Renewal, or Upgrade of Vehicle Group Designation or Indorsement; Verification of Identity and Citizenship or Residency; Issuing Renewal License by Mail or Other Methods; Information Manual; Social Security Number; Electronic Access to Donor Registry; Agreements With Federal Government; Termination of License Issued by Another State; Duties of Secretary of State; Access to Prisoner Information.

***** 257.307.amended THIS AMENDED SECTION IS EFFECTIVE JUNE 30, 2025 ***** Sec. 307. (1) If an applicant for an operator's license or chauffeur's license to operate a noncommercial motor vehicle is a citizen of the United States, the applicant shall supply a photographic identity document, a birth certificate, or other sufficient documents as the secretary of state may require, to verify the identity and citizenship of the applicant. If an applicant for an operator's or chauffeur's license is not a citizen of the United States, the applicant shall supply a photographic identity document and other sufficient documents to verify the identity of the applicant and the applicant's legal presence in the United States under subdivision (b). The documents required under this subsection must include the applicant's full legal name, date of birth, and address and residency and demonstrate that the applicant is a citizen of the United States or is legally present in the United States. If the applicant's full legal name differs from the name of the applicant that appears on a document presented under this subsection, the applicant shall present documents to verify the applicant's current full legal name. The secretary of state shall accept as 1 of the required identification documents an identification card issued by the department of corrections to prisoners who are placed on parole or released from a correctional facility, containing the prisoner's legal name, photograph, and other information identifying the prisoner as provided in section 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An application for an operator's or chauffeur's license must be made in a manner prescribed by the secretary of state and must contain all of the following: (a) The applicant's full legal name, date of birth, residence address, height, sex, eye color, signature, intent to make an anatomical gift, other information required or permitted on the license under this chapter, and, only to the extent required to comply with federal law, the applicant's Social Security number. The applicant may provide a mailing address if the applicant receives mail at an address different from the applicant's residence address. (b) If the applicant is not a citizen of the United States, the applicant shall provide, and the department shall verify, documents demonstrating the applicant's legal presence in the United States. Nothing in this act must obligate or be construed to obligate this state to comply with title II of the real ID act of 2005, Public Law 109-13. The secretary of state may adopt rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are necessary for the administration of this subdivision. A determination by the secretary of state that an applicant is not legally present in the United States may be appealed under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. The secretary of state shall not issue an operator's license or a chauffeur's license to an applicant described in this subdivision for a term that exceeds the duration of the applicant's legal presence in the United States. (c) The following notice must be included to inform the applicant that under sections 509o and 509r of the Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is required to use the residence address provided on this application as the applicant's residence address on the qualified voter file for voter registration and voting:"NOTICE: Michigan law requires that the same address be used for voter registration and driver license purposes. Therefore, if the residence address you provide in this application differs from your voter registration address as it appears on the qualified voter file, the secretary of state will automatically change your voter registration to match the residence address on this application, after which your voter registration at your former address will no longer be valid for voting purposes. A new voter registration card, containing the information of your polling place, will be provided to you by the clerk of the jurisdiction where your residence address is located.".(d) For an original or renewal operator's or chauffeur's license with a vehicle group designation or indorsement, the names of all states where the applicant has been licensed to drive any type of motor vehicle during the previous 10 years. (e) For an operator's or chauffeur's license with a vehicle group designation or indorsement, the following certifications by the applicant: (i) The applicant meets the applicable federal driver qualification requirements under 49 CFR parts 383 and 391 or meets the applicable qualifications of the department of state police under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25. (ii) The vehicle in which the applicant will take the driving skills tests is representative of the type of vehicle the applicant operates or intends to operate. (iii) The applicant is not subject to disqualification by the United States Secretary of Transportation, or a suspension, revocation, or cancellation under any state law for conviction of an offense described in section 312f or 319b. (iv) The

applicant does not have a driver's license from more than 1 state or jurisdiction. (f) An applicant for an operator's or chauffeur's license with a vehicle group designation and a hazardous material indorsement shall provide the applicant's fingerprints as prescribed by state and federal law. (g) Only for voter registration transactions under section 493a(6) of the Michigan election law, 1954 PA 116, MCL 168.493a, a space for the applicant to indicate on the application or change of address application whether the applicant is a citizen of the United States. (h) Only for voter registration transactions under section 493a(6) of the Michigan election law, 1954 PA 116, MCL 168.493a, a space to allow the applicant to indicate that the applicant declines to use the application as a voter registration application. (i) Beginning June 27, 2021, an applicant for an operator's or chauffeur's license who is a program participant in the address confidentiality program under the address confidentiality program act, 2020 PA 301, MCL 780.851 to 780.873, shall present to the secretary of state the applicant's participation card issued under the address confidentiality program act, 2020 PA 301, MCL 780.851 to 780.873. (2) An applicant for an operator's or chauffeur's license may have the applicant's image and signature captured or reproduced when the application for the license is made. The secretary of state shall acquire equipment purchased or leased under this section under standard purchasing procedures of the department of technology, management, and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. A digital photographic image and signature captured under this section must appear on the applicant's operator's license or chauffeur's license. An individual's digital photographic image and signature shall be used as follows: (a) By a federal, state, or local governmental agency for a law enforcement purpose authorized by law. (b) By the secretary of state for a use specifically authorized by law. (c) By the secretary of state for forwarding to the department of state police the images of individuals required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.730, on the department of state police providing the secretary of state an updated list of the names of those individuals. (d) By the secretary of state for forwarding to the department of state police as provided in section 5c of 1927 PA 372, MCL 28.425c. (e) By the secretary of state for forwarding to the department of licensing and regulatory affairs the images of applicants for an official state registry identification card issued under section 6 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if the department of licensing and regulatory affairs promulgates rules requiring a photograph as a design element for an official state registry identification card. (f) As necessary to comply with a law of this state or of the United States. (3) An application must contain a signature or verification and certification by the applicant, as determined by the secretary of state, and must be accompanied by the proper fee. The secretary of state shall collect the application fee with the application. The secretary of state shall refund the application fee to the applicant if the license applied for is denied, but shall not refund the fee to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license. (4) In conjunction with the application for an original or renewal operator's license or chauffeur's license, the secretary of state shall do all of the following: (a) If the applicant is not a participant in the anatomical gift donor registry program, specifically inquire, either orally or in writing, whether the applicant wishes to participate in the anatomical gift donor registry program under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the secretary of state or an employee of the secretary of state fails to inquire whether an applicant wishes to participate in the anatomical gift donor registry program as required by this subdivision, neither the secretary of state nor the employee is civilly or criminally liable for the failure to make the inquiry. (b) Provide the applicant with all of the following: (i) Information explaining the applicant's right to make an anatomical gift in the event of death in accordance with section 310. (ii) Information describing the anatomical gift donor registry program under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. The information required under this subparagraph includes the address and telephone number of Michigan's federally designated organ procurement organization as that term is defined in section 10102 of the public health code, 1978 PA 368, MCL 333.10102, or its successor organization. (iii) Information giving the applicant the opportunity to be placed on the donor registry described in subparagraph (ii). (c) Provide the applicant with the opportunity to specify on the applicant's operator's or chauffeur's license that the applicant is willing to make an anatomical gift in the event of death in accordance with section 310. (d) Inform the applicant that, if the applicant indicates to the secretary of state under this section a willingness to have the applicant's name placed on the donor registry described in subdivision (b)(ii), the secretary of state will mark the applicant's record for the donor registry. (5) The secretary of state may fulfill the requirements of subsection (4) by 1 or more of the following methods: (a) Providing printed material enclosed with a mailed notice for an operator's or chauffeur's license renewal or the issuance of an operator's or chauffeur's license. (b) Providing printed material to an applicant who personally appears at a secretary of state branch office, or inquiring orally. (c) Through electronic information transmittals for operator's and chauffeur's licenses processed by electronic means. (6) The secretary of state shall maintain a record of an individual who indicates a willingness to have the individual's name placed on the donor registry described in subsection (4)(b)(ii). Information about an applicant's indication of a willingness to have the applicant's name placed on the donor registry that is obtained by the secretary of state under subsection (4) and forwarded under subsection (14) is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243. The secretary of state is not required to maintain a record of an individual who does not indicate a willingness to have the individual's name placed on the donor registry described in subsection (4)(b)(ii) or an individual who does not respond to an inquiry under subsection (4)(a). (7) If an application is received from an individual previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record and other available information from the National Driver Register. When received, the driving record and other available information become a part of the driver's record in this state. (8) If an individual applies for a commercial learner's permit for an original vehicle group designation or indorsement to operate a commercial motor vehicle, the secretary of state may verify the individual's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the individual's proof of United

States citizenship or proof of lawful permanent residency as required under 49 CFR 383.71 and 383.73, if that information is not on the individual's Michigan driving record. If an individual applies for a renewal of an operator's or chauffeur's license to operate a commercial motor vehicle, the secretary of state may verify the individual's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the individual's proof of citizenship or lawful permanent residency under 49 CFR 383.71 and 383.73, if that information is not on the individual's Michigan driving record. If an individual applies for an upgrade of a vehicle group designation or indorsement, the secretary of state may verify the individual's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the individual's proof of citizenship or lawful permanent residency under 49 CFR 383.71 and 383.73, if that information is not on the individual's Michigan driving record. The secretary of state shall request the individual's complete driving record from all states where the applicant was previously licensed to drive any type of motor vehicle over the last 10 years before issuing a vehicle group designation or indorsement to the applicant. If the applicant does not hold a valid commercial motor vehicle driver license from a state where the applicant was licensed in the last 10 years, this complete driving record request must be made not earlier than 24 hours before the secretary of state issues the applicant a vehicle group designation or indorsement. For all other drivers, this request must be made not earlier than 10 days before the secretary of state issues the applicant a vehicle group designation or indorsement. If the application is for the renewal of a vehicle group designation or indorsement, and if the secretary of state enters on the individual's driving record maintained under section 204a a notation that the request was made and the date of the request, the secretary of state is required to request the applicant's complete driving record from other states only once under this section. The secretary of state shall also check the applicant's driving record with the National Driver Register and the federal Commercial Driver's License Information System before issuing that group designation or indorsement. (9) The secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period or beginning on July 1, 2021, for 2 additional 4-year periods, or until the individual is no longer determined to be legally present under this section by mail or by other methods prescribed by the secretary of state. The secretary of state may check the applicant's driving record through the National Driver Register and the Commercial Driver's License Information System before issuing a license under this section. The secretary of state shall issue a renewal license only in person if the individual is an individual required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future. The department of state police shall provide to the secretary of state updated lists of individuals required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card. (10) Upon request, the secretary of state shall provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement. The manual must contain the information required under 49 CFR part 383. (11) The secretary of state shall not disclose a Social Security number obtained under subsection (1) to another person except for use for 1 or more of the following purposes: (a) Compliance with 49 USC 31301 to 31317 and regulations and state law and rules related to this chapter. (b) To carry out the purposes of section 466(a) of the social security act, 42 USC 666, in connection with matters relating to paternity, child support, or overdue child support. (c) To check an applicant's driving record through the National Driver Register and the Commercial Driver's License Information System when issuing a license under this act. (d) With the department of health and human services, for comparison with vital records maintained by the department of health and human services under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899. (e) As otherwise required by law. (12) The secretary of state shall not display an individual's Social Security number on the individual's operator's or chauffeur's license. (13) A requirement under this section to include a Social Security number on an application does not apply to an applicant who demonstrates that the applicant is exempt under law from obtaining a Social Security number. (14) As required in section 10120 of the public health code, 1978 PA 368, MCL 333.10120, the secretary of state shall maintain the donor registry in a manner that provides electronic access, including, but not limited to, the transfer of data to this state's federally designated organ procurement organization or its successor organization, tissue banks, and eye banks, in a manner that complies with that section. (15) The secretary of state, with the approval of the state administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may enter into agreements with the United States government to verify whether an applicant for an operator's license or a chauffeur's license under this section who is not a citizen of the United States is authorized under federal law to be present in the United States. (16) The secretary of state shall not issue an operator's license or a chauffeur's license to an individual holding an operator's license or chauffeur's license issued by another state without confirmation that the individual is terminating or has terminated the operator's license or chauffeur's license issued by the other state. (17) The secretary of state shall do all of the following: (a) Ensure the physical security of locations where operator's licenses and chauffeur's licenses are produced and the security of document materials and papers from which operator's licenses and chauffeur's licenses are produced. (b) Subject all persons authorized to manufacture or produce operator's licenses or chauffeur's licenses and all persons who have the ability to affect the identity information that appears on operator's licenses or chauffeur's licenses to appropriate security clearance requirements. The security requirements of this subdivision and subdivision (a) may require that licenses be manufactured or produced in this state. (c) Provide fraudulent document recognition programs to department of state employees engaged in the issuance of operator's licenses and chauffeur's licenses. (18) The secretary of state shall have electronic access to prisoner information maintained by the department of corrections for the purpose of verifying the identity of a prisoner who applies for an operator's or chauffeur's license under subsection (1). (19) Subject to this subsection, any printed notice provided to an applicant at the conclusion of a transaction conducted under this section must, if the individual's information will be used for voter registration or voter preregistration under section 493a(2) to (5) of the Michigan election law, 1954 PA 116, MCL 168.493a, include a notice of

that use and that the individual will receive a notice mailed under section 493a(2) to (5) of the Michigan election law, 1954 PA 116, MCL 168.493a. If the individual's information has been used for voter registration or preregistration under section 493a(6) of the Michigan election law, 1954 PA 116, MCL 168.493a, the printed notice provided to the applicant must include a notice of that voter registration and the printed notice serves as a receipt verifying the voter registration application. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1958, Act 217, Eff. Sept. 13, 1958 ;-- Am. 1964, Act 260, Imd. Eff. June 3, 1964 ;-- Am. 1967, Act 212, Eff. Nov. 2, 1967 ;-- Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973 ;-- Am. 1975, Act 122, Imd. Eff. July 1, 1975 ;-- Am. 1976, Act 358, Imd. Eff. Dec. 23, 1976 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1982, Act 25, Imd. Eff. Mar. 4, 1982 ;-- Am. 1983, Act 216, Imd. Eff. Nov. 11, 1983 ;-- Am. 1984, Act 30, Eff. Apr. 28, 1984 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989 ;-- Am. 1990, Act 181, Imd. Eff. July 18, 1990 ;-- Am. 1996, Act 205, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 120, Eff. July 3, 1998 ;-- Am. 1998, Act 330, Imd. Eff. Aug. 10, 1998 ;-- Am. 1999, Act 88, Eff. Sept. 1, 1999 ;-- Am. 1999, Act 118, Eff. Apr. 1, 2000 ;-- Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001 ;-- Am. 2002, Act 259, Imd. Eff. May 1, 2002 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 52, Eff. May 1, 2004 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2004, Act 502, Imd. Eff. Dec. 29, 2004 ;-- Am. 2005, Act 142, Imd. Eff. Sept. 29, 2005 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008 ;-- Am. 2008, Act 36, Imd. Eff. Mar. 17, 2008 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2012, Act 26, Imd. Eff. Feb. 23, 2012 ;-- Am. 2012, Act 55, Eff. June 30, 2012 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2016, Act 451, Eff. Apr. 5, 2017 ;-- Am. 2017, Act 32, Eff. Aug. 7, 2017 ;-- Am. 2018, Act 177, Eff. Sept. 9, 2018 ;-- Am. 2018, Act 504, Eff. Mar. 27, 2019 ;-- Am. 2018, Act 604, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2020, Act 376, Eff. Oct. 1, 2021 ;-- Am. 2023, Act 260, Eff. June 30, 2025Compiler's Notes:Section 2 of Act 216 of 1983 provides: “Not later than 2 years after the effective date of this amendatory act, the secretary of state shall report to the legislature regarding the effect on highway safety that eliminating the age requirement under subsection (5) has had.”Section 2 of Act 30 of 1984 provides: “The secretary of state shall implement section 307 as amended by this amendatory act beginning with operator's and chauffeur's licenses which expire on May 19, 1984.”Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989. “(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”Enacting section 1 of Act 330 of 1998 provides:“Enacting section 1. The family independence agency shall request from the federal government an exemption from the provisions regarding the recording of social security numbers added by this 1998 amendatory act, which are intended to be used for the collection of child support, as required by federal law in order for this state to receive certain federal funds. Upon the granting of the exemption, those provisions referred to by this enacting section shall not be utilized or enforced by the state or a local governmental entity.”Admin Rule:R 460.16101 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.307 - Application for Operator's or Chauffeur's License to Operate Noncommercial Motor Vehicle; Documents to Be Supplied to Verify Citizenship or Identity and Legal Presence; Manner; Contents; Image and Signature; Automatic Voter Registration Opt-Out; Equipment; Signature and Certification; Application Fee; Duties of Secretary of State; Donor Registry; Driving Record From Another Jurisdiction; Operation of Commercial Motor Vehicle; Application for Original, Renewal, or Upgrade of Vehicle Group Designation or Indorsement; Verification of Identity and Citizenship or Residency; Issuing Renewal License by Mail or Other Methods; Information Manual; Social Security Number; Electronic Access to Donor Registry; Agreements With Federal Government; Termination of License Issued by Another State; Duties of Secretary of State; Access to Prisoner Information.

***** 257.307 THIS SECTION IS AMENDED EFFECTIVE JUNE 30, 2025: See 257.307.amended ***** Sec. 307. (1) If an applicant for an operator's license or chauffeur's license to operate a noncommercial motor vehicle is a citizen of the United States, the applicant shall supply a photographic identity document, a birth certificate, or other sufficient documents as the secretary of state may require, to verify the identity and citizenship of the applicant. If an applicant for an operator's or chauffeur's license is not a citizen of the United States, the applicant shall supply a photographic identity document and other sufficient documents to verify the identity of the applicant and the applicant's legal presence in the United States under subdivision (b). The documents required under this subsection must include the applicant's full legal name, date of birth, and address and residency and demonstrate that the applicant is a citizen of the United States or is legally present in the United States. If the applicant's full legal name differs from the name of the applicant that appears on a document presented under this subsection, the applicant shall present documents to verify his or her current full legal name. The secretary of state shall accept as 1 of the required identification documents an identification card issued by the department of corrections to prisoners who are placed on parole or released from a correctional facility, containing the prisoner's legal name, photograph, and other information identifying the prisoner as provided in section 37(4) of the corrections code

of 1953, 1953 PA 232, MCL 791.237. An application for an operator's or chauffeur's license must be made in a manner prescribed by the secretary of state and must contain all of the following: (a) The applicant's full legal name, date of birth, residence address, height, sex, eye color, signature, intent to make an anatomical gift, other information required or permitted on the license under this chapter, and, only to the extent required to comply with federal law, the applicant's Social Security number. The applicant may provide a mailing address if the applicant receives mail at an address different from his or her residence address. (b) If the applicant is not a citizen of the United States, the applicant shall provide, and the department shall verify, documents demonstrating his or her legal presence in the United States. Nothing in this act must obligate or be construed to obligate this state to comply with title II of the real ID act of 2005, Public Law 109-13. The secretary of state may adopt rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are necessary for the administration of this subdivision. A determination by the secretary of state that an applicant is not legally present in the United States may be appealed under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. The secretary of state shall not issue an operator's license or a chauffeur's license to an applicant described in this subdivision for a term that exceeds the duration of the applicant's legal presence in the United States. (c) The following notice must be included to inform the applicant that under sections 509o and 509r of the Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is required to use the residence address provided on this application as the applicant's residence address on the qualified voter file for voter registration and voting:"NOTICE:Michigan law requires that the same address be used for voter registration and driver license purposes. Therefore, if the residence address you provide in this application differs from your voter registration address as it appears on the qualified voter file, the secretary of state will automatically change your voter registration to match the residence address on this application, after which your voter registration at your former address will no longer be valid for voting purposes. A new voter registration card, containing the information of your polling place, will be provided to you by the clerk of the jurisdiction where your residence address is located.".(d) For an original or renewal operator's or chauffeur's license with a vehicle group designation or indorsement, the names of all states where the applicant has been licensed to drive any type of motor vehicle during the previous 10 years. (e) For an operator's or chauffeur's license with a vehicle group designation or indorsement, the following certifications by the applicant: (i) The applicant meets the applicable federal driver qualification requirements under 49 CFR parts 383 and 391 or meets the applicable qualifications of the department of state police under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25. (ii) The vehicle in which the applicant will take the driving skills tests is representative of the type of vehicle the applicant operates or intends to operate. (iii) The applicant is not subject to disqualification by the United States Secretary of Transportation, or a suspension, revocation, or cancellation under any state law for conviction of an offense described in section 312f or 319b. (iv) The applicant does not have a driver's license from more than 1 state or jurisdiction. (f) An applicant for an operator's or chauffeur's license with a vehicle group designation and a hazardous material indorsement shall provide his or her fingerprints as prescribed by state and federal law. (g) For automatic voter registration purposes under section 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a space for the applicant to indicate on the application or change of address application whether he or she is a citizen of the United States. (h) A space to allow the applicant to indicate that the applicant declines to use the application as a voter registration application. (i) Beginning 180 days after the effective date of the amendatory act that added this subdivision, an applicant for an operator's or chauffeur's license who is a program participant in the address confidentiality program under the address confidentiality program act shall present to the secretary of state his or her participation card issued under the address confidentiality program act. (2) An applicant for an operator's or chauffeur's license may have his or her image and signature captured or reproduced when the application for the license is made. The secretary of state shall acquire equipment purchased or leased under this section under standard purchasing procedures of the department of technology, management, and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. A digital photographic image and signature captured under this section must appear on the applicant's operator's license or chauffeur's license. An individual's digital photographic image and signature shall be used as follows: (a) By a federal, state, or local governmental agency for a law enforcement purpose authorized by law. (b) By the secretary of state for a use specifically authorized by law. (c) By the secretary of state for forwarding to the department of state police the images of persons required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, upon the department of state police providing the secretary of state an updated list of the names of those persons. (d) By the secretary of state for forwarding to the department of state police as provided in section 5c of 1927 PA 372, MCL 28.425c. (e) By the secretary of state for forwarding to the department of licensing and regulatory affairs the images of applicants for an official state registry identification card issued under section 6 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if the department of licensing and regulatory affairs promulgates rules requiring a photograph as a design element for an official state registry identification card. (f) As necessary to comply with a law of this state or of the United States. (3) An application must contain a signature or verification and certification by the applicant, as determined by the secretary of state, and must be accompanied by the proper fee. The secretary of state shall collect the application fee with the application. The secretary of state shall refund the application fee to the applicant if the license applied for is denied, but shall not refund the fee to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license. (4) In conjunction with the application for an original or renewal operator's license or chauffeur's license, the secretary of state shall do all of the following: (a) If the applicant is not a participant in the anatomical gift donor registry program, specifically inquire, either orally or in writing, whether the applicant wishes to participate in the anatomical gift donor registry program under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the secretary of state or an employee of the secretary of state fails to inquire whether an applicant wishes to participate in the

anatomical gift donor registry program as required by this subdivision, neither the secretary of state nor the employee is civilly or criminally liable for the failure to make the inquiry. (b) Provide the applicant with all of the following: (i) Information explaining the applicant's right to make an anatomical gift in the event of death in accordance with section 310. (ii) Information describing the anatomical gift donor registry program under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. The information required under this subparagraph includes the address and telephone number of Michigan's federally designated organ procurement organization as that term is defined in section 10102 of the public health code, 1978 PA 368, MCL 333.10102, or its successor organization. (iii) Information giving the applicant the opportunity to be placed on the donor registry described in subparagraph (ii). (c) Provide the applicant with the opportunity to specify on his or her operator's or chauffeur's license that he or she is willing to make an anatomical gift in the event of death in accordance with section 310. (d) Inform the applicant that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the donor registry described in subdivision (b)(ii), the secretary of state will mark the applicant's record for the donor registry. (5) The secretary of state may fulfill the requirements of subsection (4) by 1 or more of the following methods: (a) Providing printed material enclosed with a mailed notice for an operator's or chauffeur's license renewal or the issuance of an operator's or chauffeur's license. (b) Providing printed material to an applicant who personally appears at a secretary of state branch office, or inquiring orally. (c) Through electronic information transmittals for operator's and chauffeur's licenses processed by electronic means. (6) The secretary of state shall maintain a record of an individual who indicates a willingness to have his or her name placed on the donor registry described in subsection (4)(b)(ii). Information about an applicant's indication of a willingness to have his or her name placed on the donor registry that is obtained by the secretary of state under subsection (4) and forwarded under subsection (14) is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243. The secretary of state is not required to maintain a record of an individual who does not indicate a willingness to have his or her name placed on the donor registry described in subsection (4)(b)(ii) or an individual who does not respond to an inquiry under subsection (4)(a). (7) If an application is received from an individual previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record and other available information from the National Driver Register. When received, the driving record and other available information become a part of the driver's record in this state. (8) If an individual applies for a commercial learner's permit for an original vehicle group designation or indorsement to operate a commercial motor vehicle, the secretary of state may verify the individual's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the individual's proof of United States citizenship or proof of lawful permanent residency as required under 49 CFR 383.71 and 383.73, if that information is not on the individual's Michigan driving record. If an individual applies for a renewal of an operator's or chauffeur's license to operate a commercial motor vehicle, the secretary of state may verify the individual's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the individual's proof of citizenship or lawful permanent residency under 49 CFR 383.71 and 383.73, if that information is not on the individual's Michigan driving record. If an individual applies for an upgrade of a vehicle group designation or indorsement, the secretary of state may verify the individual's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the individual's proof of citizenship or lawful permanent residency under 49 CFR 383.71 and 383.73, if that information is not on the individual's Michigan driving record. The secretary of state shall request the individual's complete driving record from all states where the applicant was previously licensed to drive any type of motor vehicle over the last 10 years before issuing a vehicle group designation or indorsement to the applicant. If the applicant does not hold a valid commercial motor vehicle driver license from a state where he or she was licensed in the last 10 years, this complete driving record request must be made not earlier than 24 hours before the secretary of state issues the applicant a vehicle group designation or indorsement. For all other drivers, this request must be made not earlier than 10 days before the secretary of state issues the applicant a vehicle group designation or indorsement. If the application is for the renewal of a vehicle group designation or indorsement, and if the secretary of state enters on the individual's driving record maintained under section 204a a notation that the request was made and the date of the request, the secretary of state is required to request the applicant's complete driving record from other states only once under this section. The secretary of state shall also check the applicant's driving record with the National Driver Register and the federal Commercial Driver's License Information System before issuing that group designation or indorsement. (9) The secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period or beginning on July 1, 2021, for 2 additional 4-year periods, or until the individual is no longer determined to be legally present under this section by mail or by other methods prescribed by the secretary of state. The secretary of state may check the applicant's driving record through the National Driver Register and the Commercial Driver's License Information System before issuing a license under this section. The secretary of state shall issue a renewal license only in person if the individual is an individual required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future. The department of state police shall provide to the secretary of state updated lists of individuals required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card. (10) Upon request, the secretary of state shall provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement. The manual must contain the information required under 49 CFR part 383. (11) The secretary of state shall not disclose a Social Security number obtained under subsection (1) to another person except for use for 1 or more of the following purposes: (a) Compliance with 49 USC 31301 to 31317 and regulations and state law and rules related to this chapter. (b) To carry out the purposes of section 466(a) of the social security act, 42 USC 666, in connection with matters relating to paternity, child support, or overdue child support. (c) To

check an applicant's driving record through the National Driver Register and the Commercial Driver's License Information System when issuing a license under this act. (d) With the department of health and human services, for comparison with vital records maintained by the department of health and human services under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899. (e) As otherwise required by law. (12) The secretary of state shall not display an individual's Social Security number on the individual's operator's or chauffeur's license. (13) A requirement under this section to include a Social Security number on an application does not apply to an applicant who demonstrates that he or she is exempt under law from obtaining a Social Security number. (14) As required in section 10120 of the public health code, 1978 PA 368, MCL 333.10120, the secretary of state shall maintain the donor registry in a manner that provides electronic access, including, but not limited to, the transfer of data to this state's federally designated organ procurement organization or its successor organization, tissue banks, and eye banks, in a manner that complies with that section. (15) The secretary of state, with the approval of the state administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may enter into agreements with the United States government to verify whether an applicant for an operator's license or a chauffeur's license under this section who is not a citizen of the United States is authorized under federal law to be present in the United States. (16) The secretary of state shall not issue an operator's license or a chauffeur's license to an individual holding an operator's license or chauffeur's license issued by another state without confirmation that the individual is terminating or has terminated the operator's license or chauffeur's license issued by the other state. (17) The secretary of state shall do all of the following: (a) Ensure the physical security of locations where operator's licenses and chauffeur's licenses are produced and the security of document materials and papers from which operator's licenses and chauffeur's licenses are produced. (b) Subject all persons authorized to manufacture or produce operator's licenses or chauffeur's licenses and all persons who have the ability to affect the identity information that appears on operator's licenses or chauffeur's licenses to appropriate security clearance requirements. The security requirements of this subdivision and subdivision (a) may require that licenses be manufactured or produced in this state. (c) Provide fraudulent document recognition programs to department of state employees engaged in the issuance of operator's licenses and chauffeur's licenses. (18) The secretary of state shall have electronic access to prisoner information maintained by the department of corrections for the purpose of verifying the identity of a prisoner who applies for an operator's or chauffeur's license under subsection (1). History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1958, Act 217, Eff. Sept. 13, 1958 ;-- Am. 1964, Act 260, Imd. Eff. June 3, 1964 ;-- Am. 1967, Act 212, Eff. Nov. 2, 1967 ;-- Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973 ;-- Am. 1975, Act 122, Imd. Eff. July 1, 1975 ;-- Am. 1976, Act 358, Imd. Eff. Dec. 23, 1976 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1982, Act 25, Imd. Eff. 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Oct. 1, 2021Compiler's Notes:Section 2 of Act 216 of 1983 provides: “Not later than 2 years after the effective date of this amendatory act, the secretary of state shall report to the legislature regarding the effect on highway safety that eliminating the age requirement under subsection (5) has had.”Section 2 of Act 30 of 1984 provides: “The secretary of state shall implement section 307 as amended by this amendatory act beginning with operator's and chauffeur's licenses which expire on May 19, 1984.”Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989. “(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”Enacting section 1 of Act 330 of 1998 provides:“Enacting section 1. The family independence agency shall request from the federal government an exemption from the provisions regarding the recording of social security numbers added by this 1998 amendatory act, which are intended to be used for the collection of child support, as required by federal law in order for this state to receive certain federal funds. Upon the granting of the exemption, those provisions referred to by this enacting section shall not be utilized or enforced by the state or a local governmental entity.”Admin Rule:R 460.16101 et seq. of the Michigan Administrative Code.

Sec. 307a. For an operator or chauffeur license that contains a vehicle group designation, the secretary of state shall issue a license that contains the information required under this act and all of the following information: (a) The name and address of residence of the licensee. (b) Date of birth. (c) Height and sex. (d) Information required by the United States department of transportation under 49 CFR 383.153. (e) In accordance with federal regulations, the vehicle group designation and any indorsement or restriction of a commercial motor vehicle the licensee is authorized to operate. (f) The name of this state. (g) The expiration date of the license. History:Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.307b - Application by Male for Operator's License or Chauffeur's License; Registration of Applicant With Federal Selective Service System.

Sec. 307b. (1) Beginning October 1, 2010, when any male citizen of the United States or a male immigrant to the United States who is less than 26 years of age applies for an operator's license or chauffeur's license, the secretary of state shall, with the applicant's consent, obtain the information that is necessary to register the applicant with the federal selective service system in compliance with the requirements of 50 USC Appx 453, including, but not limited to, the applicant's social security number. (2) Each application described in subsection (1) shall contain all of the following: (a) A statement that, if the applicant gives his consent to the secretary of state to provide his registration information to the selective service system, the secretary of state is authorized to provide that information to the selective service system under this section. (b) The following statement: "If I am less than 18 years of age and give my consent to the secretary of state to provide the information necessary to register me for selective service, I understand that I will automatically be registered for selective service when I become 18 years of age if required by federal law.". (c) A statement of the criminal penalties and other sanctions that apply for failing to register with selective service. (d) The following statement: "I acknowledge having been given information regarding the penalties for not registering for selective service.". (e) A statement appearing in capitalized, bold-faced type that declining to give consent to registration under this section does not affect the applicant's privilege to receive an operator's or chauffeur's license. (f) A location on the application where the applicant shall indicate that he either consents to forwarding his registration information to the selective service system or that he does not consent to forwarding his registration information to the selective service system. (3) The secretary of state shall forward the information obtained under subsection (1) to the federal selective service system in a format consistent with selective service system requirements. (4) The secretary of state shall not forward any information regarding an applicant who is less than 18 years of age to the selective service system under this section unless the applicant gives his consent to provide that information to the selective service system as provided in this section. History:Add. 2006, Act 642, Eff. Oct. 1, 2010

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.308 - Application of Minor for Operator's License; Condition to Approval; Exception.

Sec. 308. (1) The secretary of state shall not approve the application of a person who is 17 years of age or less for an operator's license unless the application is signed by the parent or guardian of the applicant and the person has satisfied the appropriate requirements of section 310e, or if the person does not have a parent or guardian, then a license shall not be granted to the person unless the application is signed by another responsible adult and the person has satisfied the appropriate requirements of section 310e. (2) This section does not apply to minors emancipated under 1968 PA 293, MCL 722.1 to 722.6. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1958, Act 123, Eff. Sept. 13, 1958 ;-- Am. 1972, Act 49, Imd. Eff. Feb. 19, 1972 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1988, Act 404, Eff. Mar. 30, 1989 ;-- Am. 1996, Act 387, Eff. Apr. 1, 1997 ;-- Am. 1999, Act 40, Imd. Eff. June 9, 1999

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.309 - Examination of Applicant for Operator's or Chauffeur's License; Criminal History Check; Waiver; Exception; Certification of Licensee Applying for Renewal of License by Mail; Examining Officers; Conducting Examinations; Report of Findings and Recommendations; Rules; Issuance of Original Operator's or Chauffeur's License Without Vehicle Group Designation or Indorsement; Driver Skills Test; Waiver; Behind-the-Wheel Road Test; Prohibited Conduct; Penalty; Applicant for Original Motorcycle Endorsement; Waiver of Certain Requirements; Pandemic Expiration Extension.

Sec. 309. (1) Before issuing a license, the secretary of state shall examine each applicant for an operator's or chauffeur's license who

at the time of the application is not the holder of a valid, unrevoked operator's or chauffeur's license under a law of this state providing for the licensing of drivers. Before the secretary of state authorizes an individual to administer vehicle group designation or endorsement knowledge tests, that individual must successfully complete both a state and Federal Bureau of Investigation fingerprint-based criminal history check or the equivalent through the department of state police. In all other cases, the secretary of state may waive the examination, except that an examination must not be waived if it appears from the application, from the apparent physical or mental condition of the applicant, or from any other information that has come to the secretary of state from another source, that the applicant does not possess the physical, mental, or other qualifications necessary to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property, or that the applicant is not entitled to a license under section 303. A licensee who applies for the renewal of his or her license by mail under section 307 shall certify to his or her physical capability to operate a motor vehicle. The secretary of state may check the applicant's driving record through the National Driver Register and the Commercial Driver's License Information System before issuing a license under this section. (2) The secretary of state may appoint sheriffs, their deputies, the chiefs of police of cities and villages that have organized police departments within this state, their duly authorized representatives, employees of the secretary of state, or the secretary of state's duly authorized representatives as examining officers for the purpose of examining applicants for operator's and chauffeur's licenses. An examining officer shall conduct examinations of applicants for operator's and chauffeur's licenses in accordance with this chapter and the rules promulgated by the secretary of state under subsection (3). After conducting an examination an examining officer shall make a written report of his or her findings and recommendations to the secretary of state. (3) The secretary of state shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the examination of the applicant's physical and mental qualifications to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property, and shall ascertain whether facts exist that would bar the issuance of a license under section 303. The secretary of state may consider a written medical report and recommendation submitted under section 5139 of the public health code, 1978 PA 368, MCL 333.5139, from the personal physician or optometrist of an applicant, in making the examination regarding the applicant's physical and mental qualifications to operate a motor vehicle under this section and R 257.851 to R 257.855 of the Michigan Administrative Code. A report received by the secretary of state from a physician or an optometrist under this section is confidential. The secretary of state shall also ascertain whether the applicant has sufficient knowledge of the English language to understand highway warnings or direction signs written in that language. The examination must not include investigation of facts other than those facts directly pertaining to the ability of the applicant to operate a motor vehicle with safety or facts declared to be prerequisite to the issuance of a license under this act. (4) The secretary of state shall not issue an original operator's or chauffeur's license without a vehicle group designation or indorsement without an examination that includes a driving skills test conducted by the secretary of state or by a designated examining officer under subsection (2) or section 310e. The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test conducted under this section. Before the secretary of state authorizes an individual to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that individual or examiner must successfully complete both a state and Federal Bureau of Investigation fingerprint-based criminal history check through the department of state police as required by law and as provided under 49 CFR 384.228. In an agreement with another public or private corporation or agency to conduct a driving skills test, the secretary of state shall prescribe the method and examination criteria to be followed by the corporation, agency, or examiner when conducting the driving skills test and the form of the certification to be issued to an individual who satisfactorily completes a driving skills test. An original vehicle group designation or indorsement must not be issued by the secretary of state without a knowledge test conducted by the secretary of state. Except as provided in section 312f(1), an original vehicle group designation or passenger or school bus indorsement must not be issued by the secretary of state without a driving skills test conducted by an examiner appointed or authorized by the secretary of state or an equivalent driving skills test meeting the requirements of 49 CFR part 383 conducted in another jurisdiction. (5) Except as otherwise provided in this act, the secretary of state may waive the requirement of a driving skills test, knowledge test, or road sign test of an applicant for an original operator's or chauffeur's license without a vehicle group designation or indorsement who at the time of the application is the holder of a valid, unrevoked operator's or chauffeur's license issued by another state or country. (6) A driving skills test conducted under this section must include a behind-the-wheel road test. Before conducting a behind-the-wheel road test for an applicant seeking a vehicle group designation, including any upgrade to a vehicle group designation, or for any indorsement required to operate a commercial motor vehicle, the examiner shall determine that the applicant was issued his or her commercial learner's permit not less than 14 days before the date of that test and that he or she has that permit in his or her possession. (7) A person who corrupts or attempts to corrupt a designated examining officer appointed or designated by the secretary of state under this section or section 310e by giving, offering, or promising any gift or gratuity with the intent to influence the opinion or decision of the examining officer conducting the test is guilty of a felony. (8) A designated examining officer appointed or designated by the secretary of state who conducts a driving skills test under an agreement entered into under this section or section 310e and who varies from, shortens, or in any other way changes the method or examination criteria prescribed in that agreement in conducting a driving skills test is guilty of a felony. (9) A person who forges, counterfeits, or alters a satisfactorily completed driving skills test certification issued by a designated examining officer appointed or designated by the secretary of state under this section or section 310e is guilty of a felony. (10) The secretary of state shall waive the requirement of a written knowledge test, road sign test, and driving skills test of an applicant for an original motorcycle endorsement if the person has successfully passed a motorcycle safety course approved by the department as described in sections 811a and 811b. (11) An operator's or chauffeur's license that expires on or after March 1, 2020 is valid until March 31, 2021. An operator's or chauffeur's

license that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1958, Act 123, Eff. Sept. 13, 1958 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1980, Act 290, Imd. Eff. Oct. 15, 1980 ;-- Am. 1982, Act 25, Imd. Eff. Mar. 4, 1982 ;-- Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989 ;-- Am. 1996, Act 387, Eff. Mar. 31, 1997 ;-- Am. 1996, Act 551, Eff. Apr. 1, 1997 ;-- Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2012, Act 355, Imd. Eff. Dec. 13, 2012 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2016, Act 23, Eff. May 23, 2016 ;-- Am. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021 ;-- Am. 2022, Act 45, Imd. Eff. Mar. 23, 2022Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."Admin Rule:R 257.851 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.310 - Operator's or Chauffeur's License; Issuance; Applicant for Motorcycle Indorsement or Vehicle Group Designation or Indorsement; Contents of License; Fingerprint or Finger Image; Digitized License; Information; Manufacture; Unlawful Acts; Penalties; Temporary Driver's Permit; Medical Data; Emergency Contact Information; Designation of Patient Advocate or Emancipated Status; Duplicates of License; Emergency Medical Information Card; Participation in Anatomical Gift Donor Registry; Communication Impediment Designation; Revocation; Definitions.

Sec. 310. (1) The secretary of state shall issue an operator's license to each person licensed as an operator and a chauffeur's license to each person licensed as a chauffeur. An applicant for a motorcycle indorsement under section 312a or a vehicle group designation or indorsement shall first qualify for an operator's or chauffeur's license before the indorsement or vehicle group designation application is accepted and processed. An original license or the first renewal of an existing license issued to a person less than 21 years of age must be portrait or vertical in form and a license issued to a person 21 years of age or over must be landscape or horizontal in form. (2) The license issued under subsection (1) must contain all of the following: (a) The distinguishing number permanently assigned to the licensee. (b) Except as provided in section 310f, the full legal name, date of birth, address of residence, height, eye color, sex, digital photographic image, expiration date, and signature of the licensee. (c) In the case of a licensee who has indicated his or her wish to participate in the anatomical gift donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a heart insignia on the front of the license. (d) Physical security features designed to prevent tampering, counterfeiting, or duplication of the license for fraudulent purposes. (e) If requested by an individual who is a veteran of the armed forces of this state, another state, or the United States, a designation that the individual is a veteran. The designation must be in a style and format considered appropriate by the secretary of state. The secretary of state shall require proof of discharge or separation of service from the armed forces of this state, another state, or the United States, and the nature of that discharge, for the purposes of verifying an individual's status as a veteran under this subdivision. The secretary of state shall consult with the department of military and veterans affairs in determining the proof that must be required to identify an individual's status as a veteran for the purposes of this subsection. The secretary of state may provide the department of military and veterans affairs and agencies of the counties of this state that provide veteran services with information provided by an applicant under this subsection for the purpose of veterans' benefits eligibility referral. (3) Except as otherwise required under this chapter, other information required on the license under this chapter may appear on the license in a form prescribed by the secretary of state. (4) The license must not contain a fingerprint or finger image of the licensee. (5) A digitized license may contain an identifier for voter registration purposes. The digitized license may contain information appearing in electronic or machine-readable codes needed to conduct a transaction with the secretary of state. The information must be limited to the information described in subsection (2)(a) and (b) except for the person's digital photographic image and signature, state of issuance, license expiration date, and other information necessary for use with electronic devices, machine readers, or automatic teller machines and must not contain the driving record or other personal identifier. The license must identify the encoded information. (6) The license must be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the license without ready detection. In addition, a license with a vehicle group designation must contain the information required under 49 CFR part 383. (7) Except as provided in subsection (11), a person who intentionally reproduces, alters, counterfeits, forges, or duplicates a license photograph,

the negative of the photograph, image, license, or electronic data contained on a license or a part of a license or who uses a license, image, or photograph that has been reproduced, altered, counterfeited, forged, or duplicated is subject to 1 of the following: (a) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a felony punishable by imprisonment for 10 or more years, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony, punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (b) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a felony punishable by imprisonment for less than 10 years or a misdemeanor punishable by imprisonment for 6 months or more, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than $10,000.00, or both. (c) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a misdemeanor punishable by imprisonment for less than 6 months, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00, or both. (8) Except as provided in subsections (11) and (16), a person who sells, or who possesses with the intent to deliver to another, a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph, image, license, or electronic data contained on a license or part of a license is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (9) Except as provided in subsections (11) and (16), a person who is in possession of 2 or more reproduced, altered, counterfeited, forged, or duplicated license photographs, negatives of the photograph, images, licenses, or electronic data contained on a license or part of a license is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (10) Except as provided in subsection (16), a person who is in possession of a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph, image, license, or electronic data contained on a license or part of a license is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00, or both. (11) Subsections (7)(a) and (b), (8), and (9) do not apply to a minor whose intent is to violate section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703. (12) The secretary of state, upon determining after an examination that an applicant is mentally and physically qualified to receive a license, may issue the applicant a temporary driver's permit. The temporary driver's permit entitles the applicant, while having the permit in his or her immediate possession, to operate a motor vehicle upon the highway for a period not exceeding 60 days before the secretary of state has issued the applicant an operator's or chauffeur's license. The secretary of state may establish a longer duration for the validity of a temporary driver's permit if necessary to accommodate the process of obtaining a background check that is required for an applicant by federal law. (13) An operator or chauffeur may indicate on the license in a place designated by the secretary of state his or her blood type, emergency contact information, immunization data, medication data, or a statement that the licensee is deaf. The secretary of state shall not require an applicant for an original or renewal operator's or chauffeur's license to provide emergency contact information as a condition of obtaining a license. However, the secretary of state may inquire whether an operator or chauffeur would like to provide emergency contact information and, beginning July 1, 2021, shall allow an operator or chauffeur that meets the requirements of subsection (21) to elect a communication impediment designation. Emergency contact information obtained under this subsection must be disclosed only to a state or federal law enforcement agency for law enforcement purposes or to the extent necessary for a medical emergency. The secretary of state shall develop and shall, in conjunction with the department of state police, implement a process using the L.E.I.N. or any other appropriate system that limits access to law enforcement that would allow law enforcement agencies of this state to access emergency contact information and, beginning July 1, 2021, to view a communication impediment designation that the holder of an operator's license has voluntarily provided to the secretary of state. (14) An operator or chauffeur may indicate on the license in a place designated by the secretary of state that he or she has designated a patient advocate in accordance with sections 5506 to 5515 of the estates and protected individuals code, 1998 PA 386, MCL 700.5506 to 700.5515. (15) If the applicant provides proof to the secretary of state that he or she is a minor who has been emancipated under 1968 PA 293, MCL 722.1 to 722.6, the license must bear the designation of the individual's emancipated status in a manner prescribed by the secretary of state. (16) Subsections (8), (9), and (10) do not apply to a person who is in possession of 1 or more photocopies, reproductions, or duplications of a license to document the identity of the licensee for a legitimate business purpose. (17) A sticker or decal may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing an emergency medical information card, but must meet the specifications of the secretary of state. An emergency medical information card may contain information concerning the licensee's patient advocate designation, other emergency medical information, or an indication as to where the licensee has stored or registered emergency medical information. (18) The secretary of state shall inquire of each licensee, in person or by mail, whether the licensee agrees to participate in the anatomical gift donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. (19) A licensee who has agreed to participate in the anatomical gift donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, must not be considered to have revoked that agreement solely because the licensee's license has been revoked or suspended or has expired. Enrollment in the donor registry constitutes a legal agreement that remains binding and in effect after the donor's death regardless of the expressed desires of the deceased donor's next of kin who may oppose the donor's anatomical gift. (20) If an operator's or chauffeur's license is issued to an individual described in section 307(1)(b) who has temporary lawful status, the license must be issued in compliance with 6 CFR 37.21 or in compliance with the process established to comply with 6 CFR 37.71 by the secretary of state. (21) An operator or chauffeur seeking an election for a communication impediment designation under subsection (13) shall provide to the secretary of state a certification

that meets all of the following: (a) Is signed by a physician, physician assistant, certified nurse practitioner, audiologist, speech-language pathologist, psychologist, or physical therapist licensed to practice in this state. (b) Identifies the individual for whom the communication impediment designation is being elected. (c) Attests to the nature of the communication impediment. (22) A person who intentionally makes a false statement of material fact or commits or attempts to commit a deception or fraud on a statement described under subsection (21) is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than $500.00, or both. (23) Subject to subsection (24), the secretary of state may cancel or revoke a communication impediment designation elected and maintained under this section if either of the following circumstances applies: (a) The secretary of state determines that a communication impediment designation was fraudulently or erroneously elected. (b) The secretary of state determines the communication impediment designation was abused during a traffic stop. (24) The secretary of state shall provide the operator or chauffeur notice and an opportunity to be heard before canceling or revoking a communication impediment designation under subsection (23). (25) As used in this section: (a) "Communication impediment" means the operator or chauffeur has a health condition that may impede communication with a police officer during a traffic stop, including, but not limited to, any of the following: (i) Deafness or hearing loss. (ii) An autism spectrum disorder. (b) "Emergency contact information" means the name, telephone number, or address of an individual that is used for the sole purpose of contacting that individual when the holder of an operator's license has been involved in an emergency. (c) "Temporary lawful status" means that term as defined in 6 CFR 37.3. (d) "Veteran" means that term as defined in section 1 of 1965 PA 190, MCL 35.61. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 144, Eff. Oct. 2, 1953 ;-- Am. 1957, Act 164, Eff. Sept. 27, 1957 ;-- Am. 1958, Act 217, Eff. Sept. 13, 1958 ;-- Am. 1966, Act 206, Eff. Aug. 1, 1966 ;-- Am. 1967, Act 212, Eff. Nov. 2, 1967 ;-- Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973 ;-- Am. 1976, Act 358, Imd. Eff. Dec. 23, 1976 ;-- Am. 1977, Act 259, Eff. Mar. 30, 1978 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1985, Act 219, Imd. Eff. Jan. 10, 1986 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1988, Act 404, Eff. Mar. 30, 1989 ;-- Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989 ;-- Am. 1996, Act 205, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 226, Imd. Eff. July 3, 1998 ;-- Am. 2001, Act 216, Imd. Eff. Dec. 28, 2001 ;-- Am. 2002, Act 126, Eff. Apr. 22, 2002 ;-- Am. 2002, Act 554, Eff. Oct. 1, 2002 ;-- Am. 2002, Act 652, Eff. Jan. 1, 2003 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 495, Eff. Jan. 31, 2005 ;-- Am. 2005, Act 141, Imd. Eff. Sept. 29, 2005 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008 ;-- Am. 2008, Act 36, Imd. Eff. Mar. 17, 2008 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2013, Act 27, Eff. May 1, 2014 ;-- Am. 2016, Act 4, Imd. Eff. Feb. 2, 2016 ;-- Am. 2016, Act 219, Eff. Sept. 20, 2016 ;-- Am. 2018, Act 177, Eff. Sept. 9, 2018 ;-- Am. 2020, Act 93, Eff. July 1, 2021 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 104, Eff. Dec. 1, 2021Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.310b - Expired. 1979, Act 66, Eff. Oct. 1, 1980.

Compiler's Notes:The expired section pertained to designation of original license as probationary for 1 year.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.310c - Operator's or Chauffeur's License; Persons Not Previously Licensed; Temporary Instruction Permit; Exception.

Sec. 310c. (1) The secretary of state shall not issue an operator's or chauffeur's license to a person who is 18 years of age or older and has not been previously licensed in this or any other state or country until 30 days after he or she has obtained a temporary instruction permit. (2) This section does not apply to a person who is on active duty in the armed forces of the United States if he or she is on furlough and possesses a valid United States government motor vehicle operator's identification card and furlough papers. History:Add. 1968, Act 263, Eff. Nov. 15, 1968 ;-- Am. 1972, Act 89, Imd. Eff. Mar. 20, 1972 ;-- Am. 1996, Act 387, Eff. Apr. 1, 1997

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.310d - Designation of License as Probationary for 3 Years; Suspension of License or Imposition of Probationary Terms and Conditions; Duration; Reexamination; Extension of Probationary Period; Failure to Appear for Reexamination; Notice; Additional Provisions.

Sec. 310d. (1) A license issued under this act to a person not previously licensed in this or in another state shall be designated as probationary for 3 years after the date of issuance. During the first 12 months of probation, the license may be suspended or probationary terms and conditions may be imposed upon failure of the licensee to appear before a magistrate, as provided in this

chapter, or upon conviction of the licensee or determination of the licensee's responsibility for a moving violation in this state. The period of suspension or the probationary terms and conditions shall not be for more than 12 months and shall be determined by the secretary of state. (2) Upon completion of the first 12 months of probation, the secretary of state may require a licensee to be reexamined by the secretary of state if the licensee's driving record contains any of the following: (a) A conviction or civil infraction determination for a moving violation that was assessed 4 or more points as provided in section 320a. (b) Three convictions or 3 civil infraction determinations, or a combination of convictions and civil infraction determinations that equals 3, for moving violations. (c) A total of 6 or more points as provided in section 320a. (d) A conviction or civil infraction determination for a moving violation and an accident for which the official police report indicates the licensee had been drinking alcoholic liquor. (e) A conviction or civil infraction determination for a moving violation and an accident for which the official police report indicates a moving violation on the part of the licensee. (f) Three accidents for which the official police report indicates a moving violation on the part of the licensee. (g) A suspension under section 625f. (3) The probationary period shall be extended beyond 3 years and the secretary of state may reexamine a licensee as provided in subsection (2) if any of the following occur and are recorded on the licensee's driving record during the last 10 months of the probationary period: (a) A moving violation resulting in a conviction or civil infraction determination. (b) An accident for which the official police report indicates a moving violation on the part of the licensee. (c) An accident for which the official police report indicates the licensee had been drinking alcoholic liquor. (d) A license suspension for a reason other than a mental or physical disability. (4) The probationary period shall be extended under subsection (3) until the licensee completes 10 consecutive months without a moving violation, accident, or suspension enumerated in subsection (3). (5) Upon completion of a reexamination, the secretary of state may suspend or impose probationary terms and conditions on the license of a probationary licensee, except that a reexamination for subsection (2)(d), (e), or (f) shall not result in a license suspension or the imposition of probationary terms or conditions. (6) For 24 months immediately after a licensee's probationary period, the secretary of state may require the licensee to be reexamined by the secretary of state if the licensee's driver record has a total of 9 or more points, as provided in section 320a, imposed in a period of 2 years and if the licensee's record contains 1 or more of the following: (a) A conviction for a violation or attempted violation of any of the following: (i) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content. (ii) A violation or attempted violation of section 625m. (iii) Former section 625b. (iv) A local ordinance substantially corresponding to a conviction described in this subdivision. (v) A law of another state substantially corresponding to a conviction described in this subdivision. (b) A suspension of the licensee's license under section 625f. (c) An accident for which the official police report indicates a moving violation on the part of the licensee. (d) An accident for which the official police report indicates the licensee had been drinking alcoholic liquor. (7) Upon completion of a reexamination under subsection (6), the secretary of state may suspend the license of the licensee, except that a reexamination for subsection (6)(c) or (d) shall not result in a license suspension or restriction. (8) If a licensee fails to appear for a reexamination scheduled by the secretary of state under this section, the licensee's license may be suspended immediately and remain suspended until the licensee appears for a reexamination by the secretary of state. The secretary of state may restrict, suspend, or revoke a licensee's license based solely on his or her driving record. (9) Notice of suspension, the imposition of probationary terms or conditions, or a reexamination required under this section shall be given by first-class mail to the last known address of the licensee. The notice shall provide that the suspension or imposition of probationary terms or conditions will be effective 14 days from the date of the notice, unless the probationary licensee requests a reexamination. (10) For purposes of this section: (a) Upon conviction for a moving violation, the date of the violation shall be used in determining whether the conviction occurred within the probationary period. (b) Upon entry of a civil infraction determination for a moving violation, the date of the violation shall be used in determining whether the civil infraction determination occurred within the probationary period. (c) Information of a reexamination shall not be placed on a driver's record unless the secretary of state suspends a license or imposes probationary terms and conditions. (d) A suspension shall be considered part of a driving record from the date the suspension is imposed until the suspension is terminated. (e) The date of the official police report shall be used in determining whether a licensee was driving a motor vehicle involved in an accident for which the official police report indicates a moving violation on the part of the licensee or indicates the licensee had been drinking alcoholic liquor. History:Add. 1978, Act 545, Eff. Oct. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992 ;-- Am. 1998, Act 343, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2004, Act 62, Eff. May 3, 2004 ;-- Am. 2015, Act 11, Eff. July 8, 2015Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.310e - Graduated Licensing.

Sec. 310e. (1) Except as otherwise provided in this act, an operator's or chauffeur's license issued to a person who is 17 years of age or less shall be in a form as prescribed in section 310, and valid only upon the issuance of a graduated driver license. (2) The

secretary of state shall designate graduated licensing provisions in a manner that clearly indicates that the person is subject to the appropriate provisions described in this section. (3) Except as otherwise provided in section 303, a person who is not less than 14 years and 9 months of age may be issued a level 1 graduated licensing status to operate a motor vehicle if the person has satisfied all of the following conditions: (a) Passed a vision test and met health standards as prescribed by the secretary of state. (b) Successfully completed segment 1 of a driver education course as that term is defined in section 7 of the driver education provider and instructor act, 2006 PA 384, MCL 256.627, including a minimum of 6 hours of on-the-road driving time with the instructor. (c) Received written approval of a parent or legal guardian. (4) A person issued a level 1 graduated licensing status may operate a motor vehicle only when accompanied either by a licensed parent or legal guardian or, with the permission of the parent or legal guardian, a licensed driver 21 years of age or older. Except as otherwise provided in this section, a person is restricted to operating a motor vehicle with a level 1 graduated licensing status for not less than 6 months. (5) A person may be issued a level 2 graduated licensing status to operate a motor vehicle if the person has satisfied all of the following conditions: (a) Had a level 1 graduated licensing status for not less than 6 months. (b) Successfully completed segment 2 of a driver education course as that term is defined in section 7 of the driver education provider and instructor act, 2006 PA 384, MCL 256.627. (c) Not incurred a moving violation resulting in a conviction or civil infraction determination or been involved in an accident for which the official police report indicates a moving violation on the part of the person during the 90-day period immediately preceding application. (d) Presented a certification by the parent or guardian that the person, accompanied by his or her licensed parent or legal guardian or, with the permission of the parent or legal guardian, any licensed driver 21 years of age or older, has accumulated a total of not less than 50 hours of behind-the-wheel experience including, except as otherwise provided in this subdivision, not less than 10 nighttime hours. The nighttime hours requirement does not apply to a person who has been issued a graduated driver license that permits daylight driving only as provided in R 257.3 of the Michigan Administrative Code. (e) Successfully completed a secretary of state approved driving skills test. The secretary of state may enter into an agreement with another public or private corporation or agency to conduct this driving skills test. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that person or examiner must complete both a state and Federal Bureau of Investigation fingerprint based criminal history check through the department of state police. This subdivision applies to a person 16 years of age or over only if the person has satisfied subdivisions (a), (b), (c), and (d). (6) A person issued a level 2 graduated licensing status under subsection (5) shall remain at level 2 for not less than 6 months. A person issued a level 2 graduated licensing status under subsection (5) shall not operate a vehicle under the following circumstances: (a) Between the hours of 10 p.m. and 5 a.m. This subdivision does not apply if either of the following applies: (i) The person is accompanied by a parent or legal guardian or a licensed driver 21 years of age or older designated by the parent or legal guardian. (ii) The person is operating the vehicle in the course of his or her employment or while going to or from employment or while going to or from an authorized activity. (b) With more than 1 passenger in the vehicle who is less than 21 years of age. This subdivision does not apply if any of the following apply: (i) The person is accompanied by a parent or legal guardian or a licensed driver 21 years of age or older designated by the parent or legal guardian. (ii) Any additional passengers who are less than 21 years of age are members of his or her immediate family. (iii) The person is operating the vehicle in the course of his or her employment or while going to or from employment or while going to or from an authorized activity. (7) The provisions and provisional period described in subsection (4) or (6) shall be expanded or extended, or both, beyond the periods described in subsection (4) or (6) if any of the following occur and are recorded on the licensee's driving record during the provisional periods described in subsection (4) or (6) or any additional periods imposed under this subsection: (a) A moving violation resulting in a conviction, civil infraction determination, or probate court disposition. (b) An accident for which the official police report indicates a moving violation on the part of the licensee. (c) A license suspension for a reason other than a mental or physical disability. (d) A violation of subsection (4) or (6). (8) The provisional period described in subsection (4) shall be extended under subsection (7) until the licensee completes 90 consecutive days without a moving violation, an accident in which a moving violation resulted, suspension, or provisional period violation listed in subsection (7), or until age 18, whichever occurs first. The provisional period described in subsection (6) shall be extended under subsection (7) until the licensee completes 12 consecutive months without a moving violation, suspension, or restricted period violation listed in subsection (7) or until age 18, whichever occurs first. (9) A person who is not less than 17 years of age may be issued a level 3 graduated licensing status under this subsection if the person has completed 12 consecutive months without a moving violation, an accident in which a moving violation resulted, suspension, or restricted period violation listed in subsection (7) while the person was issued a level 2 graduated licensing status under subsection (5). (10) Notice shall be given by first-class mail to the last known address of a licensee if the provisions are expanded or extended as described in subsection (7). (11) A person who violates subsection (4) or (6) is responsible for a civil infraction. (12) If a person is determined responsible for a violation of subsection (4) or (6), the secretary of state shall send written notification of any conviction or moving violation to a designated parent or guardian of the person. (13) For purposes of this section: (a) Upon conviction for a moving violation, the date of the arrest for the violation shall be used in determining whether the conviction occurred within a provisional licensure period under this section. (b) Upon entry of a civil infraction determination for a moving violation, the date of issuance of a citation for a civil infraction shall be used in determining whether the civil infraction determination occurred within a provisional licensure period under this section. (c) The date of the official police report shall be used in determining whether a licensee was driving a motor vehicle involved in an accident for which the official police report indicates a moving violation on the part of the licensee or indicates the licensee had been drinking alcoholic liquor. (14) A person shall have his or her graduated licensing status in his or her immediate possession at all times when operating a motor vehicle, and shall display the card upon demand of a police officer. A person who violates this subsection is

responsible for a civil infraction. (15) As used in this section, "authorized activity" means any of the following: (a) A school or a school-sanctioned event or activity. For purposes of this subdivision, school means a public or private school, including a home school. (b) A sporting event or activity, or extracurricular event or activity, that is not school-sanctioned but that is part of an official sports league or association or an official extracurricular club, or that is paid for as a service offered by a business specializing in those events or activities or training for those events or activities. (c) A class or program of vocational instruction offered by a college, community college, nonprofit association, or unit of government or by a business specializing in vocational training. (d) An event or activity sponsored by a religious organization that is tax-exempt under federal law. (e) Transporting an individual in need of immediate emergency care or personal protection to a health care professional, hospital, police station, domestic violence shelter, or public safety location. History:Add. 1996, Act 387, Eff. Apr. 1, 1997 ;-- Am. 1999, Act 40, Imd. Eff. June 9, 1999 ;-- Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001 ;-- Am. 2002, Act 422, Eff. Oct. 1, 2002 ;-- Am. 2002, Act 554, Eff. Oct. 1, 2002 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2004, Act 71, Imd. Eff. Apr. 20, 2004 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2010, Act 268, Eff. Mar. 30, 2011 ;-- Am. 2011, Act 124, Imd. Eff. July 20, 2011 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2019, Act 33, Imd. Eff. June 25, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.310f - Issuance of Corrected Operator's or Chauffeur's License; Address Confidentiality Program Participant; Renewal; Definitions.

Sec. 310f. (1) Beginning 180 days after the effective date of the amendatory act that added this section, upon receipt of a notice from the department of the attorney general that an individual who has been issued an operator's or chauffeur's license under this act has been certified as a program participant in the address confidentiality program, the secretary of state shall issue a corrected operator's or chauffeur's license to that individual by mailing the license to his or her designated address. Beginning 180 days after the effective date of the amendatory act that added this section, an operator's or chauffeur's license issued under this section or section 310 to a program participant must display the individual's designated address and must not display the individual's residence address. (2) An individual who is issued a corrected license under this section shall destroy his or her old license and replace it with the corrected license. (3) Beginning 180 days after the effective date of the amendatory act that added this section, an individual whose certification as a program participant in the address confidentiality program is renewed under the address confidentiality program act may renew a license issued under this section upon payment of the renewal fee under section 811. (4) As used in this section: (a) "Address confidentiality program" means a program as that term is defined in section 3 of the address confidentiality program act. (b) "Designated address" means that term as defined in section 3 of the address confidentiality program act. (c) "Program participant" means that term as defined in section 3 of the address confidentiality program act. History:Add. 2020, Act 304, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.311 - Possession of Operator's or Chauffeur's License or Receipt When Operating Motor Vehicle Required; Display; Identification.

Sec. 311. The licensee shall have his or her operator's or chauffeur's license, or the receipt described in section 311a, in his or her immediate possession at all times when operating a motor vehicle, and shall display the same upon demand of any police officer, who shall identify himself or herself as such. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1983, Act 63, Eff. Mar. 29, 1984

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.311a - Issuance of Receipt for Operator's or Chauffeur's License; Form; Approval; Design; Effect; Expiration of Receipt and License; Renewal of License.

Sec. 311a. If the court requires a person who is accused of a misdemeanor or ordinance violation to surrender his or her operator's or chauffeur's license pursuant to section 6 of chapter V of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 765.6 of the Michigan Compiled Laws, or section 4 of Act No. 257 of the Public Acts of 1966, being section 780.64 of the Michigan Compiled Laws, and if the license is not expired, suspended, revoked, or canceled, the court shall issue to the licensee a receipt for the license. The form of the receipt shall be approved or provided by the secretary of state. The form shall be designed so that it may contain a photocopy of an operator's or chauffeur's license. The receipt shall have the effect of granting driving privileges identical to the operator's or chauffeur's license surrendered to the court but that effect shall cease on the date on which the receipt expires, or on the date on which the license expires, whichever date occurs first. If the license expires or will expire while the license is surrendered, the secretary of state may renew the operator's or chauffeur's license pursuant to section 314. The expiration date of the receipt shall be specified by the court on the receipt. History:Add. 1983, Act 63, Eff. Mar. 29, 1984

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312 - Restricted Operator's or Chauffeur's License; Contents; Expiration; Suspension or Revocation; Violation as Misdemeanor; Exceptions.

Sec. 312. (1) Upon proper showing of extenuating circumstances and special reasons, or need by an applicant who meets the age

qualifications and when accompanied by the fee as provided in this act, the secretary of state may recommend a restricted operator's or chauffeur's license containing conditions and restrictions applicable to the licensee, the type of special mechanical control devices required in a motor vehicle operated by the licensee, and the area, time, or other condition that the secretary of state considers necessary to assure the safe operation of a vehicle by the licensee and under which the licensee may operate a motor vehicle. A license issued to a person who is at least 14 years of age and under 16 years of age shall contain only the conditions determining the hours during which the licensee may drive a motor vehicle and the purpose for which it is to be driven. A license issued to a minor who is at least 14 years of age and under 16 years of age shall be revoked by the secretary of state on the written request of a parent, guardian, or person standing in loco parentis. (2) An operator's license issued to a person who is at least 14 years of age and under 16 years of age expires on the birthday following issuance of the license or if that birthday is within 6 months after the date of issuance of the license, then 1 year after the date of that birthday. (3) Upon receiving satisfactory evidence of a violation of the restrictions of the license, the secretary of state may suspend or revoke the license. (4) A person who violates a restriction imposed in a restricted license issued to that person is guilty of a misdemeanor. This subsection does not apply to a person who is at least 14 years of age and under 16 years of age. (5) If a motor vehicle is being driven by a person who is at least 14 years of age and under 16 years of age, and that person is accompanied by a parent, guardian, or person standing in loco parentis, the conditions, limitations, and restrictions set forth in this section do not apply. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312a - Motorcycle Indorsement; Issuance, Suspension, Revocation, Cancellation, or Renewal; Special Restricted License to Operate Moped; Requirements; Expiration; Duration; Fees; Violation as Civil Infraction or Misdemeanor; Fines or Penalty.

Sec. 312a. (1) An individual, before operating a motorcycle, other than an autocycle, upon a public street or highway in this state, shall procure a motorcycle indorsement on his or her operator's or chauffeur's license. The license must be issued, suspended, revoked, canceled, or renewed in accordance with and governed by this act. (2) An individual, before operating a moped upon a highway, shall procure a special restricted license to operate a moped unless the individual has a valid operator's or chauffeur's license. A special restricted license to operate a moped may be issued to an individual 15 years of age or older if the individual satisfies the secretary of state that he or she is competent to operate a moped with safety. The secretary of state shall not require a road test before issuance of a special restricted license to operate a moped. (3) A special restricted license to operate a moped expires on the birthday of the individual it is issued to in the fourth year following the date of issuance. A license must not be issued for a period longer than 4 years. An individual issued a license to operate a moped shall pay $7.50 for an original license and $6.00 for a renewal license. The money received and collected under this subsection must be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality, acting as an examining officer, $2.50 for each applicant examined for an original license and $1.00 for a renewal license. (4) An individual who violates subsection (1) is responsible for a civil infraction or guilty of a misdemeanor punishable as follows: (a) For a first violation, the individual is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than $250.00. (b) For a violation that occurs after 1 or more prior judgments, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both. History:Add. 1956, Act 178, Imd. Eff. Apr. 16, 1956 ;-- Am. 1959, Act 260, Eff. Mar. 19, 1960 ;-- Am. 1969, Act 134, Eff. June 1, 1970 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 2013, Act 177, Imd. Eff. Nov. 26, 2013 ;-- Am. 2016, Act 318, Eff. Feb. 7, 2017 ;-- Am. 2020, Act 382, Eff. Oct. 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312b - Motorcycle Endorsement; Examination; Motorcycle Safety Course; Waiver of Certain Tests; 3-Wheeled Motorcycle; Restriction; Establishing and Conducting Driving Skills Test; Rules; Audit of Motorcycle Safety Fund; Third Party Motorcycle Program; Prohibited Conduct; Violation as Felony.

Sec. 312b. (1) Before a person who is less than 18 years of age is issued an original motorcycle endorsement on an operator's or chauffeur's license, the person shall pass a motorcycle safety course approved by the department as described in sections 811a and 811b. (2) Before a person who is 18 years of age or older is issued an original motorcycle endorsement on an operator's or chauffeur's license, the person shall pass an examination as required by this section. A person who fails this examination 2 or more times is required to successfully complete a motorcycle safety course approved by the department as described in sections 811a and 811b. Each written examination given an applicant for a motorcycle endorsement on an operator's or chauffeur's license as provided in section 309 shall also include subjects designed to cover a motorcycle. A person shall pass an examination that shall include a driving test designed to test the competency of the applicant for the first motorcycle endorsement on an operator's or chauffeur's license to operate a motorcycle upon the roads and highways of this state with safety to himself or herself and other persons and property. All examinations shall be administered as provided in this act. The requirement of a written knowledge test, road sign test, and motorcycle driving skills test shall be waived for an applicant who has successfully completed a motorcycle safety course approved by the department as described in sections 811a and 811b. The motorcycle safety course skills test shall meet or exceed the motorcycle skills test from the secretary of state. The requirement of a motorcycle driving skills test may be waived if the applicant has a valid license or endorsement to operate a motorcycle from another state. (3) A motorcycle endorsement issued to a

person who operates a 3-wheeled motorcycle other than an autocycle is restricted to operation of that type of motorcycle and does not permit operation of a 2-wheeled motorcycle. The secretary of state shall develop a driving test specifically pertaining to a 3-wheeled motorcycle other than an autocycle. (4) The secretary of state is responsible for establishing and conducting the motorcycle operator driving skills test and shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for purposes of this subsection. An audit of the motorcycle safety fund shall be conducted by the office of the auditor general to determine compliance with the requirement that funds are being withdrawn only in relation to this act. A copy of the audit shall be transmitted to the legislature upon completion. (5) The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test required under this section. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that person or examiner must complete both a state and Federal Bureau of Investigation fingerprint based criminal history check through the department of state police. In an agreement with another public or private corporation or agency to conduct a driving skills test under this section, the secretary of state shall prescribe the method and examination criteria to be followed by the corporation, agency, or examiner when conducting the driving skills test and the form of the certification to be issued to a person who satisfactorily completes a driving skills test. For administering and overseeing a third party motorcycle testing program, the secretary of state shall be reimbursed from the motorcycle safety fund a total amount that does not exceed 50% of the department's 1995-1996 fiscal year appropriation for motorcycle testing under this section. (6) A person who corrupts or attempts to corrupt a corporation, agency, or examiner that conducts a driving skills test under an agreement entered into with the secretary of state under this section by giving, offering, or promising any gift or gratuity with the intent to influence the opinion or decision of the corporation, agency, or examiner conducting the driving skills test is guilty of a felony. (7) A designated examining officer appointed or designated by the secretary of state who conducts a driving skills test under an agreement entered into under this section and who varies from, shortens, or in any other way changes the method or examination criteria prescribed to be followed under that agreement in conducting a driving skills test under this section is guilty of a felony. (8) A person who forges, counterfeits, or alters a satisfactorily completed driving skills test certification issued by a designated examining officer appointed or designated by the secretary of state under this section is guilty of a felony. History:Add. 1969, Act 134, Eff. June 1, 1970 ;-- Am. 1974, Act 108, Imd. Eff. May 21, 1974 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1982, Act 187, Eff. Jan. 1, 1984 ;-- Am. 1984, Act 328, Imd. Eff. Dec. 26, 1984 ;-- Am. 1987, Act 85, Imd. Eff. June 29, 1987 ;-- Am. 1988, Act 68, Imd. Eff. Mar. 25, 1988 ;-- Am. 1988, Act 495, Eff. Apr. 1, 1989 ;-- Am. 1992, Act 59, Imd. Eff. May 20, 1992 ;-- Am. 1996, Act 345, Imd. Eff. June 28, 1996 ;-- Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001 ;-- Am. 2003, Act 103, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2013, Act 177, Imd. Eff. Nov. 26, 2013 ;-- Am. 2016, Act 23, Eff. May 23, 2016Compiler's Notes:Section 2 of Act 187 of 1982 provides:“(1) Except as provided in subsection (2), this amendatory act shall take effect January 1, 1984.“(2) Sections 312b(2) and 811a(3) shall take effect July 1, 1982.”Admin Rule:R 257.971 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312c - Motorcycle Endorsement; Application; Fees; Disposition of Money; Motorcycle Safety and Education Awareness Fund; Creation; Deposit of Money or Other Assets; Investment; Interest and Earnings; Money Remaining in Fund at Close of Fiscal Year; State Treasurer as Administrator; "Look Twice – Save a Life" Program; Renewal Motorcycle Endorsement Fee; Increase.

Sec. 312c. (1) Every application for a motorcycle endorsement on an operator's or chauffeur's license for operation of motorcycles as provided in section 312a shall be accompanied by the following fees, which shall be in addition to any other original or renewal operator or chauffeur license fee:(a) Until January 19, 2018:Original motorcycle endorsement$13.50Renewal of motorcycle endorsement$5.00(b) Beginning January 20, 2018:Original motorcycle endorsement$16.00Renewal of motorcycle endorsement$7.00(2) Except as otherwise provided in this subsection, the money received and collected under this section shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality, acting as an examining officer or examining bureau, $3.00 for each applicant examined for a first endorsement to a 3- or 4-year operator's or chauffeur's license, $2.50 for each original endorsement to a 2-year operator's or chauffeur's license, $1.50 for each renewal endorsement to a 2-year operator's or chauffeur's license, and $1.50 for every other applicant examined whose application is not denied, on the condition, however, that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act. Ten dollars of each original motorcycle endorsement and $3.00 of each renewal motorcycle endorsement shall be placed in a motorcycle safety fund in the state treasury and shall be used only by the secretary of state for the motorcycle safety education program as provided under section 811a, and $2.50 of each original motorcycle endorsement and $2.00 of each renewal motorcycle endorsement shall be placed in the motorcycle safety and education awareness fund created in subsection (3). (3) The motorcycle safety and education awareness fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The state treasurer shall be the administrator of the fund for auditing purposes. The secretary of state shall expend money from the fund for the purpose of creating and maintaining a "look twice —— save a life" program that promotes motorcycle awareness, safety, and education. (4) Beginning on October 1, 2018 and ending on December 31, 2019, the renewal motorcycle endorsement fees provided for in subsection (1)(b) are increased by $2.00. The $2.00 provided for in

this subsection shall be deposited in the motorcycle safety fund described in subsection (2). History:Add. 1969, Act 134, Eff. June 1, 1970 ;-- Am. 1975, Act 122, Imd. Eff. July 1, 1975 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1982, Act 187, Eff. Jan. 1, 1984 ;-- Am. 1988, Act 495, Eff. Apr. 1, 1989 ;-- Am. 1996, Act 345, Imd. Eff. June 28, 1996 ;-- Am. 2003, Act 103, Eff. Oct. 1, 2003 ;-- Am. 2017, Act 115, Eff. Oct. 25, 2017 ;-- Am. 2017, Act 238, Eff. Mar. 21, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312d - Reference to Operator's or Chauffeur's License as Including Motorcycle or Vehicle Indorsement or Vehicle Group Designation.

Sec. 312d. If a reference is made in this act to operator's or chauffeur's license, or both, the reference includes a motorcycle or vehicle indorsement or vehicle group designation under section 312e on the operator's or chauffeur's license. History:Add. 1969, Act 134, Eff. June 1, 1970 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312e - Operation of Commercial Motor Vehicle; Vehicle Group Designation; Tests; Holder of Unexpired Operator's or Chauffeur's License; Qualifications and Fees for Vehicle Group Designation and Endorsement; Operation of School Bus; Exceptions; F Vehicle Indorsement; Knowledge Test and Driving Skills Test; Disposition of Money Collected Under Subsection (7); Refund to County or Municipality; Compliance With MCL 257.303 and 257.319b; Requirements for Implementing and Enforcing Federal Law.

Sec. 312e. (1) Except as otherwise provided in this section, an individual, before operating a commercial motor vehicle, shall obtain the required vehicle group designation as follows: (a) An individual, before operating a combination of motor vehicles with a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of towed units with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, shall procure a group A vehicle designation on his or her operator's or chauffeur's license. Unless an endorsement or the removal of restrictions is required, an individual licensed to operate a group A vehicle may operate a group B or C vehicle without taking another test. (b) An individual, before operating a single vehicle having a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, whichever is greater, including while towing a vehicle having a gross vehicle weight rating or gross vehicle weight of not more than 10,000 pounds, shall procure a group B vehicle designation on his or her operator's or chauffeur's license. Unless an endorsement or the removal of restrictions is required, an individual licensed to operate a group B vehicle may operate a group C vehicle without taking another test. (c) An individual, before operating a single vehicle or a combination of vehicles that fits the definition of small vehicle (group C) under 49 CFR 383.91(a)(3) shall procure a group C vehicle designation and a hazardous material or passenger vehicle endorsement on his or her operator's or chauffeur's license. (2) An applicant for a vehicle group designation shall take knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 CFR part 383 as required under this act and, beginning February 7, 2022, complete the entry level driver training described and required under 49 CFR part 380. (3) The license must be issued, suspended, revoked, canceled, or renewed in accordance with this act. (4) Except as provided in this subsection, all of the following apply: (a) If an individual operates a group B passenger vehicle while taking his or her driving skills test for a P endorsement, he or she is restricted to operating only group B or C passenger vehicles under that P endorsement. If an individual operates a group B school bus while taking his or her driving skills test for an S endorsement, he or she is restricted to operating only group B or C school buses under that S endorsement. Except as provided in this section, beginning July 8, 2015, the secretary of state shall place on the commercial learner's permit or commercial driver license the following restriction code as provided under 49 CFR 383.95 and 383.153: not valid to operate a group A passenger commercial motor vehicle. (b) If an individual operates a group C passenger vehicle while taking his or her driving skills test for a P endorsement, he or she is restricted to operating only group C passenger vehicles under that P endorsement. If an individual operates a group C school bus while taking his or her driving skills test for an S endorsement, he or she is restricted to operating only group C school buses under that S endorsement. Except as provided in this section, beginning July 8, 2015, the secretary of state shall place on the commercial learner's permit or commercial driver license the following restriction code as provided under 49 CFR 383.95 and 383.153: not valid to operate a group A or group B passenger commercial motor vehicle. (c) An individual who fails the air brake portion of the written or driving skills test provided under section 312f or who takes the driving skills test provided under that section in a commercial motor vehicle that is not equipped with air brakes shall not operate a commercial motor vehicle equipped with air brakes. Except as provided in this section, beginning July 8, 2015, the secretary of state shall place on the commercial learner's permit or commercial driver license the following

restriction code as provided under 49 CFR 383.95 and 383.153: CDL not valid for vehicle with air brakes. (d) Except as provided in this section, beginning July 8, 2015, the secretary of state shall place on a commercial learner's permit or commercial driver license the following restriction codes as provided under 49 CFR 383.95 and 383.153: (i) For a commercial learner's permit: (A) No passengers in a commercial motor vehicle bus. (B) No cargo in a commercial motor vehicle tank vehicle. (C) Commercial motor vehicle operation with medical variance. (D) Commercial motor vehicle operation intrastate only. (ii) For a commercial driver license: (A) Not valid to operate commercial motor vehicle equipped with full air brakes. (B) Not valid to operate commercial motor vehicle equipped with manual transmission. (C) Not valid to operate a group A commercial vehicle tractor-trailer combination connected by fifth wheel. (D) Commercial motor vehicle operation intrastate only. (E) Commercial motor vehicle operation with medical variance. (5) An individual, before operating a commercial motor vehicle, shall obtain the following vehicle endorsements as provided under 49 CFR 383.93 and 383.153: (a) An individual, before operating a commercial motor vehicle pulling double trailers, shall obtain the appropriate vehicle group designation and a T vehicle endorsement under this act. (b) An individual applying for a commercial learner's permit to operate an empty tank motor vehicle shall obtain the appropriate vehicle group designation and an N endorsement. An individual, before operating a tank motor vehicle, shall have on a commercial driver license the appropriate vehicle group designation and an N vehicle endorsement under this act. (c) Until February 6, 2022, an individual, before operating a commercial motor vehicle carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, shall procure the appropriate vehicle group designation and an H vehicle endorsement under this act. Beginning February 7, 2022, an individual, before operating a commercial motor vehicle carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, shall complete the entry level driver training described and required under 49 CFR part 380 to procure the appropriate vehicle group designation and an H vehicle endorsement under this act. (d) An individual, before operating a tank motor vehicle carrying hazardous materials, shall obtain the appropriate vehicle group designation and both an N and H vehicle endorsement, which must be designated by the code letter X on the individual's operator's or chauffeur's license. (e) An individual applying for a commercial learner's permit to operate a passenger commercial motor vehicle that is not a school bus, as set forth in section 306a(2)(e), shall obtain the appropriate commercial vehicle group designation and a P endorsement. An individual, before operating a vehicle that is designed to transport 16 or more passengers including the driver but that is not a school bus must have on a commercial driver license the appropriate vehicle group designation and a P vehicle endorsement under this act. An applicant for a P vehicle endorsement must take the driving skills test in a vehicle designed to transport 16 or more passengers including the driver and, beginning February 7, 2022, complete the entry level driver training described and required under 49 CFR part 380. (f) An individual applying for a commercial learner's permit to operate a school bus designed to transport 16 or more passengers, including the driver, as set forth in section 306a(2)(e), who does not currently possess a P endorsement, shall obtain the appropriate vehicle group designation and pass the knowledge tests for both the P and S endorsements. An individual, before operating a school bus, must have on a commercial driver license the appropriate vehicle group designation and both the P and S vehicle endorsements under this act. An applicant for an S vehicle endorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus and, beginning February 7, 2022, complete the entry level driver training described and required under 49 CFR part 380. (g) An individual who currently possesses a P endorsement and is applying for a commercial learner's permit to operate a school bus designed to transport 16 or more passengers, including the driver, as set forth in section 306(a)(2)(e), shall obtain the appropriate vehicle group designation and pass the knowledge test for the S endorsement. An individual who currently possesses a P endorsement, before operating a school bus designed to transport 16 or more passengers, including the driver, shall obtain the appropriate vehicle group designation, pass the knowledge test for an S endorsement, and obtain an S vehicle endorsement for his or her commercial driver license under this act. An applicant for an S vehicle endorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus and, beginning February 7, 2022, complete the entry level driver training described and required under 49 CFR part 380. (6) An applicant for an endorsement shall take the knowledge and driving skills tests described and required under 49 CFR part 383 and, beginning February 7, 2022, complete the entry level driver training described and required under 49 CFR part 380. (7) The holder of an unexpired operator's or chauffeur's license may be issued a vehicle group designation and endorsement valid for the remainder of the license upon meeting the qualifications of section 312f and payment of the original vehicle group designation fee of $25.00 and an endorsement fee of $5.00 per endorsement, and a corrected license fee of $18.00. An individual required to procure an F vehicle endorsement under subsection (9) shall pay an endorsement fee of $5.00. (8) Except as otherwise provided in subsections (9) and (10), this section does not apply to a driver or operator of a vehicle under all of the following conditions: (a) The vehicle is controlled and operated by a farmer or an employee or family member of the farmer. (b) The vehicle is used to transport agricultural products, farm machinery, farm supplies, or a combination of these items, to or from a farm. (c) The vehicle is not used in the operation of a common or contract motor carrier. (d) The vehicle is operated within 150 miles of the farm. (9) An individual, before driving or operating a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (8)(a) to (d), shall obtain an F vehicle endorsement. The F vehicle endorsement must be issued upon successful completion of a knowledge test only. (10) An individual, before driving or operating a single vehicle truck having a gross vehicle weight rating of 26,001 pounds or more or a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (8)(a) to (d) for carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, shall successfully complete both a knowledge test and a driving skills test. Upon successful completion of the knowledge test and driving skills test, the individual

shall be issued the appropriate vehicle group designation and any vehicle endorsement necessary under this act. (11) This section does not apply to a police officer operating an authorized emergency vehicle or to a firefighter operating an authorized emergency vehicle who has met the driver training standards published under the firefighters training council act, 1966 PA 291, MCL 29.361 to 29.377. (12) This section does not apply to an individual operating a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes. (13) The money collected under subsection (7) for a vehicle group designation or endorsement must be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau $3.00 for each applicant examined for a first designation or endorsement to an operator's or chauffeur's license and $1.50 for each renewal designation or endorsement to an operator's or chauffeur's license, whose application is not denied, on the condition that the money refunded must be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act. (14) Notwithstanding any other provision of this section, an individual operating a vehicle described in subsections (8) and (9) is subject to the provisions of sections 303 and 319b. (15) This state shall comply with the requirements of the American Association of Motor Vehicle Administrators' AAMVAnet, Incorporated's "Commercial Driver License Information System (CDLIS) State Procedures Manual" that the secretary of state determines are required for implementing and enforcing federal law. History:Add. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1980, Act 1, Imd. Eff. Jan. 25, 1980 ;-- Am. 1980, Act 123, Imd. Eff. May 21, 1980 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989 ;-- Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990 ;-- Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990 ;-- Am. 1990, Act 181, Imd. Eff. July 18, 1990 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 2000, Act 158, Imd. Eff. June 14, 2000 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2002, Act 652, Eff. Jan. 1, 2003 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2006, Act 212, Imd. Eff. June 19, 2006 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2022, Act 193, Imd. Eff. Oct. 4, 2022Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”In subsection (5)(g)the reference to “section 306(a)(2)(e)” evidently should read “section 306a(2)(e)”.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312f.amended - Vehicle Group Designation or Endorsement on Operator's or Chauffeur's License; Hazardous Material Endorsement; Vehicle Used for Farming Purposes; Age; Tests; Waiver; Seasonal Restricted Vehicle Group Designation; Conditions Prohibiting Issuance of Commercial Learner's Permit, Vehicle Group Designation, or Vehicle Endorsement; Cancellation; Determining Applicability of Subsection (5); "Farm Related Service Industry" Defined.

***** 257.312f.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 312f. (1) Except as otherwise provided in this section, an individual shall be not less than 18 years of age before the individual is issued a vehicle group designation or endorsement, other than a motorcycle endorsement, or not less than 21 years of age and has been approved by the Transportation Security Administration for a hazardous material endorsement before the individual is issued a hazardous material endorsement on an operator's or chauffeur's license and, as provided in this section, the individual shall pass a knowledge test and a driving skills test that comply with minimum federal standards prescribed in 49 CFR part 383 and, beginning February 7, 2022, complete the entry level driver training described and required under 49 CFR part 380. The knowledge test and the driving skills test scores must be retained by the secretary of state as provided under 49 CFR 383.135. An individual who is 18 years of age or older operating a vehicle to be used for farming purposes only may obtain an A or B vehicle group designation or an F vehicle endorsement. Each written examination given to an applicant for a vehicle group designation or endorsement must include subjects designed to cover the type or general class of vehicle to be operated. Except as follows, an individual shall pass an examination that includes a driving skills test designed to test competency of the applicant for an original vehicle group designation and passenger endorsement on an operator's or chauffeur's license to drive that type or general class of vehicle upon the highways of this state with safety to persons and property and, beginning February 7, 2022, complete an entry level driver training: (a) The secretary of state shall waive the driving skills test for an individual operating a vehicle that is used under the conditions described in section 312e(8)(a) to (d) unless the vehicle has a gross vehicle weight rating of 26,001 pounds or more on the power unit and is to be used to carry hazardous materials on which a placard is required under 49 CFR parts 100 to 199. (b) The driving skills test may be waived if the applicant has a valid license with the appropriate vehicle group designation, passenger vehicle endorsement, or school bus endorsement in another state issued in compliance with 49 USC 31301 to 31317, or if the individual successfully passes a driving skills test administered in another state that meets the requirements of federal law and the law of this state. (c) The secretary of state may waive the knowledge test and the driving skills test required

under this section for an individual with military commercial motor vehicle experience if the individual, at the time of application, certifies and provides evidence satisfactory to the secretary of state that the individual continuously met all of the requirements under 49 CFR part 383 during the 2-year period immediately preceding the date of application for the commercial driver license. (d) Beginning February 7, 2022, the secretary of state may waive the entry level driver training required under this section for an individual who, at the time of application, certifies and provides evidence satisfactory to the secretary of state that the individual meets 1 of the exceptions for taking a driving skills test under 49 CFR part 383. (2) Except for an individual who has held an operator's or chauffeur's license for less than 1 year, the secretary of state shall waive the knowledge test and the driving skills test and issue a 1-year seasonal restricted vehicle group designation to an otherwise qualified applicant to operate a group B or a group C vehicle for a farm related service industry if all of the following conditions are met: (a) The applicant meets the requirements of 49 CFR 383.77. (b) The seasons for which the seasonal restricted vehicle group designation is issued are from April 2 to June 30 and from September 2 to November 30 only of a 12-month period or, at the option of the applicant, for not more than 180 days from the date of issuance in a 12-month period. (c) The commercial motor vehicle for which the seasonal restricted vehicle group designation is issued must be operated only if all the following conditions are met: (i) The commercial motor vehicle is operated only on routes within 150 miles from the place of business to the farm or farms being served. (ii) The commercial motor vehicle does not transport a quantity of hazardous materials on which a placard under 49 CFR parts 100 to 199 is required except for the following: (A) Diesel motor fuel in quantities of 1,000 gallons or less. (B) Liquid fertilizers in quantities of 3,000 gallons or less. (C) Solid fertilizers that are not transported with any organic substance. (iii) The commercial motor vehicle does not require the H, N, P, S, T, or X vehicle endorsement. (3) A seasonal restricted vehicle group designation under this section must be issued, suspended, revoked, canceled, denied, or renewed in accordance with this act. The secretary of state may renew a seasonal restricted vehicle group designation 1 time per calendar year regardless of whether the seasonal restricted vehicle group designation is expired at the time of renewal. (4) The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test required under this section, section 312e, or 49 CFR part 383 or to provide the entry level driver training described and required under 49 CFR part 380. Before the secretary of state authorizes an individual to administer a corporation's or agency's driver skills testing operations, authorizes an examiner to conduct a driving skills test, or authorizes an entry level driver training provider that meets the requirements of 49 CFR 380.700 to conduct an entry level driving training, that individual, examiner, or entry level driver training provider must complete both a state and Federal Bureau of Investigation fingerprint-based criminal history check through the department of state police. (5) The secretary of state shall not issue a commercial learner's permit, a vehicle group designation, or a vehicle endorsement to an applicant for an original vehicle group designation or vehicle endorsement under section 312e or may cancel a commercial learner's permit or all vehicle group designations or endorsements on an individual's operator's or chauffeur's license to whom 1 or more of the following apply: (a) The applicant has had the applicant's license suspended or revoked for a reason other than as provided in section 321a, 515, or 801c or section 30 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.630, in the 36 months immediately preceding application. However, a vehicle group designation may be issued if the suspension or revocation was due to a temporary medical condition or failure to appear at a reexamination as provided in section 320. (b) The applicant was convicted of or incurred a bond forfeiture in relation to a 6-point violation as provided in section 320a in the 24 months immediately preceding application if the violation occurred while the applicant was operating a commercial motor vehicle, or a violation of section 625(3) or former section 625b, or a local ordinance that substantially corresponds to section 625(3) or former section 625b in the 24 months immediately preceding application, if the applicant was operating any type of motor vehicle. (c) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, the driving records of the state in which the applicant was previously licensed, or, beginning November 18, 2024, the National Drug and Alcohol Clearinghouse as being disqualified from operating a commercial motor vehicle or as having a license or driving privilege suspended, revoked, canceled, or denied. (d) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, or the driving records of the state in which the applicant was previously licensed as having had a license suspended, revoked, or canceled in the 36 months immediately preceding application if a suspension or revocation would have been imposed under this act had the applicant been licensed in this state in the original instance. This subdivision does not apply to a suspension or revocation that would have been imposed due to a temporary medical condition or under section 321a, 515, or 801c or section 30 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.630. (e) The applicant is subject to a suspension or revocation under section 319b or would have been subject to a suspension or revocation under section 319b if the applicant had been issued a vehicle group designation or vehicle endorsement. (f) The applicant has been disqualified from operating a commercial motor vehicle under 49 USC 31301 to 31317 or the applicant's license to operate a commercial motor vehicle has been suspended, revoked, denied, or canceled within 36 months immediately preceding the date of application. (g) The United States Secretary of Transportation has disqualified the applicant from operating a commercial motor vehicle. (h) The applicant fails to satisfy the federal regulations promulgated under 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present valid medical certification to the secretary of state if required to do so. The requirement of this subdivision is waived from July 1, 2020 to August 31, 2021, pursuant to the Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles, or any extension of that waiver issued after August 31, 2021. (i) The applicant has been disqualified from operating a commercial motor vehicle due to improper or fraudulent testing. (j) If the secretary of state determines through a governmental investigation that there is reason to believe that a commercial driver license or endorsement was issued as a result of fraudulent or improper conduct in taking a knowledge test or driving skills test required under 49 CFR part 383 or in

completing the entry level driver training described and required under 49 CFR part 380, the secretary of state shall require the applicant to retake and successfully pass that test or complete the training. The secretary of state shall cancel any commercial driver license or endorsement issued as a result of the suspect test or training unless the applicant retakes and passes that test or completes the training. (6) The secretary of state shall not renew or upgrade a vehicle group designation if 1 or more of the following conditions exist: (a) The United States Secretary of Transportation has disqualified the applicant from operating a commercial motor vehicle. (b) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, or, beginning November 18, 2024, the National Drug and Alcohol Clearinghouse as being disqualified from operating a commercial motor vehicle or as having a driver license or driving privilege suspended, revoked, canceled, or denied. (c) On or after January 30, 2012, the applicant fails to meet the requirements of 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present medical certification to the secretary of state if required to do so. The requirement of this subdivision is waived from July 1, 2020 to August 31, 2021, pursuant to the Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles, or any extension of that waiver issued after August 31, 2021. (7) The secretary of state shall only consider bond forfeitures under subsection (5)(b) for violations that occurred on or after January 1, 1990 when determining the applicability of subsection (5). (8) If an applicant for an original vehicle group designation was previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record from that jurisdiction. If 1 or more of the conditions described in subsection (5) exist in that jurisdiction when the secretary of state receives the copy, the secretary of state shall cancel all vehicle group designations on the individual's operator's or chauffeur's license. (9) The secretary of state shall cancel all vehicle group designations on an individual's operator's or chauffeur's license upon receiving notice from the United States Secretary of Transportation, the National Driver Register, the Commercial Driver's License Information System, or another state or jurisdiction that 1 or more of the conditions described in subsection (5) existed at the time of the individual's application in this state. (10) The secretary of state shall cancel all vehicle group designations on the individual's operator's or chauffeur's license upon receiving proper notice that the individual no longer meets the federal driver qualification requirements under 49 CFR parts 380, 383, and 391 to operate a commercial motor vehicle in interstate or intrastate commerce, or the individual no longer meets the driver qualification requirements to operate a commercial motor vehicle in intrastate commerce under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25. (11) Subsection (5)(a), (b), (d), and (f) does not apply to an applicant for an original vehicle group designation who at the time of application has a valid license to operate a commercial motor vehicle issued by any state in compliance with 49 USC 31301 to 31317. (12) As used in this section, "farm related service industry" means custom harvesters, farm retail outlets and suppliers, agri-chemical business, or livestock feeders. History:Add. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1981, Act 92, Imd. Eff. July 2, 1981 ;-- Am. 1984, Act 306, Imd. Eff. Dec. 21, 1984 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990 ;-- Am. 1990, Act 181, Imd. Eff. July 18, 1990 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1992, Act 179, Imd. Eff. July 31, 1992 ;-- Am. 1992, Act 180, Eff. Jan. 1, 1993 ;-- Am. 2002, Act 259, Imd. Eff. May 1, 2002 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2012, Act 473, Eff. Mar. 28, 2013 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2016, Act 58, Imd. Eff. Mar. 29, 2016 ;-- Am. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021 ;-- Am. 2021, Act 148, Imd. Eff. Dec. 27, 2021 ;-- Am. 2022, Act 193, Imd. Eff. Oct. 4, 2022 ;-- Am. 2024, Act 113, Eff. (sine die)Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312f - Vehicle Group Designation or Endorsement on Operator's or Chauffeur's License; Hazardous Material Endorsement; Vehicle Used for Farming Purposes; Age; Tests; Waiver; Seasonal Restricted Vehicle Group Designation; Conditions Prohibiting Issuance of Commercial Learner's Permit, Vehicle Group Designation, or Vehicle Endorsement; Cancellation; Determining Applicability of Subsection (5); "Farm Related Service Industry" Defined.

***** 257.312f THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.312f.amended ***** Sec. 312f. (1) Except as otherwise provided in this section, an individual shall be not less than 18 years of age before he or she is issued a vehicle group designation or endorsement, other than a motorcycle endorsement, or not less than 21 years of age and has been approved by the Transportation Security Administration for a hazardous material endorsement before he or she is issued a hazardous material endorsement on an operator's or chauffeur's license and, as provided in this section, the individual shall pass a knowledge test and a driving skills test that comply with minimum federal

standards prescribed in 49 CFR part 383 and, beginning February 7, 2022, complete the entry level driver training described and required under 49 CFR part 380. The knowledge test and the driving skills test scores must be retained by the secretary of state as provided under 49 CFR 383.135. An individual who is 18 years of age or older operating a vehicle to be used for farming purposes only may obtain an A or B vehicle group designation or an F vehicle endorsement. Each written examination given to an applicant for a vehicle group designation or endorsement must include subjects designed to cover the type or general class of vehicle to be operated. Except as follows, an individual shall pass an examination that includes a driving skills test designed to test competency of the applicant for an original vehicle group designation and passenger endorsement on an operator's or chauffeur's license to drive that type or general class of vehicle upon the highways of this state with safety to persons and property and, beginning February 7, 2022, complete an entry level driver training: (a) The secretary of state shall waive the driving skills test for an individual operating a vehicle that is used under the conditions described in section 312e(8)(a) to (d) unless the vehicle has a gross vehicle weight rating of 26,001 pounds or more on the power unit and is to be used to carry hazardous materials on which a placard is required under 49 CFR parts 100 to 199. (b) The driving skills test may be waived if the applicant has a valid license with the appropriate vehicle group designation, passenger vehicle endorsement, or school bus endorsement in another state issued in compliance with 49 USC 31301 to 31317, or if the individual successfully passes a driving skills test administered in another state that meets the requirements of federal law and the law of this state. (c) The secretary of state may waive the knowledge test and the driving skills test required under this section for an individual with military commercial motor vehicle experience if the individual, at the time of application, certifies and provides evidence satisfactory to the secretary of state that he or she continuously met all of the requirements under 49 CFR part 383 during the 2-year period immediately preceding the date of application for the commercial driver license. (d) Beginning February 7, 2022, the secretary of state may waive the entry level driver training required under this section for an individual who, at the time of application, certifies and provides evidence satisfactory to the secretary of state that he or she meets 1 of the exceptions for taking a driving skills test under 49 CFR part 383. (2) Except for an individual who has held an operator's or chauffeur's license for less than 1 year, the secretary of state shall waive the knowledge test and the driving skills test and issue a 1-year seasonal restricted vehicle group designation to an otherwise qualified applicant to operate a group B or a group C vehicle for a farm related service industry if all of the following conditions are met: (a) The applicant meets the requirements of 49 CFR 383.77. (b) The seasons for which the seasonal restricted vehicle group designation is issued are from April 2 to June 30 and from September 2 to November 30 only of a 12-month period or, at the option of the applicant, for not more than 180 days from the date of issuance in a 12-month period. (c) The commercial motor vehicle for which the seasonal restricted vehicle group designation is issued must be operated only if all the following conditions are met: (i) The commercial motor vehicle is operated only on routes within 150 miles from the place of business to the farm or farms being served. (ii) The commercial motor vehicle does not transport a quantity of hazardous materials on which a placard under 49 CFR parts 100 to 199 is required except for the following: (A) Diesel motor fuel in quantities of 1,000 gallons or less. (B) Liquid fertilizers in quantities of 3,000 gallons or less. (C) Solid fertilizers that are not transported with any organic substance. (iii) The commercial motor vehicle does not require the H, N, P, S, T, or X vehicle endorsement. (3) A seasonal restricted vehicle group designation under this section must be issued, suspended, revoked, canceled, denied, or renewed in accordance with this act. The secretary of state may renew a seasonal restricted vehicle group designation 1 time per calendar year regardless of whether the seasonal restricted vehicle group designation is expired at the time of renewal. (4) The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test required under this section, section 312e, or 49 CFR part 383 or to provide the entry level driver training described and required under 49 CFR part 380. Before the secretary of state authorizes an individual to administer a corporation's or agency's driver skills testing operations, authorizes an examiner to conduct a driving skills test, or authorizes an entry level driver training provider that meets the requirements of 49 CFR 380.700 to conduct an entry level driving training, that individual, examiner, or entry level driver training provider must complete both a state and Federal Bureau of Investigation fingerprint-based criminal history check through the department of state police. (5) The secretary of state shall not issue a commercial learner's permit, a vehicle group designation, or a vehicle endorsement to an applicant for an original vehicle group designation or vehicle endorsement under section 312e or may cancel a commercial learner's permit or all vehicle group designations or endorsements on an individual's operator's or chauffeur's license to whom 1 or more of the following apply: (a) The applicant has had his or her license suspended or revoked for a reason other than as provided in section 321a, 515, 732a, or 801c or section 30 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.630, in the 36 months immediately preceding application. However, a vehicle group designation may be issued if the suspension or revocation was due to a temporary medical condition or failure to appear at a reexamination as provided in section 320. (b) The applicant was convicted of or incurred a bond forfeiture in relation to a 6-point violation as provided in section 320a in the 24 months immediately preceding application if the violation occurred while the applicant was operating a commercial motor vehicle, or a violation of section 625(3) or former section 625b, or a local ordinance that substantially corresponds to section 625(3) or former section 625b in the 24 months immediately preceding application, if the applicant was operating any type of motor vehicle. (c) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, the driving records of the state in which the applicant was previously licensed, or, beginning November 18, 2024, the National Drug and Alcohol Clearinghouse as being disqualified from operating a commercial motor vehicle or as having a license or driving privilege suspended, revoked, canceled, or denied. (d) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, or the driving records of the state in which the applicant was previously licensed as having had a license suspended, revoked, or canceled in the 36 months immediately preceding application if a suspension or revocation would have been imposed under this act had the applicant been licensed in this state in the original instance. This subdivision does not

apply to a suspension or revocation that would have been imposed due to a temporary medical condition or under section 321a, 515, 732a, or 801c or section 30 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.630. (e) The applicant is subject to a suspension or revocation under section 319b or would have been subject to a suspension or revocation under section 319b if the applicant had been issued a vehicle group designation or vehicle endorsement. (f) The applicant has been disqualified from operating a commercial motor vehicle under 49 USC 31301 to 31317 or the applicant's license to operate a commercial motor vehicle has been suspended, revoked, denied, or canceled within 36 months immediately preceding the date of application. (g) The United States Secretary of Transportation has disqualified the applicant from operating a commercial motor vehicle. (h) The applicant fails to satisfy the federal regulations promulgated under 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present valid medical certification to the secretary of state if required to do so. The requirement of this subdivision is waived from July 1, 2020 to August 31, 2021, pursuant to the Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles, or any extension of that waiver issued after August 31, 2021. (i) The applicant has been disqualified from operating a commercial motor vehicle due to improper or fraudulent testing. (j) If the secretary of state determines through a governmental investigation that there is reason to believe that a commercial driver license or endorsement was issued as a result of fraudulent or improper conduct in taking a knowledge test or driving skills test required under 49 CFR part 383 or in completing the entry level driver training described and required under 49 CFR part 380, the secretary of state shall require the applicant to retake and successfully pass that test or complete the training. The secretary of state shall cancel any commercial driver license or endorsement issued as a result of the suspect test or training unless the applicant retakes and passes that test or completes the training. (6) The secretary of state shall not renew or upgrade a vehicle group designation if 1 or more of the following conditions exist: (a) The United States Secretary of Transportation has disqualified the applicant from operating a commercial motor vehicle. (b) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, or, beginning November 18, 2024, the National Drug and Alcohol Clearinghouse as being disqualified from operating a commercial motor vehicle or as having a driver license or driving privilege suspended, revoked, canceled, or denied. (c) On or after January 30, 2012, the applicant fails to meet the requirements of 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present medical certification to the secretary of state if required to do so. The requirement of this subdivision is waived from July 1, 2020 to August 31, 2021, pursuant to the Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles, or any extension of that waiver issued after August 31, 2021. (7) The secretary of state shall only consider bond forfeitures under subsection (5)(b) for violations that occurred on or after January 1, 1990 when determining the applicability of subsection (5). (8) If an applicant for an original vehicle group designation was previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record from that jurisdiction. If 1 or more of the conditions described in subsection (5) exist in that jurisdiction when the secretary of state receives the copy, the secretary of state shall cancel all vehicle group designations on the individual's operator's or chauffeur's license. (9) The secretary of state shall cancel all vehicle group designations on an individual's operator's or chauffeur's license upon receiving notice from the United States Secretary of Transportation, the National Driver Register, the Commercial Driver's License Information System, or another state or jurisdiction that 1 or more of the conditions described in subsection (5) existed at the time of the individual's application in this state. (10) The secretary of state shall cancel all vehicle group designations on the individual's operator's or chauffeur's license upon receiving proper notice that the individual no longer meets the federal driver qualification requirements under 49 CFR parts 380, 383, and 391 to operate a commercial motor vehicle in interstate or intrastate commerce, or the individual no longer meets the driver qualification requirements to operate a commercial motor vehicle in intrastate commerce under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25. (11) Subsection (5)(a), (b), (d), and (f) does not apply to an applicant for an original vehicle group designation who at the time of application has a valid license to operate a commercial motor vehicle issued by any state in compliance with 49 USC 31301 to 31317. (12) As used in this section, "farm related service industry" means custom harvesters, farm retail outlets and suppliers, agri-chemical business, or livestock feeders. History:Add. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1981, Act 92, Imd. Eff. July 2, 1981 ;-- Am. 1984, Act 306, Imd. Eff. Dec. 21, 1984 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990 ;-- Am. 1990, Act 181, Imd. Eff. July 18, 1990 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1992, Act 179, Imd. Eff. July 31, 1992 ;-- Am. 1992, Act 180, Eff. Jan. 1, 1993 ;-- Am. 2002, Act 259, Imd. Eff. May 1, 2002 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2012, Act 473, Eff. Mar. 28, 2013 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2016, Act 58, Imd. Eff. Mar. 29, 2016 ;-- Am. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021 ;-- Am. 2021, Act 148, Imd. Eff. Dec. 27, 2021 ;-- Am. 2022, Act 193, Imd. Eff. Oct. 4, 2022Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the

Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312g - Transportation of Hazardous Material; Hazardous Material Endorsement on Operator's or Chauffeur's License Required; Violation; Penalty.

Sec. 312g. A person shall not transport or require, permit, or knowingly allow to be transported a hazardous material for which a placard is required under 49 CFR parts 100 to 199 in a commercial motor vehicle if the operator of the vehicle does not have a hazardous material endorsement on his or her operator's or chauffeur's license. A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both. History:Add. 2005, Act 179, Imd. Eff. Oct. 20, 2005Compiler's Notes:Former MCL 257.312g, which pertained to disposition and refund of fees, was repealed by Act 280 of 1989, Imd. Eff. Dec. 26, 1989.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312h - Vehicle Group Designation and Indorsement on Chauffeur's License; Additional Fees; Duration of Indorsement; Disposition and Refund of Fees.

Sec. 312h. (1) A person who is issued an original chauffeur's license as described in section 314(3), upon payment of a vehicle group designation fee as provided under section 312e(7) and $5.00 for each indorsement in addition to any other chauffeur's license fees and compliance with section 312f, may be issued a vehicle group designation and indorsement for the same period. (2) The money collected under this section shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau, $2.00 for each applicant examined for a vehicle group designation or indorsement to a first chauffeur's license whose application is not denied, on the condition, however, that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act. History:Add. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989 ;-- Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312i - Pickup Truck With Fifth Wheel Assembly and Attached Semitrailer; R Vehicle Indorsement Required; Prohibition; Written Examination; Fee; Exemption.

Sec. 312i. (1) A person, before operating a pickup truck equipped with a fifth wheel assembly with an attached semitrailer designed for recreational living purposes and towing an additional trailer or semitrailer, shall procure an R vehicle indorsement on the operator's or chauffeur's license. An R vehicle indorsement shall not be issued to a person who is 17 years of age or less. (2) Before a person is issued an original R vehicle indorsement on an operator's or chauffeur's license, the person shall pass a written examination which shall include subjects designed to cover knowledge needed to tow a double trailer combination. All examinations shall be administered as provided in this act. (3) Every application for an R vehicle indorsement on an operator's or chauffeur's license for operation of a pickup truck as provided in this section shall be accompanied by a fee of $10.00 which shall be in addition to any other original or renewal operator or chauffeur license fee. (4) A person who is licensed under this act to operate either a group A designated vehicle with a T vehicle indorsement or a group B designated vehicle with a T vehicle indorsement is exempt from the requirements of this section. History:Add. 1990, Act 75, Imd. Eff. May 17, 1990

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312j - Skills Testing of Individual Holding Valid Out-of-State Commercial Learner's Permit; Pilot Program.

Sec. 312j. (1) The department shall establish a pilot program that, as determined by the department, provides for the skills testing of an individual who holds a valid commercial learner's permit issued by a state other than this state. (2) An individual who holds a

valid commercial learner's permit issued by a state other than this state is not eligible for skills testing as described in subsection (1) unless all of the following are satisfied: (a) The individual has successfully completed a truck driver training curriculum that has been approved by the department and provided by a person that has been approved to provide truck driver training under the driver education provider and instructor act, 2006 PA 384, MCL 256.621 to 256.705. (b) The state that issued the commercial learner's permit is a participant in an electronic national commercial driver examination reporting system in which this state is also a participant. (3) The pilot program described in subsection (1) shall continue until the department adopts curriculum requirements for a person providing instruction to individuals seeking a vehicle group designation or indorsement described in section 312e. History:Add. 2016, Act 321, Eff. Feb. 20, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.312k - Commercial Driver Licenses; Medical Certifications; Hazardous Material Endorsements; Pandemic Expiration Extension.

Sec. 312k. (1) Notwithstanding any other provisions in this act, all of the following apply: (a) A commercial driver license that expires on or after March 1, 2020 is valid until March 31, 2021. A commercial driver license that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. (b) Medical certification for operator's or chauffeur's license holders with a group designation required under 49 CFR 391.45 that expires on or after March 1, 2020 is valid until March 31, 2021. Medical certification for operator's or chauffeur's license holders with a group designation required under 49 CFR 391.45 that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. This subdivision does not apply to either of the following: (i) A medical certification for operator's or chauffeur's license holders with a group designation required under 49 CFR 391.45 that was not valid before March 1, 2020. (ii) An individual issued a medical certification for operator's or chauffeur's license holders with a group designation required under 49 CFR 391.45 who, since his or her last medical certificate was issued, has been diagnosed with a medical condition that would disqualify the individual from operating in interstate commerce, or who, since his or her last medical certificate was issued, has developed a condition that requires an exemption or Skill Performance Evaluation from the Federal Motor Carrier Safety Administration. (c) Hazardous material endorsements that expire on or after March 1, 2020 are valid until October 29, 2020. A security threat assessment required under 49 CFR 1572.13(a) that is valid on or after March 1, 2020 is valid until October 29, 2020. An individual with a hazardous material endorsement that is extended for 180 days under this subdivision must initiate a security threat assessment with the National Highway Traffic Safety Administration at least 60 days before the expiration of the hazardous material endorsement. (2) This section does not affect the secretary of state's authority to revoke or suspend an operator's or chauffeur's license or a group designation or indorsement under this act. History:Add. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021Compiler's Notes:Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.313 - Operator's or Chauffeur's License; Loss, Destruction, Mutilation, or Illegibility; Duplicate; Proof.

Sec. 313. (1) Except as provided in subsection (2) and section 812, if an operator's or chauffeur's license issued under this chapter is lost, destroyed, or mutilated, or becomes illegible, the person to whom the license was issued may obtain a duplicate upon the payment of the fee required in section 812, upon furnishing proof satisfactory to the secretary of state that the license has been lost, destroyed, or mutilated, or has become illegible, and upon certifying that the license is not being held by a court as a condition of that person's recognizance. The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a license under this section. (2) Subsection (1) does not apply if the operator's or chauffeur's license is destroyed pursuant to section 625g(1)(b)(iii). History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959 ;-- Am. 1983, Act 63, Eff. Mar. 29, 1984 ;-- Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.314 - Operator's or Chauffeur's License; Duration; Expiration; Identification of Licensee Less Than 21; Renewal; Extension; Pandemic Expiration Extension.

Sec. 314. (1) Except as otherwise provided in this section, an operator's license and chauffeur's license expire on the birthday of the individual to whom the license is issued in the fourth year following the date of the issuance of the license or on the date the individual is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked before that date. A license must not be issued for a period longer than 4 years. An individual holding a license at any time 12 months before the expiration of his or her license may apply for a new license as provided for in this chapter. A knowledge test for an original group designation or indorsement may be taken at any time during this period and the results are valid

for 12 months. A license renewed under this subsection must be renewed for the time remaining on the license before its renewal combined with the 4-year renewal period. (2) The first operator's license issued to an individual who at the time of application is less than 20-1/2 years of age expires on the licensee's twenty-first birthday or on the date the individual is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked. (3) The first chauffeur's license issued to an individual expires on the licensee's birthday in the fourth year following the date of issuance or on the date the individual is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date. The chauffeur's license of an individual who at the time of application is less than 20-1/2 years of age expires on the licensee's twenty-first birthday or on the date the individual is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked. A subsequent chauffeur's license expires on the birthday of the individual to whom the license is issued in the fourth year following the date of issuance of the license or on the date the individual is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date. (4) An individual may apply for an extension of his or her driving privileges if he or she is out of state on the date that his or her operator's or chauffeur's license expires. The extension may extend the license for 180 days beyond the expiration date or not more than 2 weeks after the applicant returns to Michigan, whichever occurs first. This subsection does not apply to an individual who fails to meet the requirements of 49 CFR parts 383 and 391 with regard to medical certification documentation requirements. (5) The secretary of state may issue a renewal operator's or chauffeur's license to an individual who will be out of state for more than 180 days beyond the expiration date of his or her operator's or chauffeur's license, if the secretary of state has a digital image of the individual on file. The applicant for this renewal shall submit a statement evidencing a vision examination in accordance with the rules promulgated by the secretary of state under section 309 and any other statement required by this act or federal law. An individual is not eligible for consecutive renewals of a license under this subsection. This subsection does not apply to an individual who fails to meet the requirements of 49 CFR parts 383 and 391 with regard to medical certification documentation requirements, or an individual with a hazardous material endorsement on his or her operator's or chauffeur's license. (6) The secretary of state may check the applicant's driving record through the National Driver Register and the Commercial Driver's License Information System before issuing a renewal under this section. (7) Notwithstanding the provisions of this section, an operator's or chauffeur's license that expires on or after March 1, 2020 is valid until March 31, 2021. Notwithstanding the provisions of this section, an operator's or chauffeur's license that expires after March 31, 2021 but before August 1, 2021 is valid until 120 days after the date of the expiration. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1967, Act 78, Eff. Jan. 1, 1968 ;-- Am. 1970, Act 124, Imd. Eff. July 23, 1970 ;-- Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973 ;-- Am. 1974, Act 56, Imd. Eff. Apr. 1, 1974 ;-- Am. 1975, Act 122, Imd. Eff. July 1, 1975 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1982, Act 30, Eff. Mar. 15, 1982 ;-- Am. 1984, Act 289, Eff. Mar. 29, 1985 ;-- Am. 1985, Act 67, Imd. Eff. July 1, 1985 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989 ;-- Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990 ;-- Am. 2000, Act 173, Imd. Eff. June 20, 2000 ;-- Am. 2002, Act 554, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."Admin Rule:R 257.851 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.315 - Operator's and Chauffeur's License; Change of Address; Notice; Use of Residence Address on Qualified Voter File; Failure to Report Change; Violation; Penalty; Nonappealability.

Sec. 315. (1) An operator or chauffeur who changes his or her residence before the expiration of a license granted under this chapter shall immediately notify the secretary of state of his or her new residence address. A change of address notification shall be in a manner prescribed by the secretary of state and may include notification by personally appearing at a branch office of the secretary of state or other location designated by the secretary of state, or a notification by mail, telephone, electronically, by submitting a voter registration application unless the person registers to vote in a city, village, or township that prohibits the operation of motor vehicles by law or ordinance, or by any other means prescribed by the secretary of state. The secretary of state shall provide the

person changing his or her residence address the notice required by section 307(1)(c) that, under sections 509o and 509r of the Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is required to use the residence address provided on this change of address application as the person's residence address on the qualified voter file for voter registration and voting. However, a person may submit to the secretary of state a mailing address that is different than his or her residence address. (2) Upon receiving a change of address notification, the secretary of state shall change the person's driver license record to indicate the new residence address. The secretary of state shall provide the person with a new license or a label or some other mechanism containing the new residence address. Upon receipt of the label or other mechanism, the person shall affix the label or mechanism to his or her operator's or chauffeur's license as prescribed by the secretary of state. If the secretary of state furnished the person with a new license, the person shall destroy his or her old license and replace it with the new license. (3) If a person fails to report a change of his or her residence address as required under this section and subsequently there is no response to a notice mailed to the residence address shown by the record of the secretary of state or if the person has provided the secretary of state a mailing address different from his or her residence address and there is no response to a notice mailed to that mailing address, the secretary of state may immediately suspend or revoke his or her license. A person who fails to report a change of his or her residence address is responsible for a civil infraction. (4) A person shall not knowingly report a change of address to the secretary of state for himself or herself that is not his or her residence address. A person shall not knowingly report a change of address to the secretary of state for another person without the consent of the other person. A person who is convicted of a violation of this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of $1,000.00, or both. Upon receiving the abstract of a conviction under this subsection, the secretary of state may suspend the person's operator's or chauffeur's license for 6 months. The secretary of state shall not issue a restricted license to the person during the suspension. (5) Upon a second or subsequent conviction under subsection (4), a person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of $5,000.00, or both. Upon receiving the abstract of a second or subsequent conviction under subsection (4), the secretary of state shall revoke the person's operator's or chauffeur's license. (6) The suspension or revocation of an operator's or chauffeur's license under subsection (4) or (5) is not appealable under section 323. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 206, Eff. Aug. 1, 1966 ;-- Am. 1999, Act 118, Eff. Apr. 1, 2000 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-III - Chapter III Operator's and Chauffeur's License (257.301...257.329)Section 257.316 - Operator's or Chauffeur's License; Filing and Indexing Applications; Records.

Sec. 316. The secretary of state shall file each application for an operator's or chauffeur's license and index the application by name and number. The secretary of state shall maintain suitable records of licenses issued, applications for licenses denied, and a record of licenses which have been revoked, canceled, or suspended. The secretary of state shall note upon those records each conviction, civil infraction determination, and probate court finding of the person to whom the license is granted, as provided in this act, and shall preserve those records for not less than 6 years after the date of application. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 139, Eff. May 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-IV - Chapter IV Civil Liability Act (257.401...257.404)300-1949-IV-CIVIL-LIABILITY-OF-OWNERS-AND-OPERATORS-OF-MOTOR-VEH - Civil Liability of Owners and Operators of Motor Vehicles (257.401...257.404)Section 257.401 - Civil Actions; Liability of Owner; Liability of Lessor; Construction of Subsections (3) and (4); “Motor Vehicle” Defined; Liability for Off Lease Vehicle.

Sec. 401. (1) This section shall not be construed to limit the right of a person to bring a civil action for damages for injuries to either person or property resulting from a violation of this act by the owner or operator of a motor vehicle or his or her agent or servant. The owner of a motor vehicle is liable for an injury caused by the negligent operation of the motor vehicle whether the negligence consists of a violation of a statute of this state or the ordinary care standard required by common law. The owner is not liable unless the motor vehicle is being driven with his or her express or implied consent or knowledge. It is presumed that the motor vehicle is being driven with the knowledge and consent of the owner if it is driven at the time of the injury by his or her spouse, father, mother, brother, sister, son, daughter, or other immediate member of the family. (2) A person engaged in the business of leasing motor vehicles who is the lessor of a motor vehicle under a lease providing for the use of the motor vehicle by the lessee for a period that is greater than 30 days, or a dealer acting as agent for that lessor, is not liable at common law for damages for injuries to either person or property resulting from the operation of the leased motor vehicle, including damages occurring after the expiration of the lease if the vehicle is in the possession of the lessee. (3) Notwithstanding subsection (1), a person engaged in the business of leasing motor vehicles who is the lessor of a motor vehicle under a lease providing for the use of the motor vehicle by the lessee for a period of 30 days or less is liable for an injury caused by the negligent operation of the leased motor vehicle only if the injury occurred while the leased motor vehicle was being operated by an authorized driver under the lease agreement or by the lessee's spouse, father, mother, brother, sister, son, daughter, or other immediate family member. Unless the lessor, or his or her agent, was negligent in the leasing of the motor vehicle, the lessor's liability under this subsection is limited to $20,000.00 because of bodily injury to or death of 1 person in any 1 accident and $40,000.00 because of bodily injury to or death of 2 or more persons in any 1 accident. (4) A person engaged in the business of leasing motor vehicles as provided under subsection (3) shall notify a lessee that the lessor is liable only up to the maximum amounts provided for in subsection (3), and only if the leased motor vehicle was being operated by the lessee or

other authorized driver or by the lessee's spouse, father, mother, brother, sister, son, daughter, or other immediate family member, and that the lessee may be liable to the lessor up to amounts provided for in subsection (3), and to an injured person for amounts awarded in excess of the maximum amounts provided for in subsection (3). (5) Subsections (3) and (4) shall not be construed to expand or reduce, except as otherwise provided by this act, the liability of a person engaged in the business of leasing motor vehicles or to impair that person's right to indemnity or contribution, or both. (6) As used in subsections (3), (4), and (5), "motor vehicle" means a self-propelled device by which a person or property may be transported upon a public highway. Motor vehicle does not include a bus, power shovel, road machinery, agricultural machinery, or other machinery or vehicle not designed primarily for highway transportation. Motor vehicle also does not include a device that moves upon or is guided by a track. (7) A lessee in possession of an off lease vehicle, and not the dealer of the vehicle, is liable as the owner of the vehicle for any damages awarded for an injury to a person or property resulting from the operation of the vehicle. The dealer of an off lease vehicle may be liable at common law for damages awarded for an injury to a person or property resulting from the operation of the vehicle only if the dealer is in possession of the vehicle and the certificate of title and has acknowledged possession of the certificate of title to the lessor. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1988, Act 125, Imd. Eff. May 23, 1988 ;-- Am. 1995, Act 98, Imd. Eff. June 22, 1995 ;-- Am. 2002, Act 652, Eff. Jan. 1, 2003Constitutionality:The guest passenger exception to the owners liability statute is unconstitutional. Manistee Bank & Trust Company v McGowan, 394 Mich 655; 232 NW2d 636 (1975).

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-IV - Chapter IV Civil Liability Act (257.401...257.404)300-1949-IV-CIVIL-LIABILITY-OF-OWNERS-AND-OPERATORS-OF-MOTOR-VEH - Civil Liability of Owners and Operators of Motor Vehicles (257.401...257.404)Section 257.401a - “Owner” Defined.

Sec. 401a. As used in this chapter, "owner" does not include a person engaged in the business of leasing motor vehicles who is the lessor of a motor vehicle pursuant to a lease providing for the use of the motor vehicle by the lessee for a period that is greater than 30 days. History:Add. 1988, Act 125, Imd. Eff. May 23, 1988

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Sec. 402. (a) In any action, in any court in this state when it is shown by competent evidence, that a vehicle traveling in a certain direction, overtook and struck the rear end of another vehicle proceeding in the same direction, or lawfully standing upon any highway within this state, the driver or operator of such first mentioned vehicle shall be deemed prima facie guilty of negligence. This section shall apply, in appropriate cases, to the owner of such first mentioned vehicle and to the employer of its driver or operator. (b) This section may not be invoked by the owner of any vehicle, the rear of which was struck under the circumstances above mentioned, if the accident occurred between 1 hour after sunset and 1 hour before sunrise, and the vehicle so struck did not, at the time, have a lighted lamp or lantern reasonably visible to the drivers of vehicles approaching from the rear. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 403. (a) Service of summons in any action against a person, who at the time of such service is a nonresident of this state, growing out of any accident or collision in which such person may have been involved while operating a motor vehicle upon a public highway of this state or in which a motor vehicle owned by him may have been involved while being operated with his consent, express or implied, on such public highway, may be made upon the secretary of state as the true and lawful attorney of such person with the same legal force as if served on him personally within this state. Service of such summons shall be made by leaving a copy thereof with the secretary of state, or his deputy, who shall keep a record of each such process and the day and hour of service, and such service shall be sufficient service upon such nonresident, provided that notice of such service and a copy of the summons are forthwith either served upon the defendant personally by the sheriff or constable of the county in which he resides or sent by registered mail by the plaintiff or his attorney to the defendant. If personal service of such notice and copy of summons is had upon the defendant the officer making the service shall so certify in his return which shall be filed with the court having jurisdiction of said cause, or if service be made by registered mail then the plaintiff or his attorney shall make an affidavit showing that he has made service of the notice of summons upon the defendant by registered mail as herein provided and the affiant shall attach thereto a true copy of the summons and notice so served and the registry receipt of the defendant and shall file the affidavit and attached papers with the court having jurisdiction of the cause. The court in which the action is pending may order such extension of time as may be necessary to afford the defendant reasonable opportunity to defend the action. The death of the nonresident shall not operate to revoke the appointment by the nonresident of the secretary of state as his true and lawful attorney

upon whom may be served the summons in an action against him growing out of any such accident or collision; and in event of his death, any action growing out of such accident or collision may be commenced or prosecuted against his executor or administrator duly appointed by the state, territory or district of the United States or foreign country in which the nonresident was domiciled at the time of his death, and service of the summons shall be made upon the secretary of state, and personal service of such notice and the copy of the summons be had upon his executor or administrator in like manner with the same force and effect as service upon such nonresident during his lifetime. Any action or proceeding pending in any court of this state, in which the court shall have obtained jurisdiction of such nonresident pursuant to the provision of this statute, shall not abate by reason of the death of such nonresident, but his executor or administrator duly appointed in the state, territory or district of the United States or foreign country in which he was domiciled at the time of his death, shall, upon the application of the plaintiff in the action, and upon such notice as the court may prescribe, be brought in and substituted in the place of the decedent, and the action or proceeding shall continue. (b) The court shall include as taxable costs, in addition to other legal costs, against the plaintiff in case the defendant shall prevail in such suit, the actual traveling expenses of the defendant from his residence to the place of trial and return not to exceed the sum of $100.00. (c) The provisions of this section shall apply to actions commenced in all courts of this state having civil jurisdiction, including justice courts. (d) Any service of process made on the secretary of state under this section shall be accompanied by an affidavit by the plaintiff or his attorney setting forth that the defendant is a nonresident of this state, and if known, the last known nonresident address of the defendant. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1954, Act 16, Eff. Aug. 13, 1954 ;-- Am. 1967, Act 79, Eff. Nov. 2, 1967

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Sec. 403a. As used in section 403, the term "nonresident" shall include any person who was, at the time of the accident or event, a resident of the state of Michigan but who removed from the state before the commencement of the action or proceeding. History:Add. 1957, Act 92, Eff. Sept. 27, 1957

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Sec. 404. In any tort action for the recovery of damages to person or property resulting from the operation of 1 or more motor vehicles, where the action is brought in the county where the cause of action arose, process from any court of record may be served anywhere within the state where the party upon whom service is to be made may be found. History:Add. 1954, Act 16, Eff. Aug. 13, 1954

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Sec. 921. Act No. 302 of the Public Acts of 1915, as amended, being sections 256.1 to 256.38, inclusive, of the Compiled Laws of 1948; Act No. 46 of the Public Acts of 1921, as amended, being sections 256.101 to 256.119, inclusive, of the Compiled Laws of 1948; Act No. 91 of the Public Acts of 1931, as amended, being sections 256.201 to 256.234, inclusive, of the Compiled Laws of 1948; Act No. 203 of the Public Acts of 1933, as amended, being sections 256.251 to 256.269, inclusive, of the Compiled Laws of 1948; Act No. 318 of the Public Acts of 1927, as amended, being sections 256.301 to 256.360, inclusive, of the Compiled Laws of 1948; Act No. 321 of the Public Acts of 1923, as amended, being sections 256.421 to 256.437, inclusive, of the Compiled Laws of 1948; Act No. 236 of the Public Acts of 1919, being sections 256.511 and 256.512 of the Compiled Laws of 1948; Act No. 80 of the Public Acts of 1929, as amended, being sections 256.521 to 256.523, inclusive, of the Compiled Laws of 1948; Act No. 186 of the Public Acts of 1937, being sections 247.301 to 247.306, inclusive, of the Compiled Laws of 1948; section 11 of chapter 21 of Act No. 283 of the Public Acts of 1909, being section 241.11 of the Compiled Laws of 1948; sections 498a, 499 and 500 of Act No. 328 of the Public Acts of 1931, as amended, being sections 750.498a, 750.499 and 750.500 of the Compiled Laws of 1948; and Act No. 94 of the Public Acts of 1943, being sections 752.501 to 752.503, inclusive, of the Compiled Laws of 1948; are hereby repealed. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 922. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 922a. This act does not apply to a racing event conducted under the "city motor vehicle racing act of 1981". History:Add. 1981, Act 174, Imd. Eff. Dec. 14, 1981

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Sec. 923. This act shall be known as the "Michigan vehicle code." History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 501. The secretary of state through the director of driver services or his authorized agent shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 247, Eff. Mar. 10, 1967

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Sec. 502. (a) The secretary of state shall upon request and upon payment of the required fee furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and, if there be no record in the office of the secretary of state of any conviction of such person of violating any law relating to the operation of a motor vehicle or any injury or damage caused by such person, the secretary of state shall so certify. (b) Such record shall not be admissible as evidence in any action, civil or criminal, arising out of a motor vehicle accident. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 502a. Proof of compliance with the financial responsibility laws of another state may be submitted to the secretary of state in lieu of the proof of financial responsibility required by this chapter if the accident for which proof of financial responsibility is required under this chapter occurred in the state with whose laws there was compliance. History:Add. 1966, Act 247, Eff. Mar. 10, 1967

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Sec. 532. Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for security upon the other processes provided by law. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 511. (1) If a person fails within 30 days to satisfy a judgment, the clerk of the court, or of the judge of a court that has no clerk, in which the judgment is rendered shall forward to the secretary of state immediately upon the request of the plaintiff or plaintiff's attorney after the expiration of 30 days an abstract of the court record of the judgment properly certified, on forms supplied by the department. (2) Failure, refusal, or neglect to comply with subsection (1) constitutes misconduct in office and is grounds for removal from office. (3) If the defendant named in an abstract of court record reported to the secretary of state under subsection (1) is a nonresident, the secretary of state shall transmit a certified copy of the abstract of court record to the official in charge of issuing licenses and registration certificates of the state in which the defendant resides. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 247, Eff. Mar. 10, 1967 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008

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Sec. 512. The secretary of state upon receipt of a certified abstract of court record of a judgment rendered in this state or any other

state shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as otherwise provided in this chapter. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 140, Eff. Aug. 28, 1964

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Sec. 512a. No license, registration or nonresident's operating privilege of any person shall be suspended under the provisions of this chapter if the secretary of state finds that an insurer was obligated to pay the judgment upon which the suspension is based, at least to the extent and for the amounts required in this chapter, but has not paid the judgment for any reason. A finding by the secretary of state that an insurer is obligated to pay a judgment is not binding upon the insurer and shall have no legal effect whatever except for the purpose of administering this section. Whenever in any judicial proceedings it is determined by any final judgment, decree or order that an insurer is not obligated to pay any judgment, the secretary of state, notwithstanding any contrary finding theretofore made by him, shall forthwith suspend as provided in section 512 the license and registration and any nonresident's operating privilege of any person against whom the judgment was rendered. History:Add. 1964, Act 140, Eff. Aug. 28, 1964

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Sec. 513. (a) The license, registration and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any license or registration be thereafter issued in the name of the person, including any person not previously licensed unless and until the judgment is satisfied in full or he files an installment repayment agreement as provided in section 515 and, notwithstanding the provisions of section 528, maintains proof of financial responsibility as provided in section 517 until the judgment is satisfied in full. (b) Judgments shall be deemed to be satisfied in full under this section if not renewed prior to the expiration of the statute of limitations. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1952, Act 17, Eff. Sept. 18, 1952 ;-- Am. 1964, Act 171, Eff. Aug. 28, 1964 ;-- Am. 1966, Act 247, Eff. Mar. 10, 1967 ;-- Am. 1972, Act 274, Imd. Eff. Oct. 19, 1972

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Sec. 514. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied: 1. When $20,000.00 is credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of 1 person as the result of any one accident; or 2. When, subject to such limit of $20,000.00 because of bodily injury to or death of 1 person, the sum of $40,000.00 is credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of 2 or more persons as the result of any one accident; or 3. When $10,000.00 is credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1958, Act 155, Eff. Sept. 13, 1958 ;-- Am. 1971, Act 191, Imd. Eff. Dec. 20, 1971

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Sec. 515. (a) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments. A true copy of the order shall be filed with the secretary of state. In lieu of a court order for installment payments, the judgment debtor and judgment creditor may make an agreement in writing, a copy of which shall be filed with the secretary of state, for the payment of the judgment in installments. (b) The secretary of state shall not suspend a license, registration, or nonresident's operating privilege, and shall restore any license, registration, or nonresident's operating privilege suspended following non-payment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains an order, or written agreement, permitting the payment of the judgment in installments, and while the payment of any installment is not in default. (c) If the judgment debtor fails to pay any installments as specified by the order, or written agreement, then upon notice of the default, the secretary of state shall forthwith suspend the license, registration, or nonresident's operating privilege of the judgment debtor until the judgment is satisfied, as provided in this chapter. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 140, Eff. Aug. 28, 1964

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Sec. 515a. The secretary of state shall not restore a license, registration or nonresident's operating privilege of any person more than twice within a 2-year period following nonpayment of the installment agreement, judgment, order or other written agreement contemplated in section 515 of this chapter. History:Add. 1966, Act 247, Eff. Mar. 10, 1967

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Sec. 517. Proof of financial responsibility when required under this chapter may be given by filing: 1. A certificate of insurance as provided in section 518 or section 519; or 2. A bond as provided in section 523; or 3. A certificate of deposit of money or securities as provided in section 524. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 518. (a) Proof of financial responsibility may be furnished by filing with the secretary of state the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. (b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 518a. The owner of a commercial quadricycle shall furnish bodily injury and property damage liability insurance with a minimum combined single limit of $2,000,000.00 for all persons injured or for property damage. History:Add. 2015, Act 126, Imd. Eff. July 15, 2015

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Sec. 518b. (1) All of the following types of automobile insurance satisfy the financial responsibility requirements of this chapter: (a) During the time that a transportation network company driver is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in a transportation network company prearranged ride, all of the following types of automobile insurance: (i) Residual third party automobile liability insurance as required under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, in the amount of at least $50,000.00 per person for death or bodily injury, $100,000.00 per incident for death or bodily injury, and $25,000.00 for property damage. (ii) Personal protection insurance and property protection insurance in the amounts and of the types of coverage required by chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. (b) During the time that a transportation network company driver is engaged in a transportation network company prearranged ride, all of the following types of automobile insurance: (i) Residual third party automobile liability insurance with a minimum combined single limit of $1,000,000.00 for all bodily injury or property damage. (ii) Personal protection insurance and property protection insurance in the amounts and of the types of coverage required by chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. (2) This section only applies to automobile insurance obtained by a transportation network company driver or a transportation network company. History:Add. 2016, Act 348, Eff. Mar. 21, 2017

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Sec. 519. (a) The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the secretary of state a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle, or motor vehicles, described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms with the provisions of this chapter, and the secretary of state shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified: 1. Said insurance carrier shall execute a power of attorney authorizing the secretary of state to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state; 2. Duly adopt a resolution providing that its policies shall be deemed to be varied to comply with the law of this state relating to the terms of motor vehicle liability policies issued therein; and 3. Agree to accept as final and binding any final judgment duly rendered in any action arising out of a motor vehicle accident in any court of competent jurisdiction in this state. (b) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the secretary of state shall not thereafter accept as proof any certificates of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951

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Sec. 520. (a) A "motor vehicle liability policy" as used in this chapter, shall mean an owner's or an operator's policy of liability insurance, certified as provided in section 518 or section 519 as proof of financial responsibility, and issued, except as otherwise provided in section 519, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured. (b) Such owner's policy of liability insurance: (1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and (2) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: $20,000.00 because of bodily injury to or death of 1 person in any 1 accident and, subject to said limit for 1 person, $40,000.00 because of bodily injury to or death of 2 or more persons in any 1 accident, and $10,000.00 because of injury to or destruction of property of others in any 1 accident; (3) When a certificate is filed showing that a policy or policies have been issued covering all motor vehicles owned by the insured but not insuring such person when operating any motor vehicle not owned by him, it shall be unlawful for such person to operate any motor vehicle not owned by him or not covered by such certificate. (c) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance. (d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the policy period, and the limits of liability, and shall contain an agreement or be indorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter. (e) Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured. (f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein: (1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy, and except as hereinafter provided, no fraud, misrepresentation, assumption of liability or other act of the insured in obtaining or retaining such policy, or in adjusting a claim under such policy, and no failure of the insured to give any notice, forward any paper or otherwise cooperate with the insurance carrier, shall constitute a defense as against such judgment creditor. (2) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage. (3) If any person shall secure final judgment against the insured for loss or damage covered by any such policy and if

such judgment is not satisfied within 30 days after it shall have become final, then such judgment creditor shall be entitled to recover under the terms of such policy in the same manner and to the same extent as the insured, except as hereinafter provided. (4) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subparagraph (2) of paragraph (b) of this section. (5) The policy, the written application therefor, if any, and any rider or indorsement which does not conflict with the provisions of this chapter, shall constitute the entire contract between the parties. (6) The insurance carrier shall not be liable on any judgment if it has not had prompt notice of and reasonable opportunity to appear in and defend the action in which such judgment was rendered, or if the judgment has been obtained through collusion between the judgment creditor and the insured. (g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section. (h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter. (i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance. (j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of 1 or more insurance carriers which policies together meet such requirements. (k) Any carrier authorized to issue motor vehicle liability policies may, pending the issuance of such a policy, execute an agreement, to be known as a "binder", or may, in lieu of such a policy, issue an indorsement to an existing policy. Every such binder or indorsement shall be subject to the provisions of this section and shall be construed to provide indemnity or insurance in like manner and to the same extent as a motor vehicle liability policy. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1955, Act 219, Eff. Oct. 14, 1955 ;-- Am. 1958, Act 155, Eff. Sept. 13, 1958 ;-- Am. 1966, Act 247, Eff. Mar. 10, 1967 ;-- Am. 1971, Act 138, Eff. Oct. 1, 1971

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Sec. 521. When an insurance carrier has certified a motor-vehicle liability policy under section 518 or section 519, the insurance so certified shall not be cancelled or terminated until at least 10 days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the secretary of state, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 522. (a) This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter. (b) This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 523. (a) The bond of a surety company, duly authorized to transact business within the state, or a bond, with at least 2 individual sureties, each owning real estate within this state, which real estate shall be scheduled in the bond and approved by a judge of a court of record which said bond shall be conditioned for the payment of the amounts specified herein may be accepted as proof of financial responsibility, and such bond shall be filed with the register of deeds of the county where such property is located, and a true copy thereof shall be filed with the secretary of state, and shall not be cancelable except after 10 days' written notice to the secretary of state. Such bonds shall constitute a lien in favor of the state upon the real estate so scheduled or any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such proof on account of damage to property or injury to, including death of a person or persons resulting from the ownership, maintenance, use or operation hereafter of a motor vehicle, upon the filing of notice to that effect by the secretary of state in the office of the register of deeds of the county where such real estate is located. (b) If such judgment rendered against the principal on the surety company or real estate individual bond given under the provisions of this chapter shall not be satisfied within 30 days after it has become final as hereinbefore provided, the

judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or person executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond in like manner as foreclosure of a mortgage in chancery. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951

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Sec. 524. (a) The certificate of the state treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amounts as specified herein shall be taken as proof of financial responsibility. The state treasurer shall accept any such deposits and issue a certificate therefor, and the secretary of state shall accept such certificate if accompanied by evidence that there are no unsatisfied judgments against the depositor registered in the office of the county clerk of the county where the depositor resides. (b) Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 525. Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the secretary of state shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. In like manner the secretary of state shall accept the certificate of self-insurance issued by him to any owner under the provisions of this act in lieu of proof of financial responsibility which would otherwise be required of any person employed as an operator by such owner to permit such person to operate motor vehicles of such self-insured owner. The secretary of state, shall designate the restrictions imposed by this section on the face of such person's license. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 526. The secretary of state shall consent to the cancellation of any bond or certificate of insurance or the secretary of state shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 527. Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the secretary of state shall for the purpose of this chapter require other proof as required by this chapter, and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 528. (1) The secretary of state shall upon request consent to the immediate cancellation of a bond or certificate of insurance, or

the secretary of state shall direct and the state treasurer shall return to the person entitled to the money or securities, money or securities deposited pursuant to this chapter as proof of financial responsibility, or the secretary of state shall waive the requirement of filing proof, in any of the following events: (a) After 3 years from the date the proof was required if, during the 3-year period before the request, the secretary of state has not received a record of a conviction or a forfeiture of bail which would require the suspension or revocation of the license, registration, or nonresident's operating privilege of the person by or for whom the proof was furnished. (b) If the person on whose behalf the proof was filed is deceased or if the person is permanently disabled and unable to operate a motor vehicle. (c) If the person who has given proof surrenders the license and registration to the secretary of state. (2) The secretary of state shall not consent to the cancellation of a bond or the return of money or securities if an action for damages upon a liability covered by the proof is pending, a judgment upon the liability is unsatisfied, or if the person who has filed the bond or deposited the money or securities has within 1 year immediately preceding the request been involved as an operator or owner in a motor vehicle accident resulting in injury or damage to the person or property of others. A certification of the applicant as to the nonexistence of the facts described in this subsection, that the applicant has been released from liability, or has been finally adjudicated not to be liable for the injury or damage, shall be sufficient evidence of the nonexistence of those facts, in the absence of evidence to the contrary, in the records of the secretary of state. (3) If a person whose proof has been canceled or returned under subsection (1)(c) applies for a license or registration within a period of 3 years from the date proof was originally required, the application shall be refused unless the applicant reestablishes the proof for the remainder of the 3-year period. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 171, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981

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Sec. 529. This chapter shall not prevent the owner of a motor vehicle, the registration of which has been suspended hereunder, from effecting a bona fide transfer of such motor vehicle to another person whose rights or privileges are not suspended under this chapter nor prevent the registration of such motor vehicle by such transferee. This chapter shall not in anywise affect the rights of any conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 530. Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this chapter, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the secretary of state shall immediately return his license and registration to the secretary of state. If any person wilfully fails to return to the secretary of state the license or registration provided herein, the secretary of state shall forthwith direct any peace officer to secure possession thereof and to return the same to the secretary of state. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 503. (1) For 30 days after the date a motor vehicle accident report is filed with a law enforcement agency, a person may only access the report if the person or organization files a statement indicating that from the time the person or organization is granted access to the report until 30 days after the date the report is filed, the person or organization acknowledges that the person or organization is prohibited from doing either of the following: (a) Using the report for any direct solicitation of an individual, vehicle owner, or property owner listed in the report. (b) Disclosing any personal information contained in the report to a third party for commercial solicitation of an individual, vehicle owner, or property owner listed in the report. (2) A person that knowingly violates this section is guilty of a crime punishable as follows: (a) For a first violation, a misdemeanor punishable by a fine of not more than $30,000.00. (b) For a second or subsequent violation, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $60,000.00, or both. (3) As used in this section: (a) "Direct solicitation" means "direct solicitation to provide a service" as that term is defined in section 410b of the Michigan penal code, 1931 PA 328, MCL 750.410b. (b) "Law enforcement agency" means any of the following: (i) The department of state police. (ii) The county sheriff's office. (iii) The police department of a local unit of government. (c) "Local unit of government" means a state university or college or a county, city, village, or township. (d) "Motor vehicle accident" means an occurrence involving a motor vehicle that results in damage to property or injury to an individual. (e) "Personal information" means information that identifies an individual, including the individual's name, address, driver license number, social security number, and telephone number. (f) "Report" means a report completed by an officer of a law enforcement agency that indicates that a motor vehicle accident occurred. History:Add. 2013, Act 218, Eff. Jan. 1, 2014Compiler's Notes:Former MCL 257.503, which pertained to report of accident by person owning or operating vehicle where person is killed or

injured, was repealed by Act 67 of 1971, Eff. Oct. 1, 1971.

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Sec. 617. (1) The driver of a vehicle who knows or who has reason to believe that he or she has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary. (2) Except as provided in subsection (3), if the individual violates subsection (1) and the accident results in serious impairment of a body function or death, the individual is guilty of a felony punishable by imprisonment for not more than 5 years or by a fine of not more than $5,000.00, or both. (3) If the individual violates subsection (1) following an accident caused by that individual and the accident results in the death of another individual, the individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1956, Act 22, Eff. Aug. 11, 1956 ;-- Am. 1958, Act 35, Eff. Sept. 13, 1958 ;-- Am. 1975, Act 170, Eff. Mar. 31, 1976 ;-- Am. 1989, Act 267, Eff. Mar. 29, 1990 ;-- Am. 2001, Act 159, Eff. Feb. 1, 2002 ;-- Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005

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Sec. 617a. (1) The driver of a vehicle who knows or who has reason to believe that he has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary. (2) If an individual violates subsection (1) and the accident results in injury to any individual, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (3) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating this section as provided in section 319. History:Add. 1975, Act 170, Eff. Mar. 31, 1976 ;-- Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005

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Sec. 618. (1) The driver of a vehicle who knows or who has reason to believe that he has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary. (2) If an individual violates the requirements of subsection (1) and the accident results in damage to a vehicle operated by or attended by any individual, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1958, Act 35, Eff. Sept. 13, 1958 ;-- Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005

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Sec. 618a. (1) Unless the operator of a motor vehicle involved in an accident knows or reasonably should know that serious impairment of a bodily function or death has resulted from the accident, the operator or any other occupant of the motor vehicle who possesses a valid driver license shall remove the motor vehicle from the main traveled portion of the roadway into a safe refuge on the shoulder, emergency lane, or median or to a place otherwise removed from the roadway, and, if the motor vehicle is located in a place that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track, away from the streetcar track, if both of the following apply: (a) Moving the motor vehicle may be done safely. (b) The motor vehicle is capable of being

normally and safely operated and can be operated under its own power in its customary manner without further damage or hazard to the traffic elements or to the roadway. (2) A person who violates subsection (1) is responsible for a civil infraction. (3) The operator or any other person who removes a motor vehicle from the main traveled portion of the roadway as provided in this section before the arrival of a police officer is not prima facie at fault regarding the cause of the traffic accident solely by reason of moving the motor vehicle as provided in this section. (4) The decision of the operator or any other person to remove or not to remove a motor vehicle from the main traveled portion of the roadway as provided in this section is not admissible in a civil action as evidence that a serious impairment of bodily function has or has not resulted from the accident. (5) A law enforcement agency or police officer may, without the consent of the owner or operator and with the assistance of the state transportation department, other road agencies, fire department, emergency management, other local public safety agencies, street railway, or towing or recovery companies under the direction of any of those entities remove and dispose of motor vehicles and cargoes of vehicles involved in accidents, including any personal property, from the main traveled portion of a roadway and the right-of-way if the vehicle, cargo, or personal property is blocking the roadway or right-of-way or may otherwise endanger public safety, or from the streetcar track if the motor vehicle, cargo, or personal property is blocking the streetcar track or may delay or interfere with the movement of a streetcar on a streetcar track. (6) Except as otherwise provided in this subsection, an entity that moves a motor vehicle, cargo, or personal property as described in subsection (5), and any of the entity's officers, employees, or agents, or anyone acting in good faith under, and within the scope of, the authority conferred under subsection (5), is not liable for any damages or claims that may arise from the exercise or the failure to exercise any authority granted under subsection (5). This subsection does not apply to the transport of a motor vehicle from the scene of an accident, or if the conduct of the individual acting under the authority conferred under subsection (5) constitutes gross negligence. As used in this subsection, "gross negligence" means that term as defined in section 606a. (7) The owner or carrier, if any, of a motor vehicle, cargo, or personal property removed or disposed of under subsection (5) shall reimburse the public agency, departments, street railway, and towing companies, if any, for all documented reasonable costs incurred in that removal and disposal. History:Add. 2010, Act 10, Imd. Eff. Mar. 8, 2010 ;-- Am. 2014, Act 303, Eff. Jan. 7, 2015 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

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Sec. 619. The driver of a vehicle who knows or who has reason to believe that he or she has been involved in an accident with an individual or with another vehicle that is operated or attended by another individual shall do all of the following: (a) Give his or her name and address, and the registration number of the vehicle he or she is operating, including the name and address of the owner, to a police officer, the individual struck, or the driver or occupants of the vehicle with which he or she has collided. (b) Exhibit his or her operator's or chauffeur's license to a police officer, individual struck, or the driver or occupants of the vehicle with which he or she has collided. (c) Render to any individual injured in the accident reasonable assistance in securing medical aid or arrange for or provide transportation to any injured individual. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1958, Act 35, Eff. Sept. 13, 1958 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005

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Sec. 620. The driver of any vehicle which collides upon either public or private property with any vehicle which is attended or unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the vehicle or, if such owner cannot be located, shall forthwith report it to the nearest or most convenient police officer. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1967, Act 71, Eff. Nov. 2, 1967

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Sec. 621. (a) The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such accident and of his name and address and of the registration number of the vehicle he is driving and shall upon request exhibit his operator's or chauffeur's license and, if such owner cannot be found, shall forthwith report such accident to the nearest or most convenient police officer. (b) The officer receiving such report or his commanding officer shall forward each individual report to the director of state police on forms prescribed by him which shall be completed in full by the investigating officer. The director of state police shall analyze each report relative to the cause of the reported accident and shall prepare for public use the information compiled from the reports. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 171, Eff. Mar. 10, 1967 ;-- Am. 1967, Act 3, Imd. Eff. Mar. 9, 1967

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257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-ACCIDENTS - Accidents (257.617...257.624b)Section 257.622 - Report of Accidents Resulting in Death, Personal Injury, or Property Damage; Forms; Analysis; Use; Retention.

Sec. 622. The driver of a motor vehicle involved in an accident that injures or kills any person, or that damages property to an apparent extent totaling $1,000.00 or more, shall immediately report that accident at the nearest or most convenient police station, or to the nearest or most convenient police officer. The officer receiving the report, or his or her commanding officer, shall immediately forward each report to the director of the department of state police on forms prescribed by the director of the department of state police. The forms shall be completed in full by the investigating officer. The director of the department of state police shall analyze each report relative to the cause of the reported accident and shall prepare information compiled from reports filed under this section for public use. A copy of the report under this section and copies of reports required under section 621 shall be retained for at least 3 years at the local police department, sheriff's department, or local state police post making the report. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 171, Eff. Mar. 10, 1967 ;-- Am. 1967, Act 3, Imd. Eff. Mar. 9, 1967 ;-- Am. 1991, Act 168, Imd. Eff. Dec. 19, 1991 ;-- Am. 2003, Act 66, Eff. Jan. 1, 2004

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Sec. 622a. The crash report form required by this chapter shall include, when applicable, whether an ignition interlock device was installed in a vehicle involved in a crash. History:Add. 1998, Act 340, Eff. Oct. 1, 1999

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Sec. 623. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident or having been struck by any bullet shall report the same to the nearest police station or sheriff's office immediately after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner, and/or operator of such vehicle. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 624. (1) A report required by this chapter shall not be available for use in a court action, but a report shall be for the purpose of furnishing statistical information regarding the number and cause of accidents. (2) The office of highway safety planning may authorize scientific studies and research for the reduction of death, injury, and property losses. All information, records of interviews, written reports, statements, notes, memoranda, or other data collected pursuant to the scientific studies and research conducted by the state, or by other persons, agencies, or organizations authorized by the office of highway safety planning shall be used solely for the purpose of medical or scientific research and shall not disclose the name or identity of a person unless the person authorizes, in writing, the use of his or her name or identity. If a subject of the research study is deceased, the executor or heir of the deceased person may authorize, in writing, the disclosure of the deceased's name or identity. The furnishing of information to the office of highway safety planning or to a representative of an authorized study or research project shall not subject a person, hospital, sanitarium, rest home, nursing home, or other person or agency furnishing the information to any action for damages or other relief. The information, records, reports, statements, notes, memoranda, or other data shall not be admissible as evidence in a court or before any other tribunal, board, agency, or person. A person participating in an authorized study or research project shall not disclose, directly or indirectly, the information so obtained except in strict conformity with the research project. (3) A person who discloses information in violation of subsection (2) is guilty of a misdemeanor, punishable by a fine of not less than $50.00. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1980, Act 26, Imd. Eff. Mar. 7, 1980

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Sec. 624a. (1) Except as provided in subsections (2) and (5), a person who is an operator or occupant shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger area of a vehicle upon a highway, or within the passenger area of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state. (2) Except as otherwise provided in subsection (5), a person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the

passenger area of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this state, if the vehicle does not have a trunk or compartment separate from the passenger area, and the container is in a locked glove compartment, behind the last upright seat, or in an area not normally occupied by the operator or a passenger. (3) A person who violates this section is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703. A court shall not accept a plea of guilty or nolo contendere for a violation of this section from a person charged solely with a violation of section 625(6). (4) This section does not apply to a passenger in a chartered vehicle authorized to operate by the state transportation department. (5) Except as otherwise provided in this subsection, unless prohibited by local ordinance, subsections (1) and (2) do not apply to a passenger in a commercial quadricycle. A passenger in a commercial quadricycle shall not transport or possess alcoholic liquor other than beer, wine, spirits, or a mixed spirits drink. (6) As used in this section: (a) "Glove compartment" means a recess with a hinged and locking door in the dashboard of a motor vehicle. (b) "Passenger area" means the area designed to seat the operator and passengers of a motor vehicle while it is in operation and any area that is readily accessible to the operator or a passenger while in his or her seating position, including the glove compartment. History:Add. 1991, Act 98, Eff. Jan. 1, 1992 ;-- Am. 1994, Act 211, Eff. Nov. 1, 1994 ;-- Am. 1996, Act 493, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 349, Eff. Oct. 1, 1999 ;-- Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012 ;-- Am. 2015, Act 126, Imd. Eff. July 15, 2015

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Sec. 624b. (1) An individual less than 21 years of age shall not knowingly transport or possess alcoholic liquor in a motor vehicle as an operator or occupant unless the individual is employed by a licensee under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, a common carrier designated by the liquor control commission under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, the liquor control commission, or an agent of the liquor control commission and is transporting or having the alcoholic liquor in a motor vehicle under the individual's control during regular working hours and in the course of the individual's employment. This section does not prevent an individual less than 21 years of age from knowingly transporting alcoholic liquor in a motor vehicle if an individual at least 21 years of age is present inside the motor vehicle. An individual who violates this subsection is guilty of a misdemeanor. As part of the sentence, the individual may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703. (2) Within 30 days after the conviction for a violation of subsection (1) by the operator of a motor vehicle, which conviction has become final, the arresting law enforcement officer or the officer's superior may make a complaint before the court from which the warrant was issued. The complaint must be under oath and must describe the motor vehicle in which alcoholic liquor was possessed or transported by the operator, who is less than 21 years of age, in committing the violation and requesting that the motor vehicle be impounded as provided in this section. Upon the filing of the complaint, the court shall issue to the owner of the motor vehicle an order to show cause why the motor vehicle should not be impounded. The order to show cause must fix a date and time for a hearing, that is not less than 10 days after the issuance of the order. The order must be served by delivering a true copy to the owner not less than 3 full days before the date of hearing or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner. If the owner is a nonresident of the state, service may be made upon the secretary of state as provided in section 403. (3) If the court determines upon the hearing of the order to show cause, from competent and relevant evidence, that at the time of the commission of the violation the motor vehicle was being driven by the individual less than 21 years of age with the express or implied consent or knowledge of the owner in violation of subsection (1), and that the use of the motor vehicle is not needed by the owner in the direct pursuit of the owner's employment or the actual operation of the owner's business, the court may authorize the impounding of the vehicle for a period of not less than 15 days or more than 30 days. The court's order authorizing the impounding of the vehicle must authorize a law enforcement officer to take possession without other process of the motor vehicle wherever located and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle. The owner of the vehicle may appeal the order to the circuit court and the provisions governing the taking of appeals from judgments for damages apply to the appeal. This section does not prevent a bona fide lienholder from exercising rights under a lien. (4) A person who knowingly transfers title to a motor vehicle for the purpose of avoiding this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than $100.00. (5) A law enforcement agency, upon determining that an individual less than 18 years of age allegedly violated this section, shall notify the parent or parents, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection must be made not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated this section is less than 18 years of age and may be made in person, by telephone, or by first-class mail. History:Add. 1996, Act 493, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 349, Eff. Oct. 1, 1999 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2020, Act 382, Eff. Oct. 1, 2021

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257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-AUTOMATED-VEHICLES - Automated Vehicles (257.663...257.666a)Section 257.665 - Research or Testing of Automated Motor Vehicle, Technology Allowing Motor Vehicle to Operate Without Human Operator, or Any Automated Driving System; Proof of Insurance; Existence of Certain Circumstances; Operation; Provisions Applicable to Platoon.

Sec. 665. (1) Before beginning research or testing on a highway or street in this state of an automated motor vehicle, technology that allows a motor vehicle to operate without a human operator, or any automated driving system installed in a motor vehicle under this section, the manufacturer of automated driving systems or upfitter performing that research or testing shall submit proof satisfactory to the secretary of state that the vehicle is insured under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. (2) A manufacturer of automated driving systems or upfitter shall ensure that all of the following circumstances exist when researching or testing the operation, including operation without a human operator, of an automated motor vehicle or any automated technology or automated driving system installed in a motor vehicle upon a highway or street: (a) The vehicle is operated only by an employee, contractor, or other person designated or otherwise authorized by that manufacturer of automated driving systems or upfitter. This subdivision does not apply to a university researcher or an employee of the state transportation department or the department described in subsection (3). (b) An individual described in subdivision (a) has the ability to monitor the vehicle's performance while it is being operated on a highway or street in this state and, if necessary, promptly take control of the vehicle's movements. If the individual does not, or is unable to, take control of the vehicle, the vehicle must be capable of achieving a minimal risk condition. (c) The individual operating the vehicle under subdivision (a) and the individual who is monitoring the vehicle for purposes of subdivision (b) may lawfully operate a motor vehicle in the United States. (3) A university researcher or an employee of the state transportation department or the department who is engaged in research or testing of automated motor vehicles may operate an automated motor vehicle if the operation is in compliance with subsection (2). (4) An automated motor vehicle may be operated on a street or highway in this state. (5) When engaged, an automated driving system allowing for operation without a human operator is considered the driver or operator of a vehicle for purposes of determining conformance to any applicable traffic or motor vehicle laws and is deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle. An automated vehicle roadway system provider is not an operator of a vehicle. (6) A person may operate a platoon on a street or highway of this state if the person files a plan for general platoon operations with the department of state police and the state transportation department before starting platoon operations. If the plan is not rejected by either the department of state police or the state transportation department within 30 days after receipt of the plan, the person is allowed to operate the platoon. (7) All of the following apply to a platoon: (a) Vehicles in a platoon are not considered a combination of vehicles for purposes of this act. (b) The lead vehicle in a platoon is not considered to draw the other vehicles. (c) If the platoon includes a commercial motor vehicle, an appropriately endorsed driver who holds a valid commercial driver license shall be present behind the wheel of each commercial motor vehicle in the platoon. History:Add. 2013, Act 231, Eff. Mar. 27, 2014 ;-- Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016 ;-- Am. 2022, Act 179, Imd. Eff. July 25, 2022Compiler's Notes:Former MCL 257.665, was repealed by Act 126 of 2000, Imd. Eff. May 30, 2000.For the type III transfer of the Michigan council on future mobility from the department of transportation to the department of labor and economic opportunity and the creation of the Michigan council on future mobility and electrification, see E.R.O. No. 2020-1, compiled at MCL 257.929.

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Sec. 665a. A manufacturer of automated driving technology, an automated driving system, or a motor vehicle is immune from liability that arises out of any modification made to a motor vehicle, an automated motor vehicle, an automated driving system, or automated driving technology by another person without the manufacturer's consent, as provided in section 2949b of the revised judicature act of 1961, 1961 PA 236, MCL 600.2949b. Nothing in this section supersedes or otherwise affects the contractual obligations, if any, between a motor vehicle manufacturer and a manufacturer of automated driving systems or a manufacturer of automated driving technology. History:Add. 2016, Act 332, Imd. Eff. Dec. 9, 2016

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Sec. 665b. (1) A motor vehicle manufacturer may participate in a SAVE project if it self-certifies to all of the following: (a) That it is a motor vehicle manufacturer. A person that is not a motor vehicle manufacturer may not participate in a SAVE project. (b) That each vehicle in the participating fleet is owned or controlled by the motor vehicle manufacturer and is equipped with all of the following: (i) An automated driving system. (ii) Automatic crash notification technology. (iii) A data recording system that has the capacity to record the automated driving system's status and other vehicle attributes including, but not limited to, speed, direction, and location during a specified time period before a crash as determined by the motor vehicle manufacturer. (c) That the

participating fleet complies with all applicable state and federal laws. (d) That each vehicle in the participating fleet is capable of being operated in compliance with applicable traffic and motor vehicle laws of this state. (2) A motor vehicle manufacturer's eligibility to participate in a SAVE project under this section is conditioned solely upon meeting the requirements of this section. A motor vehicle manufacturer shall verify its satisfaction of the requirements of this section using the self-certification described in subsection (1). (3) All of the following apply to a motor vehicle manufacturer that participates in a SAVE project: (a) The motor vehicle manufacturer may commence a SAVE project at any time after it notifies the department that it has self-certified as provided in subsection (1). The notification required by this subdivision shall also set forth the geographical boundaries for the SAVE project. A motor vehicle manufacturer may make multiple notifications under this subsection. (b) The motor vehicle manufacturer may participate in a SAVE project under any terms it deems appropriate so long as the terms are consistent with this section and other applicable law. (c) The motor vehicle manufacturer shall determine the geographical boundaries for a SAVE project, which may include, but are not limited to, any of the following: (i) A designated area within a municipality. (ii) An area maintained by a regional authority. (iii) A university campus. (iv) A development that caters to senior citizens. (v) A geographic or demographic area that is similar to the areas described in subparagraphs (i) to (iv). (d) Public operation of a participating fleet shall be confined to the boundaries selected by the motor vehicle manufacturer under subdivision (c). (e) For the duration of a SAVE project, the motor vehicle manufacturer shall maintain incident records and provide periodic summaries related to the safety and efficacy of travel of the participating fleet to the department and the National Highway Traffic Safety Administration. (f) An individual who participates in a SAVE project is deemed by his or her participation to have consented to the collection of the information described in subdivision (e) while he or she is in a vehicle that is part of the participating fleet and to the provision of the summaries to the department and the National Highway Traffic Safety Administration as described in subdivision (e). Before commencing a SAVE project, and for the duration of the SAVE project, the motor vehicle manufacturer shall make publicly available a privacy statement disclosing its data handling practices in connection with the applicable participating fleet. (4) When engaged, an automated driving system or any remote or expert-controlled assist activity shall be considered the driver or operator of the vehicle for purposes of determining conformance to any applicable traffic or motor vehicle laws and shall be deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle. A motor vehicle manufacturer shall insure each vehicle in a participating fleet as required under this act and chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. For each SAVE project in which it participates, during the time that an automated driving system is in control of a vehicle in the participating fleet, a motor vehicle manufacturer shall assume liability for each incident in which the automated driving system is at fault, subject to chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. History:Add. 2016, Act 333, Imd. Eff. Dec. 9, 2016

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Sec. 665c. (1) The state transportation department may do all of the following: (a) Designate a segment of a roadway under its jurisdiction as an automated vehicle roadway. (b) Designate a lane or ramp of an automated vehicle roadway as an automated vehicle roadway lane. (c) Require a user fee for the use of an automated vehicle roadway or automated vehicle roadway lane. (d) Enter into an agreement with an automated vehicle roadway system provider for the design, construction, manufacture, operation, maintenance, or management of an automated vehicle roadway system for a designated automated vehicle roadway or automated vehicle roadway lane. As part of an agreement entered pursuant to this subdivision, the state transportation department may include provisions authorizing the automated vehicle roadway system provider to establish and collect user fees for the use of the automated vehicle roadway or automated vehicle roadway lane. An automated vehicle roadway system provider may use the fees collected pursuant to this subdivision to properly design, construct, manage, operate, or maintain its automated vehicle roadway system. (2) If the state transportation department designates a segment of roadway as an automated vehicle roadway under subsection (1)(a) or a lane or ramp of an automated vehicle roadway as an automated vehicle roadway lane under subsection (1)(b), any of the following may apply: (a) The roadway, lane, or ramp may be subject to requirements established by the state transportation department as a condition for use. (b) The roadway, lane, or ramp may be reserved for the exclusive use of motor vehicles as determined by the state transportation department. (3) This section supersedes all local ordinances that regulate automated vehicle roadway systems, automated vehicle roadways, automated vehicle roadway lanes, or automated vehicle roadway system providers, except that a local unit of government may adopt an ordinance or enforce an existing ordinance that does not conflict with this section. History:Add. 2022, Act 179, Imd. Eff. July 25, 2022

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Sec. 665d. The Michigan council on future mobility and electrification created under Executive Reorganization Order No. 2020-1, MCL 257.929, may conduct or contract with a third-party vendor to conduct a study that analyzes the impact that the development, construction, or implementation of an automated vehicle roadway, automated vehicle roadway system, or related infrastructure will

have on labor and employment in areas within this state where an automated vehicle roadway, automated vehicle roadway system, or related infrastructure is developed, constructed, or implemented. History:Add. 2022, Act 179, Imd. Eff. July 25, 2022

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Sec. 665e. Within 1 year after the effective date of the amendatory act that added this section, the state transportation department shall submit a report to the transportation committee of the house of representatives and the transportation and infrastructure committee of the senate that includes an update on the progress of developing automated vehicle roadways or automated vehicle roadway lanes including, but not limited to, discussions on the exclusive and mixed-use of the automated vehicle roadway or automated vehicle roadway lane. The report required under this section must be submitted annually for 2 years after the initial report required under this section is submitted. History:Add. 2022, Act 179, Imd. Eff. July 25, 2022

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Sec. 666. (1) A person who violates this division is responsible for a civil infraction and may be fined as provided in section 907. (2) This division does not prohibit a person from being charged with, convicted of or being found responsible for, ordered to pay a fine or costs, or punished for any other violation of law arising out of the same transaction as the violation of this division. History:Add. 2013, Act 231, Eff. Mar. 27, 2014Compiler's Notes:Former MCL 257.666, was repealed by Act 126 of 2000, Imd. Eff. May 30, 2000.

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Sec. 666a. (1) An operator of a motor vehicle or automated motor vehicle shall not operate a motor vehicle or automated motor vehicle on an automated vehicle roadway or automated vehicle roadway lane without complying with section 642(3). A person that violates this subsection is responsible for a civil infraction and may be fined as provided in section 907. (2) A sworn statement of an authorized agent of the state transportation department or a police officer from the department of state police, based upon the inspection of data produced by the automated vehicle roadway system, is prima facie evidence of the facts attested to in the sworn statement. Any data indicating a violation of subsection (1) must be available for inspection in any proceeding for a violation of subsection (1). Data of noncompliance with subsection (1) that contain personal identification information must be destroyed within 90 days after final disposition of the matter. Any data that does not indicate a violation of subsection (1) that contain personal identification information must be destroyed within 10 days of collection. (3) Evidence obtained pursuant to subsection (2) that the operator of a motor vehicle or automated motor vehicle violated subsection (1), together with proof that the individual was at the time of the violation the registered owner of the motor vehicle or automated motor vehicle, creates a rebuttable presumption that the registered owner of the motor vehicle or automated motor vehicle is the person that did not comply with subsection (1). For purposes of this subsection, the owner of a leased or rental motor vehicle or automated motor vehicle shall provide the name and address of the person to whom the vehicle was leased or rented at the time of the noncompliance. The presumption under this subsection is rebutted if either of the following applies: (a) The registered owner of the motor vehicle or automated motor vehicle files an affidavit with the clerk of the court that states that he or she was not the operator of the motor vehicle or automated motor vehicle at the time of the violation and provides reasonable proof to accompany the affidavit. (b) A certified copy of a police report showing that the motor vehicle or automated motor vehicle had been reported to the police as stolen before the time of the violation is presented before the appearance date on the citation. (4) Notwithstanding section 742, a citation for a violation of subsection (1) may be executed by mailing a copy of the citation by first-class mail to the address of the owner of the motor vehicle or automated motor vehicle as shown on the records of the secretary of state. If the summoned individual fails to appear on the date of return set out in the citation previously mailed by first-class mail pursuant to this subsection, a copy of the citation must be sent by certified mail, with return receipt requested. If the summoned individual fails to appear on either of the dates of return set out in the copies of the citation mailed pursuant to this subsection, the citation must be executed in the manner provided by law for personal service. (5) The automated vehicle roadway system shall not produce data for any purpose other than the operation of the automated vehicle roadway system or noncompliance with subsection (1). History:Add. 2022, Act 179, Imd. Eff. July 25, 2022

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Right Side of Roadway—overtaking and Passing, Etc. (257.634...257.646)Section 257.634 - Driving on Right Half of Roadway; Exceptions; Driving on Roadway Having 2 or More Lanes for Travel in 1 Direction; Traveling on Freeway Having 3 or More Lanes for Travel in Same Direction; Ordinance Regulating Same Subject Matter Prohibited; Violation as Civil Infraction.

Sec. 634. (1) Upon each roadway of sufficient width, the driver of a vehicle shall drive the vehicle upon the right half of the roadway, except as follows: (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement. (b) When the right half of a roadway is closed to traffic while under construction or repair or when an obstruction exists making it necessary to drive to the left of the center of the highway. A driver who is driving on the left half of a roadway under this subdivision shall yield the right-of-way to an oncoming vehicle traveling in the proper direction upon the unobstructed portion of the roadway. (c) When a vehicle operated by a state agency or a local authority or an agent of a state agency or local authority is engaged in work on the roadway. (d) Upon a roadway divided into 3 marked lanes for traffic under the rules applicable on the roadway. (2) Upon a roadway having 2 or more lanes for travel in 1 direction, the driver of a vehicle shall drive the vehicle in the extreme right-hand lane available for travel except as otherwise provided in this section. However, the driver of a vehicle may drive the vehicle in any lane lawfully available to traffic moving in the same direction of travel when the lanes are occupied by a streetcar or vehicles moving in substantially continuous lanes of traffic and in any left-hand lane lawfully available to traffic moving in the same direction of travel for a reasonable distance before making a left turn or to avoid blocking, delaying, or otherwise interfering with the movement of a streetcar on a streetcar track. (3) This section must not be construed to prohibit a vehicle traveling in the appropriate direction from traveling in any lane of a freeway having 3 or more lanes for travel in the same direction. However, a city, village, township, or county may not enact an ordinance that regulates the same subject matter as any provision of this subsection. The driver of a truck with a gross weight of more than 10,000 pounds, a truck tractor, or a combination of a vehicle and trailer or semitrailer shall drive the vehicle or combination of vehicles only in either of the 2 lanes farthest to the right, except for a reasonable distance when making a left turn or where a special hazard exists that requires the use of an alternative lane for safety reasons. (4) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1968, Act 260, Eff. Nov. 15, 1968 ;-- Am. 1976, Act 170, Imd. Eff. June 25, 1976 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1989 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

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Sec. 635. (1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other not less than 1/2 of the main traveled portion of the roadway as nearly as possible. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 636. (1) The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to sections 637 to 643a: (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left of that vehicle, and when safely clear of the overtaken vehicle shall take up a position as near the right-hand edge of the main traveled portion of the highway as is practicable. (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle. (2) The driver of a motor vehicle overtaking a bicycle proceeding in the same direction shall pass at a safe distance of at least 3 feet to the left of that bicycle or, if it is impracticable to pass the bicycle at a distance of 3 feet to the left, at a safe distance to the left of that bicycle at a safe speed, and when safely clear of the overtaken bicycle shall take up a position as near the right-hand edge of the main traveled portion of the highway as is practicable. (3) Notwithstanding section 640, if it is safe to do so, the driver of a vehicle overtaking a bicycle proceeding in the same direction may overtake and pass the bicycle in a no-passing zone. (4) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 2018, Act 279, Eff. Sept. 27, 2018 ;-- Am. 2020, Act 263, Eff. Mar. 29, 2021

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Sec. 637. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only if 1 or more of the following conditions exist: (a) When the vehicle overtaken is making or about to make a left turn. (b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for 2 or more lines of moving vehicles in each direction and when the vehicles are moving in substantially continuous lanes of traffic. (c) Upon a 1-way street, or upon a roadway on which traffic is restricted to 1 direction of movement, where the roadway is free from obstructions and of sufficient width for 2 or more lines of moving vehicles and when the vehicles are moving in substantially continuous lanes of traffic. (2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the overtaking and passing in safety. The driver of a vehicle shall not overtake and pass another vehicle upon the right by driving off the pavement or main-traveled portion of the roadway. (3) The driver of a vehicle overtaking a bicycle proceeding in the same direction shall, when otherwise permitted by this section, pass at a distance of 3 feet to the right of that bicycle or, if it is impracticable to pass the bicycle at a distance of 3 feet to the right, at a safe distance to the right of that bicycle at a safe speed. (4) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 2018, Act 280, Eff. Oct. 16, 2018Compiler's Notes:Enacting section 1 of Act 342 of 2018 provides: "Enacting section 1. Enacting section 1 of 2018 PA 280 is repealed."

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Sec. 638. (1) A vehicle shall not be driven to the left side of the center of a 2-lane highway or in the center lane of a 3-lane highway in overtaking and passing another vehicle proceeding in the same direction unless the left side or center lane is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of a vehicle approaching from the opposite direction or the vehicle overtaken. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 639. (1) A vehicle shall not be driven to the left side of the roadway under the following conditions: (a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within a distance as to create a hazard in the event another vehicle might approach from the opposite direction. (b) When the view is obstructed upon approaching within 100 feet of a bridge, viaduct, or tunnel. (2) The limitations of subsection (1) shall not apply upon a 1-way roadway. (3) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 640. (1) The state highway commission and county road commissions shall determine those portions of a highway under their jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous, and by appropriate signs or markings on the roadway shall indicate the beginning and end of those zones in a manner enabling an ordinary observant driver of a vehicle to observe the directions and obey them. A sign shall be placed to the left of the highway on those portions of a highway where additional notice is considered necessary. (2) The no-passing zones provided for by this section shall be based upon a traffic survey and engineering study. Traffic-control devices installed pursuant to this section shall conform to the state manual and specifications as provided for by section 608. (3) A person who fails to obey the traffic-control devices installed pursuant to this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1959, Act 230, Eff. Mar. 19, 1960 ;-- Am. 1965, Act 275, Imd. Eff. July 21, 1965 ;-- Am. 1970, Act 120, Imd. Eff. July 23, 1970 ;-- Am. 1971, Act 224, Imd. Eff. Dec. 30, 1971 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Driving to Right of Rotary Traffic Island; Violation as Civil Infraction.

Sec. 641. (1) The state highway commissioner may designate any highway or any separate roadway under his jurisdiction for 1-way traffic and shall erect appropriate signs giving notice thereof. (2) Upon a roadway designated and signposted for 1-way traffic a vehicle shall be driven only in the direction designated. (3) A vehicle passing around a rotary traffic island shall be driven only to the right of that island. (4) A person who violates subsection (2) or (3) is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 642. (1) If a roadway is divided into 2 or more clearly marked lanes for traffic, the following rules in addition to all other rules that are consistent with this act apply: (a) A vehicle must be driven as nearly as practicable entirely within a single lane and must not be moved from the lane until the operator has first ascertained that the movement can be safely made. (b) On a roadway that is divided into 4 or more lanes and provides for 2-way movement of traffic, a vehicle must be operated within the extreme right-hand lane except if overtaking and passing, and must not cross the center line of the roadway except if making a left turn. (c) On a roadway that is divided into 3 lanes and provides for 2-way movement of traffic, a vehicle must not be operated in the center lane except under any of the following circumstances: (i) If overtaking and passing another vehicle traveling in the same direction, and the center lane is clear of traffic within a safe distance. (ii) In preparation for a left turn. (iii) If the center lane is allocated exclusively to traffic moving in the same direction the vehicle is proceeding and the allocation is designated by official traffic control devices. (d) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and operators of vehicles shall obey the directions of the traffic control device. (e) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and operators of vehicles shall obey the directions of the traffic control devices. (2) If a lane is designated as an HOV lane by an agency with jurisdiction over the roadway, and is appropriately marked with traffic control devices, the lane must be reserved during the periods indicated for the exclusive use of buses and HOVs. The restrictions imposed on an HOV lane do not apply to any of the following: (a) An authorized emergency vehicle. (b) A law enforcement vehicle. (c) A bus. (d) A motorcycle. (3) If a segment of roadway is designated as an automated vehicle roadway or a lane or ramp of an automated vehicle roadway as an automated vehicle roadway lane under section 665c, both of the following must apply: (a) If a user fee is required under section 665c(1)(c), the user fee is paid. (b) The motor vehicle or automated motor vehicle complies with any applicable requirements of section 665c(2). (4) The requirements of subsection (3) apply in addition to other existing rules or regulations governing the use of an automated vehicle roadway or automated vehicle roadway lane that are not inconsistent with subsection (3). (5) An individual who violates this section is responsible for a civil infraction and may be fined as provided in section 907. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1974, Act 289, Imd. Eff. Oct. 15, 1974 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2008, Act 304, Imd. Eff. Dec. 9, 2008 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2022, Act 179, Imd. Eff. July 25, 2022 ;-- Am. 2023, Act 148, Imd. Eff. Oct. 10, 2023

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Sec. 643. (1) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway. (2) Except as provided in subsection (4), a person shall not operate a motor vehicle with a gross weight, loaded or unloaded, in excess of 5,000 pounds outside the corporate limits of a city or village, within 500 feet of a like vehicle described in this subsection, moving in the same direction, except when overtaking and passing the vehicle. (3) Except as provided in subsection (4), a distance of not less than 500 feet shall be maintained between 2 or more driven vehicles being delivered from 1 place to another. (4) Subsections (2) and (3) do not apply to a vehicle in a platoon. (5) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016

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Sec. 643a. (1) The operator of a truck or truck tractor, when traveling upon a highway outside of a business or residence district, when conditions permit, shall leave sufficient space between the vehicle and another truck or truck tractor so that an overtaking vehicle may enter and occupy the space without danger. This subsection does not prevent the operator of a truck or truck tractor from overtaking and passing another truck, truck tractor, or other vehicle in a lawful manner. This subsection does not apply to a vehicle in a platoon. (2) When traveling upon a highway, the operator of a truck or truck tractor that is in a platoon shall allow reasonable access for other vehicles to afford those vehicles safe movement among lanes to exit or enter the highway. (3) A person who violates this section is responsible for a civil infraction. History:Add. 1957, Act 291, Eff. Sept. 27, 1957 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016 ;-- Am. 2018, Act 377, Eff. Mar. 17, 2019

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Sec. 643b. (1) The operator of a vehicle shall not follow a snowplow more closely than 200 feet. (2) Subsection (1) does not apply when the operator of a vehicle is legally overtaking or passing a snowplow. (3) The operator of a vehicle that is not a snowplow who approaches a snowplow from the rear that is stopped at or in an intersection shall stop not less than 20 feet from the snowplow. (4) A person that violates this section is responsible for a civil infraction. (5) As used in this section, "snowplow" means a vehicle that is all of the following: (a) Operating on behalf of this state, a county, a county road commission, or a municipality. (b) Actively engaging in snow and ice removal, snowplowing, salting, or sanding. (c) Operating lights as described in section 698(5)(d). History:Add. 2024, Act 72, Imd. Eff. July 8, 2024

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Sec. 644. (1) When a highway has been divided into 2 roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section constructed to impede vehicular traffic, a vehicle shall be driven only upon the right-hand roadway and a vehicle shall not park or be driven over, across, or within the dividing space, barrier, or section, except through an opening in the physical barrier, dividing section, or space or at a crossover or intersection established by public authority. Crossovers on limited access highways shall not be used except by vehicles described in section 603, road service vehicles while going to or returning from servicing a disabled vehicle, and as otherwise permitted by authorized signs. "Road service vehicles" means vehicles clearly marked and readily recognizable as a vehicle used to assist disabled vehicles. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 222, Eff. Aug. 28, 1964 ;-- Am. 1966, Act 184, Imd. Eff. July 1, 1966 ;-- Am. 1967, Act 277, Eff. Nov. 2, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 645. (1) A person shall not drive a vehicle onto or from a limited access roadway except at entrances and exits established by public authority. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 625. (1) A person, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is

operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following: (a) The person is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance. (b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under subsection (28), the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (c) The person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person if any of the following apply: (a) The person is under the influence of alcoholic liquor, a controlled substance, other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance. (b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under subsection (28), the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (c) The person's ability to operate the motor vehicle is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance. (3) A person, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered. (4) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes the death of another person is guilty of a crime as follows: (a) Except as provided in subdivisions (b) and (c), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence. (b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence. (c) If, at the time of the violation, the person is operating a motor vehicle in a manner proscribed under section 653a and causes the death of a police officer, firefighter, or other emergency response personnel, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. This subdivision applies regardless of whether the person is charged with the violation of section 653a. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence. (5) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes a serious impairment of a body function of another person is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence. (b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence. (6) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following: (a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under subsection (28), the person has an alcohol content of 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony. (7) A person, whether licensed or not, is subject to the following requirements: (a) He or she shall not operate a vehicle in violation of subsection (1), (3), (4), (5), or (8) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a crime punishable as follows: (i) Except as provided in subparagraph (ii), a person who violates this subdivision is guilty of a misdemeanor and must be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and to 1 or more of the following: (A) Imprisonment for not more than 1 year. (B) Community service for not less than 30 days or more than 90 days. (ii) If the violation

occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision is guilty of a felony and must be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following: (A) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years. (B) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this imprisonment must be served consecutively. (iii) A term of imprisonment imposed under subparagraph (ii)(A) or (B) must not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program. (b) He or she shall not operate a vehicle in violation of subsection (6) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows: (i) Except as provided in subparagraph (ii), a person who violates this subdivision may be sentenced to 1 or more of the following: (A) Community service for not more than 60 days. (B) A fine of not more than $500.00. (C) Imprisonment for not more than 93 days. (ii) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision must be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and to 1 or more of the following: (A) Imprisonment for not less than 5 days or more than 1 year. This term of imprisonment must not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program. (B) Community service for not less than 30 days or more than 90 days. (c) In the judgment of sentence under subdivision (a)(i) or (b)(i), the court may, unless the vehicle is ordered to be forfeited under section 625n, order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (a)(ii) or (b)(ii), the court shall, unless the vehicle is ordered to be forfeited under section 625n, order vehicle immobilization as provided in section 904d. (d) This subsection does not prohibit a person from being charged with, convicted of, or punished for a violation of subsection (4) or (5) that is committed by the person while violating this subsection. However, points shall not be assessed under section 320a for both a violation of subsection (4) or (5) and a violation of this subsection for conduct arising out of the same transaction. (8) A person, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214. (9) If a person is convicted of violating subsection (1) or (8), all of the following apply: (a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following: (i) Community service for not more than 360 hours. (ii) Imprisonment for not more than 93 days, or, if the person is convicted of violating subsection (1)(c), imprisonment for not more than 180 days. (iii) A fine of not less than $100.00 or more than $500.00, or, if the person is guilty of violating subsection (1)(c), a fine of not less than $200.00 or more than $700.00. (b) If the violation occurs within 7 years of a prior conviction, the person must be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and 1 or more of the following: (i) Imprisonment for not less than 5 days or more than 1 year. (ii) Community service for not less than 30 days or more than 90 days. (c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and must be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following: (i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years. (ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph must be served consecutively. (d) A term of imprisonment imposed under subdivision (b) or (c) must not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program. (e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered to be forfeited under section 625n, order vehicle immobilization as provided in section 904d. (f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n. (10) A person who is convicted of violating subsection (2) is guilty of a crime as follows: (a) Except as provided in subdivisions (b) and (c), a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than $100.00 or more than $500.00, or both. (b) If the person operating the motor vehicle violated subsection (4), a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,500.00 or more than $10,000.00, or both. (c) If the person operating the motor vehicle violated subsection (5), a felony punishable by imprisonment for not more than 2 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. (11) If a person is convicted of violating subsection (3), all of the following apply: (a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following: (i) Community service for not more than 360 hours. (ii) Imprisonment for not more than 93 days. (iii) A fine of not more than $300.00. (b) If the violation occurs within 7 years of 1 prior conviction, the person must be sentenced to pay a fine of not less than $200.00 or more than $1,000.00, and 1 or more of the following: (i) Imprisonment for not less than 5 days or more than 1 year. (ii) Community service for not less than 30 days or more than 90 days. (c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and must be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and either of the following: (i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years. (ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph must be served consecutively. (d) A term of imprisonment

imposed under subdivision (b) or (c) must not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program. (e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered to be forfeited under section 625n, order vehicle immobilization as provided in section 904d. (f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n. (12) If a person is convicted of violating subsection (6), all of the following apply: (a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by 1 or both of the following: (i) Community service for not more than 360 hours. (ii) A fine of not more than $250.00. (b) If the violation occurs within 7 years of 1 or more prior convictions, the person may be sentenced to 1 or more of the following: (i) Community service for not more than 60 days. (ii) A fine of not more than $500.00. (iii) Imprisonment for not more than 93 days. (13) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69. (14) A person sentenced to perform community service under this section must not receive compensation and must reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service. (15) If the prosecuting attorney intends to seek an enhanced sentence under this section or a sanction under section 625n based on the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions. (16) If a person is charged with a violation of subsection (1), (3), (4), (5), (7), or (8) or section 625m, the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (6) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge on the prosecuting attorney's motion. (17) A prior conviction must be established at sentencing by 1 or more of the following: (a) A copy of a judgment of conviction. (b) An abstract of conviction. (c) A transcript of a prior trial or a plea-taking or sentencing proceeding. (d) A copy of a court register of actions. (e) A copy of the defendant's driving record. (f) Information contained in a presentence report. (g) An admission by the defendant. (18) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while under the influence of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance in violation of subsection (1) or a local ordinance substantially corresponding to subsection (1), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation. (19) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance in violation of subsection (3) or a local ordinance substantially corresponding to subsection (3), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation. (20) A special verdict described in subsections (18) and (19) is not required if a jury is instructed to make a finding solely as to either of the following: (a) Whether the defendant was under the influence of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation. (b) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation. (21) If a jury or court finds under subsection (18), (19), or (20) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance, an alcoholic liquor, or other intoxicating substance, the court shall do both of the following: (a) Report the finding to the secretary of state. (b) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under section 625n or 904d. (22) Except as otherwise provided by law, a record described in subsection (21)(b) is a public record and the department of state police shall retain the information contained on that record for not less than 7 years. (23) In a prosecution for a violation of subsection (6), the defendant bears the burden of proving that the consumption of alcoholic liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence. (24) The court may order as a condition of probation that a person convicted of violating subsection (1) or (8), or a local ordinance substantially corresponding to subsection (1) or (8), shall not operate a motor vehicle unless that vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625l. (25) As used in this section: (a) "Intoxicating substance" means any substance, preparation, or a combination of substances and preparations other than alcohol or a controlled substance, that is either of the following: (i) Recognized as a drug in any of the following publications or their supplements: (A) The official United States Pharmacopoeia. (B) The official Homeopathic Pharmacopoeia of the United States. (C) The official National Formulary. (ii) A substance, other than food, taken into a person's body, including, but not limited to, vapors or fumes, that is used in a manner or for a purpose for which it was not intended, and that may result in a condition of intoxication. (b) "Prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law

of this state, subject to subsection (27): (i) Except as provided in subsection (26), a violation or attempted violation of any of the following: (A) This section, except a violation of subsection (2), or a violation of any prior enactment of this section in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content. (B) Section 625m. (C) Former section 625b. (ii) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes. (iii) Section 601d or 626(3) or (4). (26) Except for purposes of the enhancement described in subsection (12)(b), only 1 violation or attempted violation of subsection (6), a local ordinance substantially corresponding to subsection (6), or a law of another state substantially corresponding to subsection (6) may be used as a prior conviction. (27) If 2 or more convictions described in subsection (25) are convictions for violations arising out of the same transaction, only 1 conviction must be used to determine if the person has a prior conviction. (28) Not later than 30 days after this state no longer receives annual federal highway construction funding conditioned on compliance with a national blood alcohol limit, the state treasurer shall certify that fact. The state treasurer shall publish a certification under this subsection on the department of treasury's website. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1954, Act 10, Eff. Aug. 13, 1954 ;-- Am. 1956, Act 34, Eff. Aug. 11, 1956 ;-- Am. 1958, Act 113, Eff. Sept. 13, 1958 ;-- Am. 1976, Act 285, Eff. Apr. 1, 1977 ;-- Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978 ;-- Am. 1978, Act 391, Eff. Jan. 15, 1979 ;-- Am. 1980, Act 515, Eff. Apr. 1, 1981 ;-- Am. 1982, Act 309, Eff. Mar. 30, 1983 ;-- Am. 1987, Act 109, Eff. Mar. 30, 1988 ;-- Am. 1991, Act 98, Eff. Jan. 1, 1992 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1994, Act 211, Eff. Nov. 1, 1994 ;-- Am. 1994, Act 448, Eff. May 1, 1995 ;-- Am. 1994, Act 449, Eff. May 1, 1995 ;-- Am. 1996, Act 491, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 350, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2000, Act 77, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 460, Eff. Mar. 28, 2001 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2004, Act 62, Eff. May 3, 2004 ;-- Am. 2006, Act 564, Imd. Eff. Jan. 3, 2007 ;-- Am. 2008, Act 341, Eff. Jan. 1, 2009 ;-- Am. 2008, Act 462, Eff. Oct. 31, 2010 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2012, Act 543, Eff. Mar. 31, 2013 ;-- Am. 2013, Act 23, Imd. Eff. May 9, 2013 ;-- Am. 2014, Act 219, Eff. Sept. 24, 2014 ;-- Am. 2017, Act 153, Eff. Feb. 6, 2018 ;-- Am. 2020, Act 383, Eff. Mar. 24, 2021 ;-- Am. 2021, Act 80, Eff. Nov. 21, 2021 ;-- Am. 2021, Act 85, Imd. Eff. Sept. 24, 2021Compiler's Notes:Section 2 of Act 309 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”Popular Name:Heidi's Law

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-DRIVING-WHILE-INTOXICATED-AND-RECKLESS-DRIVING - Driving While Intoxicated, and Reckless Driving (257.625...257.626c)Section 257.625a - Arrest Without Warrant; Circumstances; Preliminary Chemical Breath Analysis; Provisions; Operator Ordered Out-of-Service; Refusal of Commercial Motor Vehicle Operator to Submit to Chemical Breath Analysis as Misdemeanor; Penalty; Provisions Applicable to Chemical Tests and Analysis; Evidence; Availability of Test Results; Admissibility of Refusal to Submit to Chemical Test; Definitions.

Sec. 625a. (1) A peace officer may arrest a person without a warrant under either of the following circumstances: (a) The peace officer has reasonable cause to believe the person was, at the time of an accident in this state, the operator of a vehicle involved in the accident and was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625. (b) The person is found in the driver's seat of a vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625. (2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state and that the person by the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of them may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person was operating a commercial motor vehicle within the state while the person's blood, breath, or urine contained any measurable amount of alcohol, a controlled substance, or any other intoxicating substance or while the person had any detectable presence of alcoholic liquor, a controlled substance or any other intoxicating substance, or any combination of them, or reasonable cause to believe that a person who is less than 21 years of age was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state while the person had any bodily alcohol content as that term is defined in section 625(6), may require the person to submit to a preliminary chemical breath analysis. The following provisions apply to a preliminary chemical breath analysis administered under this subsection: (a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. (b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in section 625c(1) or in an administrative hearing for 1 or more of the following purposes: (i) To assist the court or hearing officer in determining a challenge to the validity of an arrest. This subparagraph does not limit the introduction of other competent evidence offered to establish the validity of an arrest. (ii) As evidence of the defendant's breath alcohol content, if offered by the defendant to rebut testimony elicited on cross-examination of a defense witness that the defendant's breath alcohol content was higher at the time of the charged offense than when a chemical test

was administered under subsection (6). (iii) As evidence of the defendant's breath alcohol content, if offered by the prosecution to rebut testimony elicited on cross-examination of a prosecution witness that the defendant's breath alcohol content was lower at the time of the charged offense than when a chemical test was administered under subsection (6). (c) A person who submits to a preliminary chemical breath analysis remains subject to the requirements of sections 625c, 625d, 625e, and 625f for purposes of chemical tests described in those sections. (d) Except as provided in subsection (5), a person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction. (3) A peace officer shall use the results of a preliminary chemical breath analysis conducted under this section to determine whether to order a person out-of-service under section 319d. A peace officer shall order out-of-service as required under section 319d a person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis as provided in this section. This section does not limit use of other competent evidence by the peace officer to determine whether to order a person out-of-service under section 319d. (4) A person who was operating a commercial motor vehicle and who is requested to submit to a preliminary chemical breath analysis under this section must be advised that refusing a peace officer's request to take a test described in this section is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both, and will result in the issuance of a 24-hour out-of-service order. (5) A person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis upon a peace officer's lawful request is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. (6) The following provisions apply to chemical tests and analysis of a person's blood, urine, or breath, other than a preliminary chemical breath analysis: (a) The amount of alcohol or presence of a controlled substance or other intoxicating substance in a driver's blood or urine or the amount of alcohol in a person's breath at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding and is presumed to be the same as at the time the person operated the vehicle. (b) A person arrested for a crime described in section 625c(1) must be advised of all of the following: (i) If he or she takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer 1 of the chemical tests. (ii) The results of the test are admissible in a judicial proceeding as provided under this act and will be considered with other admissible evidence in determining the defendant's innocence or guilt. (iii) He or she is responsible for obtaining a chemical analysis of a test sample obtained at his or her own request. (iv) If he or she refuses the request of a peace officer to take a test described in subparagraph (i), a test must not be given without a court order, but the peace officer may seek to obtain a court order. (v) Refusing a peace officer's request to take a test described in subparagraph (i) will result in the suspension of his or her operator's or chauffeur's license and vehicle group designation or operating privilege and in the addition of 6 points to his or her driver record. (c) A sample or specimen of urine or breath must be taken and collected in a reasonable manner. Only a licensed physician, or an individual operating under the delegation of a licensed physician under section 16215 of the public health code, 1978 PA 368, MCL 333.16215, qualified to withdraw blood and acting in a medical environment, may withdraw blood at a peace officer's request to determine the amount of alcohol or presence of a controlled substance or other intoxicating substance in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures does not attach to a licensed physician or individual operating under the delegation of a licensed physician who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this act unless the withdrawal or analysis is performed in a negligent manner. (d) A chemical test described in this subsection must be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in section 625c(1). A person who takes a chemical test administered at a peace officer's request as provided in this section must be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this subsection within a reasonable time after his or her detention. The test results are admissible and must be considered with other admissible evidence in determining the defendant's innocence or guilt. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample. (e) If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for medical treatment, the results of a chemical analysis of that sample are admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or other intoxicating substance in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure. (f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood must be withdrawn in a manner directed by the medical examiner to determine the amount of alcohol or the presence of a controlled substance or other intoxicating substance, or any combination of them, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident and that agency shall forward the results to the department of state police. (g) The department of state police shall promulgate uniform rules in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the administration of chemical tests for the purposes of this section. An instrument used for a preliminary chemical breath analysis may be used for a chemical test described in this subsection if approved under rules promulgated by the department of state police. (7) The provisions of subsection (6) relating to chemical testing do not limit the introduction of any other admissible evidence bearing upon any of the following questions: (a) Whether the person was impaired by, or under the influence of, alcoholic liquor, a controlled substance or other intoxicating

substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance. (b) Whether the person had an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under section 625(28), the person had an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (c) If the person is less than 21 years of age, whether the person had any bodily alcohol content within his or her body. As used in this subdivision, "any bodily alcohol content" means either of the following: (i) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under section 625(28), the person had an alcohol content of 0.02 grams or more but less than 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (ii) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than the consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony. (8) If a chemical test described in subsection (6) is administered, the test results must be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least 2 days before the day of the trial. The prosecution shall offer the test results as evidence in that trial. Failure to fully comply with the request bars the admission of the results into evidence by the prosecution. (9) A person's refusal to submit to a chemical test as provided in subsection (6) is admissible in a criminal prosecution for a crime described in section 625c(1) only to show that a test was offered to the defendant, but not as evidence in determining the defendant's innocence or guilt. The jury must be instructed accordingly. (10) As used in this section: (a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104. (b) "Intoxicating substance" means that term as defined in section 625. History:Add. 1960, Act 148, Eff. Aug. 17, 1960 ;-- Am. 1964, Act 104, Eff. Aug. 28, 1964 ;-- Am. 1967, Act 253, Eff. Nov. 2, 1967 ;-- Am. 1971, Act 154, Eff. Mar. 30, 1972 ;-- Am. 1978, Act 572, Eff. Mar. 30, 1979 ;-- Am. 1980, Act 515, Eff. Apr. 1, 1981 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 95, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1993, Act 229, Imd. Eff. Nov. 5, 1993 ;-- Am. 1994, Act 211, Eff. Nov. 1, 1994 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 1996, Act 491, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 351, Eff. Oct. 1, 1999 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2013, Act 23, Imd. Eff. May 9, 2013 ;-- Am. 2014, Act 315, Eff. Jan. 12, 2015 ;-- Am. 2015, Act 11, Imd. Eff. Apr. 9, 2015 ;-- Am. 2017, Act 153, Eff. Feb. 6, 2018 ;-- Am. 2021, Act 80, Eff. Nov. 21, 2021 ;-- Am. 2021, Act 85, Imd. Eff. Sept. 24, 2021Constitutionality:The provision in the implied consent act for the admission in a prosecution involving driving under the influence of intoxicating liquor or a controlled substance of the results of a chemical analysis of a blood sample drawn for the purpose of medical treatment from a driver of a vehicle involved in an accident, and the requirement in the act that the medical facility or person performing the analysis must release the results to a prosecuting attorney who requests the results for use in the prosecution are constitutionally valid. People v Perlos, 436 Mich 305; 462 NW2d 310 (1990).Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-DRIVING-WHILE-INTOXICATED-AND-RECKLESS-DRIVING - Driving While Intoxicated, and Reckless Driving (257.625...257.626c)Section 257.625b - Arraignment of Person Arrested for Misdemeanor Violation; Pretrial Conference; Advising Accused of Maximum Penalty Before Acceptance of Plea; Screening, Assessment, and Rehabilitative Services; Assessment for Medication-Assisted Treatment; Action by Secretary of State Pending Appeal.

Sec. 625b. (1) A person arrested for a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m must be arraigned on the citation, complaint, or warrant not more than 14 days after the arrest for the violation or, if an arrest warrant is issued or reissued, not more than 14 days after the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The time limit does not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge. (2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant, and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m. The pretrial conference must be held not more than 35 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 35 days after the issued or reissued arrest warrant is served, whichever is later. If the court has only 1 judge who sits in more than 1 location in that district, the pretrial conference must be held not more than 42 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 42 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with the applicable time limit. The 35- and 42-day time limits do not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than 1 adjournment shall be granted to a party, and

the length of an adjournment must not exceed 14 days. (3) Except for delay attributable to the unavailability of the defendant, a witness, or material evidence or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, the court shall finally adjudicate, by a plea of guilty or nolo contendere, entry of a verdict, or other final disposition, a case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m, within 77 days after the person is arrested for the violation or, if an arrest warrant is issued or reissued, not more than 77 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The 77-day time limit does not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge. (4) Before accepting a plea of guilty or nolo contendere under section 625 or a local ordinance substantially corresponding to section 625(1), (2), (3), (6), or (8), the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the secretary of state under section 204a. (5) Before imposing sentence for a violation of section 625(1), (3), (4), (5), (6), (7), or (8) or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. Except as otherwise provided in this subsection, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence. If the person was convicted under section 625(1)(c) or has 1 or more prior convictions, the court shall order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence, including, but not limited to, an alcohol treatment program or a self-help program for a period of not less than 1 year. The treatment plan must be devised from an assessment performed by an appropriately licensed alcohol assessor and approved by the court. If the person has 2 or more prior convictions, the court shall order the person to undergo an assessment that uses a standardized evidence-based instrument performed by a provider or other licensed or certified substance use disorder professional to determine whether he or she has a diagnosis for alcohol dependence and would likely benefit from a United States Food and Drug Administration approved medication-assisted treatment that is indicated for the treatment of alcohol dependence, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. A person may request an independent assessment that uses a standardized evidence-based instrument and that is performed by a provider or other licensed or certified substance use disorder professional to determine whether he or she has a diagnosis for alcohol dependence and would likely benefit from a United States Food and Drug Administration approved medication-assisted treatment that is indicated for the treatment of alcohol dependence, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. A court shall grant a request for an independent assessment and shall consider the results of the independent assessment along with the assessment required under this subsection when determining if the court will refer the person to a rehabilitative program that offers 1 or more forms of United States Food and Drug Administration-approved medications for the treatment of alcohol dependence. Only a provider may recommend that a person take medication-assisted treatment. A person always maintains the right to refuse ingestion or injection of medication. Only a provider may determine the type, dosage, and duration of the medication-assisted treatment. If the person refuses to take the medication-assisted treatment, the court shall not hold that person in contempt. As used in this subsection, "provider" means an individual with prescribing authority under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, who regularly communicates with the treatment team during the defendant's recovery and who has training or experience that demonstrates the provider's ability to treat and manage patients with alcohol dependency. If no other identified funding source is available, the person shall pay for the costs of the screening, assessment, or assessments, as applicable, and rehabilitative services ordered under this subsection. This subsection does not require the person to successfully complete an ordered rehabilitative program before driving a vehicle with an ignition interlock device on a restricted license. As used in this subsection, "other licensed or certified substance use disorder professional" means an individual or organization licensed or credentialed in this state to treat substance use disorders, including individuals certified by the Michigan certification board for addiction professionals and individuals who have training in providing assessments for alcohol dependency. (6) If the judgment and sentence are appealed to circuit court, the court may ex parte order the secretary of state to stay the suspension, revocation, or restricted license issued by the secretary of state pending the outcome of the appeal. History:Add. 1966, Act 243, Eff. Mar. 10, 1967 ;-- Am. 1976, Act 285, Eff. Apr. 1, 1977 ;-- Am. 1980, Act 515, Eff. Apr. 1, 1981 ;-- Am. 1982, Act 309, Eff. Mar. 30, 1983 ;-- Am. 1987, Act 109, Eff. Mar. 30, 1988 ;-- Am. 1991, Act 93, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1994, Act 211, Eff. Nov. 1, 1994 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 1998, Act 357, Eff. Oct. 1, 1999 ;-- Am. 2004, Act 62, Eff. May 3, 2004 ;-- Am. 2008, Act 462, Eff. Oct. 31, 2010 ;-- Am. 2018, Act 657, Eff. Mar. 28, 2019Compiler's Notes:Section 2 of Act 309 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-DRIVING-WHILE-INTOXICATED-AND-RECKLESS-DRIVING - Driving While Intoxicated, and Reckless Driving (257.625...257.626c)Section 257.625c - Consent to Chemical Tests; Persons Not Considered to Have Given Consent to Withdrawal of Blood; Administration of Tests; Definitions.

Sec. 625c. (1) A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or other intoxicating substance, or any combination of them, in his or her blood or urine or the amount of alcohol in his or her breath in all of the following circumstances: (a) If the person is arrested for a violation of section 625(1), (3), (4), (5), (6), (7), or (8), section 625a(5), or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8), section 625a(5), or section 625m. (b) If the person is arrested for a violation of section 601d, section 626(3) or (4), or manslaughter, or murder resulting from the operation of a motor vehicle, and the peace officer had reasonable grounds to believe the person was operating the vehicle in violation of section 625. (2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician is not considered to have given consent to the withdrawal of blood. (3) The tests shall be administered as provided in section 625a(6). (4) As used in this section: (a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104. (b) "Intoxicating substance" means that term as defined in section 625. History:Add. 1967, Act 253, Eff. Nov. 2, 1967 ;-- Am. 1980, Act 515, Eff. Apr. 1, 1981 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 95, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1994, Act 211, Eff. Nov. 1, 1994 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 1998, Act 350, Eff. Oct. 1, 1999 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2014, Act 315, Eff. Jan. 12, 2015Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

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Sec. 625d. (1) If a person refuses the request of a peace officer to submit to a chemical test offered under section 625a(6), a test shall not be given without a court order, but the officer may seek to obtain the court order. (2) A written report shall immediately be forwarded to the secretary of state by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in section 625c(1), and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the secretary of state. History:Add. 1967, Act 253, Eff. Nov. 2, 1967 ;-- Am. 1968, Act 335, Eff. Nov. 15, 1968 ;-- Am. 1980, Act 515, Eff. Apr. 1, 1981 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 95, Eff. Jan. 1, 1992 ;-- Am. 1994, Act 211, Eff. Nov. 1, 1994 ;-- Am. 2014, Act 315, Eff. Jan. 12, 2015Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-DRIVING-WHILE-INTOXICATED-AND-RECKLESS-DRIVING - Driving While Intoxicated, and Reckless Driving (257.625...257.626c)Section 257.625e - Refusal to Submit to Chemical Test Pursuant to MCL 257.625d; Request for Hearing; Notice.

Sec. 625e. (1) If a person refuses to submit to a chemical test pursuant to section 625d, the peace officer shall immediately notify the person in writing that within 14 days of the date of the notice the person may request a hearing as provided in section 625f. The form of the notice shall be prescribed and furnished by the secretary of state. (2) The notice shall specifically state that failure to request a hearing within 14 days will result in the suspension of the person's license or permit to drive. The notice shall also state that there is not a requirement that the person retain counsel for the hearing, though counsel would be permitted to represent the person at the hearing. History:Add. 1967, Act 253, Eff. Nov. 2, 1967 ;-- Am. 1968, Act 335, Eff. Nov. 15, 1968 ;-- Am. 1976, Act 9, Imd. Eff. Feb. 13, 1976 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 104, Eff. Jan. 1, 1992Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act,

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Sec. 625f. (1) If a person who refuses to submit to a chemical test pursuant to section 625d does not request a hearing within 14 days after the date of notice pursuant to section 625e, the secretary of state shall impose the following license sanctions: (a) If the person was operating a vehicle other than a commercial motor vehicle, suspend or deny the person's operator's or chauffeur's license or permit to drive, or nonresident operating privilege, for 1 year or, for a second or subsequent refusal within 7 years, for 2 years. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary of state shall not issue the person a license or permit for 1 year or, for a second or subsequent refusal within 7 years, for 2 years. (b) If the person was operating a commercial motor vehicle, for the first refusal, suspend all vehicle group designations on the person's operator's or chauffeur's license or permit or nonresident privilege to operate a commercial motor vehicle or, if the person is a resident without a license or permit to operate a commercial motor vehicle in the state, not issue the person an operator's or chauffeur's license with vehicle group designations, for 1 year. (c) If the person was operating a commercial motor vehicle, for a second or subsequent refusal that occurred in a separate incident from and within 10 years of a prior refusal, revoke all vehicle group designations on the person's operator's or chauffeur's license or permit or nonresident privilege to operate a commercial motor vehicle or, if the person is a resident without a license or permit to operate a commercial motor vehicle in the state, not issue the person an operator's or chauffeur's license with vehicle group designations, for not less than 10 years and until the person is approved for the issuance of a vehicle group designation. (d) If the person was operating a commercial motor vehicle and was arrested for an offense enumerated in section 625c other than a violation of section 625a(5) or 625m, impose the license sanction described in subdivision (a) and the license sanction described in subdivision (b) or (c), as applicable. (2) If a hearing is requested, the secretary of state shall hold the hearing in the same manner and under the same conditions as provided in section 322. Not less than 5 days' notice of the hearing shall be mailed to the person requesting the hearing, to the peace officer who filed the report under section 625d, and if the prosecuting attorney requests receipt of the notice, to the prosecuting attorney of the county where the arrest was made. The hearing officer may administer oaths, issue subpoenas for the attendance of necessary witnesses, and grant a reasonable request for an adjournment. Not more than 1 adjournment shall be granted to a party and the length of an adjournment shall not exceed 14 days. A hearing under this subsection shall be scheduled to be held within 45 days after the date of arrest for the violation. The hearing officer shall not impose any sanction for a failure to comply with these time limits. (3) Except for delay attributable to the unavailability of the defendant, a witness, or material evidence, or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, a hearing shall be finally adjudicated within 77 days after the date of arrest. The hearing officer shall not impose any sanction for a failure to comply with this time limit. (4) The hearing shall cover only the following issues: (a) Whether the peace officer had reasonable grounds to believe that the person had committed a crime described in section 625c(1). (b) Whether the person was placed under arrest for a crime described in section 625c(1). (c) If the person refused to submit to the test upon the request of the officer, whether the refusal was reasonable. (d) Whether the person was advised of the rights under section 625a(6). (5) A person shall not order a hearing officer to make a particular finding on any issue enumerated in subsection (4)(a) to (d). (6) The hearing officer shall make a record of a hearing held pursuant to this section. The record shall be prepared and transcribed in accordance with section 86 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.286. Upon notification of the filing of a petition for judicial review pursuant to section 323 and not less than 10 days before the matter is set for review, the hearing officer shall transmit to the court in which the petition was filed the original or a certified copy of the official record of the proceedings. Proceedings at which evidence was presented need not be transcribed and transmitted if the sole reason for review is to determine whether the court will order the issuance of a restricted license. The parties to the proceedings for judicial review may stipulate that the record be shortened. A party unreasonably refusing to stipulate to a shortened record may be taxed by the court in which the petition is filed for the additional costs. The court may permit subsequent corrections to the record. (7) If the person who requested a hearing does not prevail, the secretary of state shall impose the following license sanctions after the hearing: (a) If the person was operating a vehicle other than a commercial motor vehicle, suspend or deny issuance of a license or driving permit or a nonresident operating privilege of the person for 1 year or, for a second or subsequent refusal within 7 years, for 2 years. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary of state shall not issue the person a license or permit for 1 year or, for a second or subsequent refusal within 7 years, for 2 years. The person may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial as provided in section 323. (b) If the person was operating a commercial motor vehicle, impose the sanction prescribed under subsection (1)(b) or (1)(c), as applicable. The person may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial as provided in section 323. (c) If the person was operating a commercial motor vehicle and was arrested for an offense enumerated in section 625c other than a violation of section 625a(5) or 625m, impose the license sanctions described in subdivisions (a) and (b). (8) If the person who requested the hearing prevails, the peace officer who filed the report under section 625d may, with the consent of the prosecuting attorney, file a petition in the circuit court of the county in which the arrest was made to review the determination

of the hearing officer as provided in section 323. (9) When it has been finally determined that a nonresident's privilege to operate a vehicle in the state has been suspended or denied, the department shall give notice in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of each state in which he or she has a license to operate a motor vehicle. History:Add. 1967, Act 253, Eff. Nov. 2, 1967 ;-- Am. 1968, Act 335, Eff. Nov. 15, 1968 ;-- Am. 1976, Act 9, Imd. Eff. Feb. 13, 1976 ;-- Am. 1980, Act 515, Eff. Apr. 1, 1981 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 95, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-DRIVING-WHILE-INTOXICATED-AND-RECKLESS-DRIVING - Driving While Intoxicated, and Reckless Driving (257.625...257.626c)Section 257.625g - Duties of Peace Officer if Person Refuses Chemical Test or if Test Reveals Unlawful Alcohol Content or Presence of Controlled Substance or Other Intoxicating Substance; Test Results; Duration of Temporary License or Permit; Definitions.

Sec. 625g. (1) If a person refuses a chemical test offered under section 625a(6), the peace officer who requested the person to submit to the chemical test shall comply with subdivisions (a) and (b). If a person submits to the chemical test or a chemical test is performed under a court order and the test reveals an unlawful alcohol content, or the presence of a controlled substance or other intoxicating substance, or any combination of them, the peace officer who requested the person to submit to the test shall do all of the following, other than subdivision (b)(i): (a) On behalf of the secretary of state, immediately confiscate the person's license or permit to operate a motor vehicle and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person. The temporary license or permit must be on a form provided by the secretary of state. (b) Except as provided in subsection (2), immediately do all of the following: (i) Forward a copy of the written report of the person's refusal to submit to a chemical test required under section 625d to the secretary of state. (ii) Notify the secretary of state by means of the law enforcement information network that a temporary license or permit was issued to the person. (iii) Destroy the person's driver license or permit. (2) If a person submits to a chemical test offered under section 625a(6) that requires an analysis of blood or urine and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1)(a) and (b)(ii) and indicate in the notice under subsection (1)(b)(ii) that a subsequent chemical test is pending. If the report reveals an unlawful alcohol content, or the presence of a controlled substance or other intoxicating substance, or any combination of them, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1)(b)(iii). If the report does not reveal an unlawful alcohol content, or the presence of a controlled substance or other intoxicating substance, or any combination of them, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results and immediately return the person's license or permit by first-class mail to the address provided at the time of arrest. (3) A temporary license or permit issued under this section is valid for 1 of the following time periods: (a) If the case is not prosecuted, for the earlier of 90 days after issuance or until the person's license or permit is suspended under section 625f. The prosecuting attorney shall notify the secretary of state if a case referred to the prosecuting attorney is not prosecuted. The arresting law enforcement agency shall notify the secretary of state if a case is not referred to the prosecuting attorney for prosecution. (b) If the case is prosecuted, until the criminal charges against the person are dismissed, the person is acquitted of those charges, or the person's license or permit is suspended, restricted, or revoked. (4) As used in this section: (a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104. (b) "Intoxicating substance" means that term as defined in section 625. (c) "Unlawful alcohol content" means any of the following, as applicable: (i) If the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (ii) If the person tested was operating a commercial motor vehicle within this state, 0.04 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (iii) If the person tested is not a person described in subparagraph (i) or (ii), 0.08 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under section 625(28), 0.10 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. History:Add. 1967, Act 253, Eff. Nov. 2, 1967 ;-- Am. 1980, Act 515, Eff. Apr. 1, 1981 ;-- Am. 1991, Act 95, Eff. Jan. 1, 1992 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2013, Act 23, Imd. Eff. May 9, 2013 ;-- Am. 2014, Act 315, Eff. Jan. 12, 2015 ;-- Am. 2017, Act 153, Eff. Feb. 6, 2018 ;-- Am. 2021, Act 80, Eff. Nov. 21, 2021 ;-- Am. 2021, Act 85, Imd. Eff. Sept. 24, 2021Admin Rule:R 325.2651 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-DRIVING-WHILE-INTOXICATED-AND-RECKLESS-DRIVING - Driving While Intoxicated, and Reckless Driving (257.625...257.626c)Section 257.625h - Drunk Driving Prevention Equipment and Training Fund; Drunk Driving Caseflow Assistance Fund.

Sec. 625h. (1) The drunk driving prevention equipment and training fund is created as a separate fund in the state treasury. Money in the fund shall be expended only as provided in subsection (2). The state treasurer shall credit to the fund all money received for that purpose under section 320e, and as otherwise provided by law. The state treasurer shall invest money in the fund in the same manner as surplus funds are invested under section 143 of 1855 PA 105, MCL 21.143. Earnings from the fund shall be credited to the fund. Money in the fund at the end of the fiscal year shall remain in the fund, and shall not revert to the general fund. (2) The department of state police shall administer the fund. Money in the fund shall be used only to administer the fund, to purchase and maintain breath alcohol testing equipment, and to provide training to law enforcement personnel of this state in the use of that breath alcohol testing equipment. (3) The department of treasury shall, before November 1 of each year, notify the department of state police of the balance in the fund at the close of the preceding fiscal year. (4) The department of state police shall promulgate rules to implement subsection (2). (5) The drunk driving caseflow assistance fund is created as a separate fund in the state treasury. The purpose of the fund is to promote the timely disposition of cases in which the defendant is charged with a violation of any of the following or a local ordinance substantially corresponding to any of the following: (a) Section 625 or 625m. (b) Section 80176, 81134, 81135, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, 324.81135, and 324.82127. (6) Money in the fund shall be expended only as provided in subsection (8). (7) The state treasurer shall credit the drunk driving caseflow assistance fund with deposits of proceeds from the collection of revenue from license reinstatement fees as provided for in section 320e, and all income from investment credited to the fund by the state treasurer. The state treasurer may invest money contained in the drunk driving caseflow assistance fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of money as required by this section. The state treasurer shall credit to the fund all income earned as a result of an investment. Money in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund. (8) The state court administrator, at the direction of the supreme court and upon confirmation of the amount by the state treasurer, shall distribute from the drunk driving caseflow assistance fund the total amount available in a fiscal year to each district of the district court and each municipal court as provided in this section. The state court administrator, after reimbursement of costs as provided in this subsection, shall distribute the balance of the drunk driving caseflow assistance fund annually to each district of the district court and each municipal court in an amount determined by multiplying the amount available for distribution by a fraction, the numerator of which is the number of cases in which the defendant was charged with a violation enumerated in subsection (5) in the prior calendar year in that district of the district court or that municipal court as certified by the state court administrator and the denominator of which is the total number of cases in all districts of the district court and all municipal courts in which the defendant was charged with a violation enumerated in subsection (5) in the calendar year. The state court administrative office shall be reimbursed annually from the drunk driving caseflow assistance fund for all reasonable costs associated with the administration of this section, including judicial and staff training, on-site management assistance, and software development and conversion. History:Add. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 98, Eff. Oct. 1, 1991 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 1996, Act 59, Imd. Eff. Feb. 26, 1996 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”Another Sec. 6a, as added by Act 104 of 1991, was originally compiled at MCL 257.625h[1] to distinguish it from this Sec. 6a, as added by Act 310 of 1983. Former MCL 257.625h[1], which pertained to preliminary chemical breath analysis, was repealed by Act 104 of 1991, Eff. Jan. 1, 1992.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-DRIVING-WHILE-INTOXICATED-AND-RECKLESS-DRIVING - Driving While Intoxicated, and Reckless Driving (257.625...257.626c)Section 257.625i - Michigan Annual Drunk Driving Audit; Preparation; Contents; Report; Evaluation of 1998 Legislation.

Sec. 625i. (1) The department of state police shall prepare an annual report that shall be designated the Michigan annual drunk driving audit. The secretary of state, circuit court, district court, family division of circuit court, municipal courts, and local units of government in this state shall cooperate with the department of state police to provide information necessary for the preparation of the report. A copy of the report prepared under this subsection shall be submitted to the governor, the secretary of the senate, the clerk of the house of representatives, and the secretary of state on July 1 of each year. The report shall contain for each county in the state all of the following information applicable to the immediately preceding calendar year: (a) The number of alcohol related motor vehicle crashes resulting in bodily injury, including a breakdown of the number of those injuries occurring per capita of population and per road mile in the county. (b) The number of alcohol related motor vehicle crashes resulting in death, including the breakdown described in subdivision (a). (c) The number of alcohol related motor vehicle crashes, other than those enumerated in subdivisions (a) and (b), including the breakdown described in subdivision (a). (d) The number of arrests made for violations of section 625(1) or local ordinances substantially corresponding to section 625(1). (e) The number of arrests made for violations of section 625(3) or local ordinances substantially corresponding to section 625(3). (f) The number of arrests made for violations of section 625(6) or local ordinances substantially corresponding to section 625(6). (g) The number of arrests made for violations of section 625(4) or (5). (h) The number of arrests made for violations of section 625(7). (i) The number of arrests made for violations

of section 625(8). (j) The number of operator's or chauffeur's licenses suspended pursuant to section 625f. (k) The number of arrests made for violations of section 625m or local ordinances substantially corresponding to section 625m. (2) The secretary of state shall compile a report of dispositions of charges for violations of section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or section 33b(1) or (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or local ordinances substantially corresponding to section 625(1), (3), (6), or (8) or section 625m or section 33b(1) or (2) of former 1933 (Ex Sess) PA 8, or section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, by each judge for inclusion in the annual report. The report compiled by the secretary of state shall include information regarding all of the following: (a) The number of dismissals granted. (b) The number of convictions entered. (c) The number of acquittals entered. (d) The average length of imprisonment imposed. (e) The average length of community service imposed in lieu of imprisonment. (f) The average fine imposed. (g) The number of vehicles ordered immobilized under section 904d. (h) The number of vehicles ordered forfeited under section 625n. (3) The secretary of state shall include in the compilation under subsection (2) the number of licenses suspended, revoked, or restricted for those violations. (4) The department of state police shall enter into a contract with the university of Michigan transportation research institute, under which the university of Michigan transportation research institute shall evaluate the effect and impact of the 1998 legislation addressing drunk and impaired driving in this state and report its findings to the governor and the legislature not later than October 1, 2002. History:Add. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992 ;-- Am. 1994, Act 211, Eff. Nov. 1, 1994 ;-- Am. 1996, Act 493, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 354, Eff. Oct. 1, 1999 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-DRIVING-WHILE-INTOXICATED-AND-RECKLESS-DRIVING - Driving While Intoxicated, and Reckless Driving (257.625...257.626c)Section 257.625k - Ignition Interlock Device Manufacturer; Certification; Approval; Requirements; Rules; Cost; Notice to Department by Certifying Laboratory; List of Manufacturers; Baiid Manufacturer; Approval of Baiid Service Center; Inspections; Prohibited Conduct by Individual; Installation Requirements; Installer Qualifications and Requirements; Approval; Renewal.

Sec. 625k. (1) An ignition interlock device (BAIID) manufacturer seeking certification of a device in this state shall do all of the following: (a) Complete an application to the department for certification of the BAIID. (b) Submit a report from a department-approved or National Highway Traffic Safety Administration-approved laboratory certifying that the BAIID meets or exceeds the model specifications for BAIIDs, 78 FR 26849 – 26867 (May 8, 2013), or any subsequent version. Subject to subsection (5), the department shall provide a list of all manufacturers of approved certified devices to each person who is approved to be issued a restricted license that permits the person to drive a vehicle only if equipped with a BAIID. The department shall rotate the order of the providers with each list provided under this subsection. Any model of an ignition interlock device certified by a department-approved laboratory as complying with the model specifications for breath alcohol ignition interlock devices (BAIIDs), 57 FR 11772-11787 (April 7, 1992), that was installed in a vehicle before the effective date of the amendatory act that added this subdivision may be used in this state for the 24 months after the effective date of the amendatory act that added this subdivision. (c) Ensure that a BAIID is capable of recording a digital image of the individual providing the sample, and record the time and date the sample was provided on or logically associated with the digital image. A BAIID presented to the department for certification may include additional technological features, including, but not limited to, the ability to remotely report information collected by the device. (d) Agree to ensure proper record keeping in a format approved by the department and provide testimony relating to any aspect of the installation, service, repair, use, removal, or interpretation of any report or information recorded in the data storage system of a device or performance of any other duties required by this act at no cost on behalf of the state or any political subdivision of the state. (2) The secretary of state shall promulgate rules to implement this section in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (3) The manufacturer of an ignition interlock device shall bear the cost of that device's certification. (4) A laboratory that certifies an ignition interlock device as provided in this section shall immediately notify the department of that certification. (5) The department shall not include the manufacturer of a certified ignition interlock device on the list of manufacturers published under subsection (1) unless the manufacturer complies with all of the following: (a) The manufacturer has filed copies of all of the following with the department: (i) A bond executed as provided in section 625o or a letter of credit. (ii) Proof of liability insurance issued by an insurance company authorized to do business in this state specifying all of the following: (A) That the policy is current and shall remain valid during the duration of device approval. (B) The name and model number of the device model covered by the policy. (C) That the policy has a minimum coverage of $1,000,000.00 per occurrence and $3,000,000.00 in the aggregate. (D) That the policy will indemnify the department and any other person injured as a result of any defects in manufacture, materials, design, calibration, installation, or operation of the device. (iii) An affidavit that the ignition interlock device meets or exceeds all of the following conditions: (A) Meets the definition in section 20d. (B) Is set to periodically take samples while the vehicle is in operation. After the vehicle is in operation, the device requires a first retest sample within 5 to 15 minutes of the operator starting the vehicle. The device prompts second and subsequent retests

within 15 to 45 minutes of the first retest. The operator of the vehicle is afforded not more than 5 minutes to provide a passing retest sample for each retest prompted by the device. The device accepts multiple attempts to provide a retest sample without initiating a lockout. If the device detects an alcohol content of 0.025 grams or more per 210 liters of breath in the person who offers a breath sample or if a breath sample is not given within the allotted time the device does all of the following: (I) Emits a visible or audible warning signal. (II) Renders the vehicle inoperable as soon as the vehicle is no longer being operated, requiring the operator to provide a breath sample containing a breath alcohol level of less than 0.025 grams per 210 liters of breath before the vehicle may be restarted. (III) Disables the free restart as defined by the National Highway Traffic Safety Administration standards. (IV) Activates a violation reset. The device initiates an audible or visual cue that warns the driver that the device will enter a permanent lockout in 5 days. (b) Agrees to have service locations within 50 miles of any location within this state. A manufacturer may request a waiver of this requirement from the secretary of state if the manufacturer is unable to secure an installation facility within 50 miles of any location in this state. Subject to review, the secretary of state may determine whether the manufacturer's waiver request shall be approved. The secretary of state shall only approve a waiver of the 50-mile requirement and designate a location not meeting the 50-mile requirement as a service center if the service center employs a BAIID certified installer who shall perform any installation or service to a BAIID at that location. If the secretary of state approves a waiver of the 50-mile requirement, that waiver applies only to the approved location. A manufacturer shall make a separate request for a waiver of the 50-mile requirement for any additional installation facility not meeting the 50-mile requirement. (c) Agrees to provide an ignition interlock device without cost to a person whose gross income for the immediately preceding tax year based on his or her state income tax return was less than 150% of the official poverty line for that same tax year established in the poverty guidelines issued by the secretary of health and human services under 42 USC 9902. A person in whose vehicle an ignition interlock device is installed without cost under this subdivision shall pay a maintenance fee to the installer of not more than $2.00 per day. (d) Agrees to comply with the reporting requirements of the secretary of state. (e) Agrees to periodically monitor installed ignition interlock devices and if monitoring indicates that the device has been circumvented, tampered with, or that a person with a breath alcohol level of 0.025 or more grams per 210 liters of breath has attempted to operate the motor vehicle, or both, to communicate all of the relevant information concerning these facts to the secretary of state, and to the court if appropriate. (6) A manufacturer that has made a filing under subsection (5) shall immediately notify the department if the device no longer meets the requirements of subsection (5). (7) Upon the request of the department, the BAIID manufacturer shall, at no cost to this state, provide the department with not less than 2 BAIIDs for each model that is certified under this section for demonstration and training purposes by the department. (8) Upon the request of the department, the BAIID manufacturer shall, at no cost to this state, install 1 of each device that is certified under this section in a vehicle provided by the department. Any service performed under this subsection, including, but not limited to, installation, maintenance, calibration, or removal, shall be completed at no cost to this state. (9) Upon the request of the department, for each BAIID model approved by the department, the BAIID manufacturer shall provide a total of not less than 10 hours of training to department employees at no cost to this state. This training shall be held at the times and locations within the state designated by the department. The training shall be designed to familiarize department employees with the installation, operation, service, repair, and removal of the BAIIDs and include the training and instructions that a BAIID installer will give to customers. The BAIID manufacturer shall also provide the department, upon request, with the following information: (a) A detailed description of the device, including complete instructions for installation, operation, service, repair, and removal of the BAIID. (b) Complete technical specifications, including detailed explanations and definitions of all data log entries. (10) A BAIID manufacturer shall notify the department not less than 15 days before implementation of any modification, upgrade, or alteration to any hardware, software, or firmware of a device certified for use in this state. The notification shall include both of the following: (a) A description and explanation of the modification, upgrade, or alteration and proof satisfactory to the department that these modifications, upgrades, or alterations do not adversely affect the ability of the device to satisfy the requirements of this section and section 625l. (b) A comprehensive plan of action for the phasing out of the use of the current device. This plan of action must be approved by the department prior to the implementation of the plan of action. (11) Any equipment in the possession of the department that was retained for certification of the device shall be modified, upgraded, or altered simultaneously with the implementation of a plan of action under subsection (10). The department, in its discretion, may retain a BAIID device regardless of whether the device is no longer the current version or model of that device. (12) Material modifications to a certified BAIID device may require recertification under this section as determined by the department. (13) A BAIID manufacturer shall apply to the department annually for recertification of BAIID devices it manufactures. (14) The department is responsible for approving BAIID service centers for operation in this state. The department shall not approve a BAIID service center unless all of the following conditions are satisfied: (a) Only service centers that are BAIID manufacturer and vendor approved shall install, service, or remove BAIIDs approved for use in this state. (b) Except as provided in subdivision (d), beginning July 1, 2016, a BAIID shall only be installed, serviced, or removed in a motor vehicle repair facility. As used in this subdivision, "motor vehicle repair facility" means that term as defined in section 2 of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1302. (c) A service center shall be located in a fixed facility within this state. (d) A business that installs, services, or removes a BAIID, including a BAIID manufacturer's corporate office located in this state, that is installing, repairing, or removing BAIID devices on the effective date of the amendatory act that amended this section may install, service, and remove BAIIDs in this state without being certified as a motor vehicle repair facility under the motor vehicle service and repair act, 1974 PA 300, MCL 257.1302 to 257.1340, if the business employs a certified BAIID installer to perform any installation, service, or removal of a BAIID. (e) Each service center shall have not less than 1 individual who is a mechanic and who possesses a specialty certification in BAIID service under section 10(1)(j) of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1310, and holds a BAIID

certification under this section to work as a BAIID installer. (f) Each service center shall maintain and make available for inspection records that prove that each certified BAIID installer working at the service center has been properly trained by the BAIID manufacturer to service the BAIID for which the center is a vendor. (g) Each service center shall provide a designated waiting area for customers that is separate from the area in which BAIIDs are installed or serviced. (h) Only certified BAIID installers and representatives of the BAIID manufacturer or the department shall be allowed to observe the installation or removal of a BAIID. (i) Adequate security measures shall be taken to ensure that unauthorized personnel are not allowed access to proprietary materials of BAIID manufacturers or files of customers. (j) BAIID manufacturer service centers shall install, maintain, service, and remove all BAIIDs handled by that service center and perform any other services determined necessary by the department for using those BAIIDs in this state. (k) The BAIID manufacturer shall inform the department of a change in its service center's business address 15 days prior to the date of any relocation. (l) BAIIDs approved for use in this state shall only be serviced by service centers located within this state, unless the customer is unable to return to this state for service because of a significant personal hardship. (m) If a BAIID is serviced by a service center outside of this state, the BAIID service provider shall ensure that all of the following requirements are met: (i) The BAIID operates using the same firmware that is used for devices in this state. (ii) The data recorded by the BAIID remain intact on the device for later retrieval by a service center in this state or the data are transferred to a BAIID manufacturer database for review. (n) Service centers shall make the addresses of their locations available to the department. (o) BAIIDs for use in this state shall be installed and shall be removed only in a service center approved by the department for installing that device under this subsection. (p) Each application for approval shall be for a single service center. A separate service center application is required for each additional service center. (q) Before issuance of approval, the department may require an on-site evaluation to ensure compliance with the requirements of this section and section 625l. (r) The department's approval of a service center shall be for a period of 1 year. The renewal process shall be the same as the initial service center approval process under this section. (15) The department may conduct inspections of a manufacturer or a BAIID service center to ensure compliance with this act and rules promulgated to implement this act. The manufacturer shall pay for the actual costs to the department in conducting an inspection under this subsection. (16) An individual shall not install, service, or remove a BAIID in this state without being certified by the department under this section. (17) All BAIID installations shall be done in a workmanlike manner by a BAIID certified installer at an approved service center and shall be in accordance with the standards set forth in this section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this act. All connections shall be covered with a tamper seal. (18) Upon completion of the installation of a BAIID required under this act, the approved BAIID certified installer shall provide the customer with installation verification in the form and format designated by the department. (19) A manufacturer shall ensure that BAIID certified installers meet the following requirements: (a) Possess the appropriate certification from the department under this section. (b) Possess and maintain all necessary training and skills required to install, examine, troubleshoot, and verify the proper operation of BAIIDs. (c) Possess the tools, test equipment, and manuals needed to install, inspect, download, calibrate, repair, maintain, service, and remove BAIID devices. (d) Provide all persons who will use the vehicle with written and hands-on training regarding the operation of a vehicle equipped with the BAIID and ensure that each of those persons demonstrates a properly delivered alveolar breath sample and an understanding of how the abort test feature works. (20) An individual who has been convicted of an alcohol-related driving offense or any offense classified as a felony in this state or elsewhere within 5 years before the date of filing an application for approval as a BAIID certified installer is not eligible for approval as a BAIID certified installer under this act. (21) The following requirements apply to a BAIID certified installer under this act: (a) Be not less than 18 years of age. (b) Possess a valid driver license. (c) Be a motor vehicle mechanic as defined in section 2 of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1302, and possess a specialty certification in BAIID service under section 10(1)(j) of the motor vehicle service and repair act, 1974 PA 300, 257.1310. (d) Be certified as a BAIID installer under this section. (22) To be certified as a BAIID installer under this section, the individual shall meet all of the following requirements: (a) Possess a specialty certification in BAIID installation under section 10(1)(j) of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1310. (b) Properly complete and file a BAIID installer application form with the department. (c) Beginning 180 days after the effective date of the amendatory act that added this subdivision, be a mechanic who is certified as a mechanic with a specialty certification in BAIID service under section (10)(1)(j) of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1310, and hold a BAIID certification under this section. (d) Submit a criminal history report certified by the department of state police within the immediately preceding 30 days. (e) Meet the requirements of the department for certification under this act. (23) Each application for approval shall be for a single BAIID installer. A separate BAIID installer application is required for each additional BAIID installer. (24) The department's approval of a BAIID installer is for 1 year. The renewal process shall be the same as the initial BAIID installer approval process under this section. History:Add. 1987, Act 109, Eff. Mar. 30, 1988 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 1998, Act 340, Eff. Oct. 1, 1999 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2008, Act 461, Eff. Oct. 31, 2010 ;-- Am. 2016, Act 32, Eff. June 6, 2016Admin Rule:R 257.1001 et seq. of the Michigan Administrative Code.Compiler's Notes:Enacting section 1 of Act 32 of 2016 provides:"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

Prohibited Conduct; Violation as Misdemeanor; Penalty; Impoundment of Motor Vehicle.

Sec. 625l. (1) The manufacturer of an ignition interlock device shall design a warning label, and the person who has an ignition interlock device shall promptly affix that label to each ignition interlock device upon installation. The label shall contain a warning that any person tampering with, circumventing, or otherwise misusing the device is guilty of a misdemeanor punishable as provided by law. (2) A person who is only permitted to operate a motor vehicle equipped with an ignition interlock device shall not operate a motor vehicle on which an ignition interlock device is not properly installed. (3) A person who has an ignition interlock device installed and whose driving privilege is restricted shall not request, solicit, or allow any other person to blow into an ignition interlock device or to start a vehicle equipped with the device for the purpose of providing the person whose driving privilege is restricted with an operable vehicle. (4) A person shall not blow into an ignition interlock device or start a motor vehicle equipped with the device for the purpose of providing an operable vehicle to a person who has an interlock device installed and whose driving privilege is restricted. (5) A person shall not tamper with or circumvent the operation of an ignition interlock device. (6) A person who violates subsection (2), (3), (4), or (5) is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $5,000.00, or both. (7) If a law enforcement officer detains the operator of a motor vehicle for violating a law of this state or a local ordinance and the operator is a person required to only operate a motor vehicle with an ignition interlock device properly installed, but no ignition interlock device is properly installed on the motor vehicle, the law enforcement officer shall impound the motor vehicle. If a motor vehicle impounded under this subsection is individually or jointly owned by the operator, the law enforcement officer shall do all of the following: (a) Immediately confiscate the motor vehicle registration plate and destroy it. (b) Issue a temporary registration plate for the vehicle in the same manner prescribed by the secretary of state for temporary registration plates issued under section 226a or 226b. (c) Place the temporary registration plate issued under subdivision (b) on the motor vehicle in the manner prescribed by the secretary of state. (d) Notify the secretary of state through the law enforcement information network in a form prescribed by the secretary of state that the registration plate was destroyed and a temporary registration plate was issued to the motor vehicle. (8) A temporary registration plate issued under this section is valid until the charges for violating subsection (2) are dismissed, the person pleads guilty or no contest to the charge, or the person is found guilty of or is acquitted of the charge. (9) If the motor vehicle impounded under this section is not owned individually or jointly by the operator, the law enforcement officer shall impound the motor vehicle by contacting a local towing agency. The motor vehicle shall only be returned to the registered owner. (10) The owner of a motor vehicle impounded under this section is liable for the expenses incurred in the removal and storage of the motor vehicle whether or not it is returned to him or her. The motor vehicle shall be returned to the owner only if the owner pays the expenses of removal and storage. If redemption is not made or the vehicle is not returned as described under this subsection, it shall be considered an abandoned vehicle and disposed of under section 252a. History:Add. 1987, Act 109, Eff. Mar. 30, 1988 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 1998, Act 340, Eff. Oct. 1, 1999 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2008, Act 461, Eff. Oct. 31, 2010 ;-- Am. 2016, Act 32, Eff. June 6, 2016Compiler's Notes:Enacting section 1 of Act 32 of 2016 provides:"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-DRIVING-WHILE-INTOXICATED-AND-RECKLESS-DRIVING - Driving While Intoxicated, and Reckless Driving (257.625...257.626c)Section 257.625m - Operation of Commercial Motor Vehicle by Person With Certain Alcohol Content; Arrest Without Warrant; Violation as Misdemeanor or Felony; Sentence; Suspension of Term Prohibited; Prior Conviction.

Sec. 625m. (1) A person, whether licensed or not, who has an alcohol content of 0.04 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under section 625(28), an alcohol content of 0.04 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, shall not operate a commercial motor vehicle within this state. (2) A peace officer may arrest a person without a warrant under either of the 2 following circumstances: (a) The peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a commercial motor vehicle involved in the accident and was operating the vehicle in violation of this section or a local ordinance substantially corresponding to this section. (b) The person is found in the driver's seat of a commercial motor vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of this section or a local ordinance substantially corresponding to this section. (3) Except as otherwise provided in subsections (4) and (5), a person who is convicted of a violation of this section or a local ordinance substantially corresponding to this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $300.00, or both, together with costs of the prosecution. (4) A person who violates this section or a local ordinance substantially corresponding to this section within 7 years of 1 prior conviction may be sentenced to imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (5) A person who violates this section or a local ordinance substantially corresponding to this section within 10 years of 2 or more prior convictions is guilty of a felony and must be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following: (a) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years. (b) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year

and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subdivision must be served consecutively. (6) A term of imprisonment imposed under subsection (4) or (5) must not be suspended. (7) Subject to subsection (9), as used in this section, "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state: (a) Except as provided in subsection (8), a violation or attempted violation of any of the following: (i) This section. (ii) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content. (iii) Former section 625b. (iv) Section 601d or section 626(3) or (4). (b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes. (8) Only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction. (9) If 2 or more convictions described in subsection (7) are convictions for violations arising out of the same transaction, only 1 conviction must be used to determine if the person has a prior conviction. History:Add. 1991, Act 94, Eff. Jan. 1, 1993 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 1996, Act 491, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 347, Eff. Oct. 1, 1999 ;-- Am. 2000, Act 460, Eff. Mar. 28, 2001 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2013, Act 23, Imd. Eff. May 9, 2013 ;-- Am. 2017, Act 153, Eff. Feb. 6, 2018 ;-- Am. 2021, Act 80, Eff. Nov. 21, 2021 ;-- Am. 2021, Act 85, Imd. Eff. Sept. 24, 2021

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Sec. 625n. (1) Except as otherwise provided in this section and section 304 and in addition to any other penalty provided for in this act, the judgment of sentence for a conviction for a violation of section 625(1) described in section 625(9)(b) or (c), a violation of section 625(3) described in section 625(11)(b) or (c), a violation of section 625(4), (5), or (7), or a violation of section 904(4) or (5), or, beginning October 31, 2010, a violation of section 626(3) or (4), may require 1 of the following with regard to the vehicle used in the offense if the defendant owns the vehicle in whole or in part or leases the vehicle: (a) Forfeiture of the vehicle if the defendant owns the vehicle in whole or in part. (b) Return of the vehicle to the lessor if the defendant leases the vehicle. (2) The vehicle may be seized under a seizure order issued by the court having jurisdiction upon a showing of probable cause that the vehicle is subject to forfeiture or return to the lessor. (3) The forfeiture of a vehicle is subject to the interest of the holder of a security interest who did not have prior knowledge of or consent to the violation. (4) Within 14 days after the defendant's conviction for a violation described in subsection (1), the prosecuting attorney may file a petition with the court for the forfeiture of the vehicle or to have the court order return of a leased vehicle to the lessor. The prosecuting attorney shall give notice by first-class mail or other process to the defendant and his or her attorney, to all owners of the vehicle, and to any person holding a security interest in the vehicle that the court may require forfeiture or return of the vehicle. (5) If a vehicle is seized before disposition of the criminal proceedings, a defendant who is an owner or lessee of the vehicle may move the court having jurisdiction over the proceedings to require the seizing agency to file a lien against the vehicle and to return the vehicle to the owner or lessee pending disposition of the criminal proceedings. The court shall hear the motion within 7 days after the motion is filed. If the defendant establishes at the hearing that he or she holds the legal title to the vehicle or that he or she has a leasehold interest and that it is necessary for him or her or a member of his or her family to use the vehicle pending the outcome of the forfeiture action, the court may order the seizing agency to return the vehicle to the owner or lessee. If the court orders the return of the vehicle to the owner or lessee, the court shall order the defendant to post a bond in an amount equal to the retail value of the vehicle, and shall also order the seizing agency to file a lien against the vehicle. (6) Within 14 days after notice by the prosecuting attorney is given under subsection (4), the defendant, an owner, lessee, or holder of a security interest may file a claim of interest in the vehicle with the court. Within 21 days after the expiration of the period for filing claims, but before or at sentencing, the court shall hold a hearing to determine the legitimacy of any claim, the extent of any co-owner's equity interest, the liability of the defendant to any co-lessee, and whether to order the vehicle forfeited or returned to the lessor. In considering whether to order forfeiture, the court shall review the defendant's driving record to determine whether the defendant has multiple convictions under section 625 or a local ordinance substantially corresponding to section 625, or multiple suspensions, restrictions, or denials under section 904, or both. If the defendant has multiple convictions under section 625 or multiple suspensions, restrictions, or denials under section 904, or both, that factor shall weigh heavily in favor of forfeiture. (7) If a vehicle is forfeited under this section, the unit of government that seized the vehicle shall sell the vehicle pursuant to the procedures under section 252g(1) and dispose of the proceeds in the following order of priority: (a) Pay any outstanding security interest of a secured party who did not have prior knowledge of or consent to the commission of the violation. (b) Pay the equity interest of a co-owner who did not have prior knowledge of or consent to the commission of the violation. (c) Satisfy any order of restitution entered in the prosecution for the violation. (d) Pay any outstanding accrued towing and storage fees. (e) Pay the claim of each person who shows that he or she is a victim of the violation to the extent that the claim is not covered by an order of restitution. (f) Pay any outstanding lien against the property that has been imposed by a governmental unit. (g) Pay the proper expenses of the proceedings for forfeiture and sale, including, but not limited to, expenses incurred during the seizure process and expenses for maintaining custody of the property, advertising, and court costs. (h) The balance remaining after the payment of items (a) through

(g) shall be distributed by the court having jurisdiction over the forfeiture proceedings to the unit or units of government substantially involved in effecting the forfeiture. Seventy-five percent of the money received by a unit of government under this subdivision shall be used to enhance enforcement of the criminal laws and 25% of the money shall be used to implement the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834. A unit of government receiving money under this subdivision shall report annually to the department of management and budget the amount of money received under this subdivision that was used to enhance enforcement of the criminal laws and the amount that was used to implement the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834. (8) The court may order the defendant to pay to a co-lessee any liability determined under subsection (6). The order may be enforced in the same manner as a civil judgment. (9) The return of a vehicle to the lessor under this section does not affect or impair the lessor's rights or the defendant's obligations under the lease. (10) A person who knowingly conceals, sells, gives away, or otherwise transfers or disposes of a vehicle with the intent to avoid forfeiture or return of the vehicle to the lessor under this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (11) The failure of the court or prosecutor to comply with any time limit specified in this section does not preclude the court from ordering forfeiture of a vehicle or its return to a lessor, unless the court finds that the owner or claimant suffered substantial prejudice as a result of that failure. (12) The forfeiture provisions of this section do not preclude the prosecuting attorney from pursuing a forfeiture proceeding under any other law of this state or a local ordinance substantially corresponding to this section. History:Add. 1996, Act 491, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 349, Eff. Oct. 1, 1999 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009 ;-- Am. 2010, Act 155, Eff. Jan. 1, 2011

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Sec. 625o. (1) A person shall not sell, lease, or install in a vehicle in this state an ignition interlock device unless the manufacturer of the device has obtained an executed bond described in subsection (2) or a renewal certificate for that bond. (2) The bond required under subsection (1) shall be in the amount of $50,000.00 with a surety approved by the department and shall be conditioned to indemnify or reimburse a person who has an ignition interlock device installed on his or her vehicle for monetary loss caused by the manufacturer's fraud, cheating, misrepresentation, or defaulting on a contractual obligation, whether the fraud, cheating, misrepresentation, or defaulting was done by the manufacturer or by an employee or agent of the manufacturer. (3) The surety on the bond described in subsection (2) is required to make indemnification or reimbursement for a monetary loss only after final judgment has been entered in a court of record against the manufacturer or an employee or agent of the manufacturer. The surety on the bond may cancel the bond upon 30 days' written notice to the department and is not liable for a loss arising from an event that occurs after the effective date of the cancellation. History:Add. 1998, Act 340, Eff. Oct. 1, 1999

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Sec. 625p. (1) A person, whether licensed or not, who has an alcohol content of greater than 0.00 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine shall not operate a commercial quadricycle within this state. (2) A person who is convicted of a violation of this section or a local ordinance substantially corresponding to this section is guilty of a misdemeanor punishable by 1 of the following: (a) If the person has an alcohol content of at least 0.04 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, imprisonment for not more than 93 days or a fine of not more than $300.00, or both, together with costs of the prosecution. (b) If the person has an alcohol content of greater than 0.00 grams, but less than 0.04 grams, per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, a fine of not more than $300.00, together with costs of the prosecution. History:Add. 2015, Act 126, Imd. Eff. July 15, 2015

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Sec. 625q. (1) The secretary of state may investigate a BAIID installer's compliance with section 625k and shall suspend, revoke, or deny an individual's certification as a BAIID installer under section 625k if the secretary of state determines that 1 or more of the following apply: (a) The BAIID installer violated section 625k or a rule promulgated under section 625k. (b) The BAIID installer

committed a fraudulent act in connection with the installation, monitoring, servicing, or removal of a BAIID. (c) The BAIID installer performed improper, careless, or negligent inspection, installation, monitoring, servicing, or removal of the BAIID. (d) The BAIID installer made a false statement of a material fact regarding his or her actions in inspecting, installing, monitoring, servicing, or removing a BAIID. (2) The department shall notify a manufacturer within 14 days of the date the department decertifies an installer that one of the manufacturer's installers has been decertified. (3) A person who knowingly provides false information to the department under section 625k(4) or (5) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not less than $5,000.00 or more than $10,000.00, or both, together with costs of the prosecution. (4) A person who negligently provides false information to the department under section 625k(4) or (5) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both, together with costs of the prosecution. (5) A person who knowingly fails to comply with section 625k(6) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not less than $5,000.00 or more than $10,000.00, or both, together with the costs of prosecution. (6) A person who negligently fails to comply with section 625k(6) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both, together with the costs of prosecution. (7) The department may suspend or revoke the certification of a manufacturer and its device from the list of approved certified BAIIDs for any of the following reasons: (a) The manufacturer, the manufacturer's BAIIDs, or the manufacturer's installer or service provider no longer complies with the requirements of section 625k or 625l or the relevant rules promulgated under section 625k or 625l. (b) The manufacturer or the installer and service provider authorized to install and service the manufacturer's BAIIDs have failed to submit reports required under section 625k or the relevant rules promulgated under section 625k in a timely manner in the form prescribed by the department. (8) Before removing a manufacturer from the list of manufacturers of approved certified BAIIDs under section 625k, the administrator shall give the manufacturer written notice of the reasons for the removal. (9) The notice issued under subsection (8) shall also indicate that suspension or revocation will occur 30 days after the date of the notice unless the manufacturer establishes, to the satisfaction of the administrator, that both of the following apply: (a) The conditions set forth in subsection (7)(a) and (b) no longer exist. (b) The manufacturer, the manufacturer's BAIIDs, or the manufacturer's installer or service provider, as applicable, is complying with the requirements of section 625k or 625l and the relevant rules promulgated under section 625k or 625l. (10) The administrator may order a summary suspension or revocation of the certification of a manufacturer and its device from the list of approved certified BAIIDs under section 625k for the following reasons: (a) Repeated failure to submit reports in a timely manner. (b) Repeated failure to report violations as required by the applicable administrative rules. (c) Repeated submission of inaccurate violation reports or annual reports to the department. (d) The manufacturer, installer, or service provider has provided an individual with a bypass code. (e) The manufacturer, installer, or service provider has shown or instructed an individual how to tamper with or circumvent a BAIID. (f) The manufacturer, installer, or service provider has provided a sample to start a vehicle for an individual, in an attempt to circumvent a BAIID. (g) The manufacturer, installer, or service provider has allowed an individual other than the individual specified in section 625k(14)(h) to observe the installation or removal of a BAIID. (h) The BAIID no longer meets the National Highway Safety Traffic Administration's standards or no longer meets the requirements of section 625k or 625l. (11) The manufacturer to whom a summary order is directed shall immediately comply with that order but, upon application to the department, shall be afforded a hearing by the department within 30 days after the date of the application. On the basis of a hearing under this subsection, the order shall be continued, modified, or held in abeyance not later than 30 days after the hearing is held. (12) The secretary of state may promulgate rules to implement this section in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. History:Add. 2016, Act 32, Eff. June 6, 2016Compiler's Notes:Enacting section 1 of Act 32 of 2016 provides:"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-DRIVING-WHILE-INTOXICATED-AND-RECKLESS-DRIVING - Driving While Intoxicated, and Reckless Driving (257.625...257.626c)Section 257.625r - Authority of Peace Officer Certified as Drug Recognition Expert to Require Person to Submit to Preliminary Oral Fluid Analysis; Arrest; Admissibility of Results; Refusal; Ordering Person Out of Service.

Sec. 625r. (1) A peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the roadside drug testing pilot program under section 625t who has reasonable cause to believe that a person was operating a vehicle upon a highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state and that the person by the consumption of a controlled substance, may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person had in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214, may require the person to submit to a preliminary oral fluid analysis administered under this subsection. (2) A peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the roadside drug testing pilot program under section 625t may arrest a person in whole or in part upon the results of a preliminary oral fluid analysis. (3) The results of a preliminary oral fluid analysis are admissible in a criminal prosecution for a crime enumerated in section 625c(1) or in an administrative hearing for 1 or more of the following purposes: (a) To assist the court or hearing officer in determining a challenge to the validity of an arrest. This subdivision does not limit the introduction of other competent evidence

offered to establish the validity of an arrest. (b) As evidence of the presence or nonpresence of a controlled substance in the defendant's oral fluid if offered by the defendant to rebut testimony elicited on cross-examination of a defense witness that a preliminary oral fluid analysis of the defendant's oral fluid showed the presence of a controlled substance that was not found to be present when a chemical test of the defendant's blood or urine was administered under section 625a. (c) As evidence of the presence or nonpresence of a controlled substance in the defendant's oral fluid if offered by the prosecution to rebut testimony elicited on cross-examination of a prosecution witness that a preliminary oral fluid analysis of the defendant's oral fluid showed no presence of a controlled substance that was found to be present when a chemical test of the defendant's blood or urine was administered under section 625a. (4) A person who submits to a preliminary oral fluid analysis remains subject to the requirements of sections 625a, 625c, 625d, 625e, and 625f for purposes of chemical tests described in those sections. (5) A person who refuses to submit to a preliminary oral fluid analysis upon a lawful request by a peace officer is responsible for a civil infraction. (6) A peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the roadside drug testing pilot program under section 625t shall use the results of a preliminary oral fluid analysis conducted under this section to determine whether to order a person out of service under section 319d. (7) A peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the roadside drug testing pilot program under section 625t shall order out of service as required under section 319d a person who was operating a commercial motor vehicle and who refuses to submit to a preliminary oral fluid analysis as provided in this section. This subsection does not limit use of other competent evidence by the peace officer to determine whether to order a person out of service under section 319d. (8) A person who operates a commercial motor vehicle and who is requested to submit to a preliminary oral fluid analysis under this section by a peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the pilot program under section 625t shall be advised that refusing the request is a civil infraction and will result in the issuance of a 24-hour out-of-service order. (9) A person who operates a commercial motor vehicle and who refuses to submit to a preliminary oral fluid analysis upon the request of a peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the pilot program under section 625t is responsible for a civil infraction. History:Add. 2016, Act 242, Eff. Sept. 22, 2016

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Sec. 625s. A person who is qualified by knowledge, skill, experience, training, or education, in the administration of standardized field sobriety tests, including the horizontal gaze nystagmus (HGN) test, shall be allowed to testify subject to showing of a proper foundation of qualifications. This section does not preclude the admissibility of a nonstandardized field sobriety test if it complies with the Michigan rules of evidence. History:Add. 2016, Act 242, Eff. Sept. 22, 2016

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Sec. 625t. (1) The department of state police may establish a pilot program in this state for roadside drug testing to determine whether an individual is operating a vehicle while under the influence of a controlled substance in violation of section 625. (2) A pilot program established under this section shall be for a period of 1 calendar year. The funding of a pilot program established under this section is subject to appropriation. (3) The department of state police shall develop a written policy for the implementation of the pilot program and the administration of roadside drug testing. (4) The department of state police may promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement a pilot program established under this section. (5) Not more than 90 days after the conclusion of a pilot program established under this section, the department of state police shall submit a report to the legislative committees of the senate and house of representatives with primary responsibility for judicial and criminal justice issues. The report shall cover both of the following: (a) The different types of law enforcement agencies in the pilot program participant counties that engaged in roadside drug testing. (b) Relevant statistical data, including, but not limited to, the following: (i) The number of traffic stops resulting in an arrest for operating under the influence of a controlled substance in violation of section 625 as a result of roadside drug testing by a certified drug recognition expert. (ii) The number and type of convictions resulting from an arrest made based on the result of a roadside drug test by a certified drug recognition expert. (6) As used in this section: (a) "Certified drug recognition expert" means a law enforcement officer trained to recognize impairment in a driver under the influence of a controlled substance rather than, or in addition to, alcohol. (b) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104. History:Add. 2016, Act 243, Eff. Sept. 22, 2016 ;-- Am. 2020, Act 87, Imd. Eff. June 11, 2020Compiler's Notes:Enacting section 1 of Act 243 of 2016 provides:"Enacting section 1. This amendatory act shall be known and may be cited as the "Barbara J. and Thomas J. Swift Law"."

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Sec. 626. (1) A person who violates this section is guilty of reckless driving punishable as provided in this section. (2) Except as otherwise provided in this section, a person who operates a vehicle upon a highway or a frozen public lake, stream, or pond or other place open to the general public, including, but not limited to, an area designated for the parking of motor vehicles, in willful or wanton disregard for the safety of persons or property is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (3) Beginning October 31, 2010, a person who operates a vehicle in violation of subsection (2) and by the operation of that vehicle causes serious impairment of a body function to another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence. (4) Beginning October 31, 2010, a person who operates a vehicle in violation of subsection (2) and by the operation of that vehicle causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence. (5) In a prosecution under subsection (4), the jury shall not be instructed regarding the crime of moving violation causing death. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 3, Eff. Oct. 2, 1953 ;-- Am. 1957, Act 178, Eff. Sept. 27, 1957 ;-- Am. 1965, Act 262, Eff. Mar. 31, 1966 ;-- Am. 2004, Act 331, Eff. Nov. 1, 2004 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2010, Act 155, Eff. Jan. 1, 2011

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Sec. 626a. (1) A person shall not do either of the following: (a) Operate a vehicle upon a highway, or any other place open to the general public, including an area designated for the parking of motor vehicles, in a speed or acceleration contest or drag race or to make a speed record. (b) Assist in a violation of subdivision (a). (2) The operation of 2 or more vehicles either at speeds in excess of the prima facie lawfully established speed or rapidly accelerating from a common starting point to a speed in excess of the prima facie lawful speed is prima facie evidence of a drag race. (3) Subsections (1) and (2) do not apply within the Silver Lake State Park scramble area. (4) As used in this section, "drag race" means the operation of 2 or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other over a common selected course or where timing is involved or where timing devices are used in competitive accelerations of speeds by participating vehicles. History:Add. 1964, Act 206, Eff. Aug. 28, 1964 ;-- Am. 1966, Act 159, Eff. Mar. 10, 1967 ;-- Am. 2021, Act 75, Imd. Eff. July 29, 2021

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Sec. 626b. A person who operates a vehicle upon a highway or a frozen public lake, stream, or pond or other place open to the general public including an area designated for the parking of vehicles in a careless or negligent manner likely to endanger any person or property, but without wantonness or recklessness, is responsible for a civil infraction. History:Add. 1965, Act 262, Eff. Mar. 31, 1966 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 683. (1) A person shall not drive or move or the owner shall not cause or knowingly permit to be driven or moved on a highway a vehicle or combination of vehicles that is in such an unsafe condition as to endanger a person, or that does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in sections 683 to 711, or that is equipped in a manner in violation of sections 683 to 711. A person shall not do an act forbidden or fail to perform an act required under sections 683 to 711. (2) A police officer on reasonable grounds shown may stop a motor vehicle and inspect the

motor vehicle, and if a defect in equipment is found, the officer may issue the driver a citation for a violation of a provision of sections 683 to 711. (3) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this section is considered a motor carrier enforcement officer for purposes of this act. (4) Sections 683 to 711 shall not prohibit the use of additional parts and accessories on a vehicle that are not inconsistent with those sections. (5) The provisions of sections 683 to 711 with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, except as specifically provided in sections 683 to 711. (6) Except as otherwise provided in section 698 or 707d, a person who violates a provision of sections 683 to 711 with respect to equipment on vehicles is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 2000, Act 97, Imd. Eff. May 15, 2000 ;-- Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005

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Sec. 684. (a) Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated. When lighted lamps and illuminated devices are required by law no vehicle shall be operated upon any highway of this state with only the parking lights illuminated on the front of the vehicle. (b) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in paragraph (a) of this section upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated. (c) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1961, Act 160, Eff. Sept. 8, 1961 ;-- Am. 1963, Act 58, Eff. Sept. 6, 1963

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Sec. 684a. (1) Beginning January 1, 2007, a person shall not sell an implement of husbandry that does not comply with this section. This section does not apply to an implement of husbandry that was manufactured before January 1, 2007. (2) An implement of husbandry shall comply with the following, which are incorporated by reference: (a) ANSI/ASAE S276.6 JAN2005, Slow-Moving Vehicle Identification Emblem. (b) ANSI/ASAE S279.12 DEC02, Lighting and Marking of Agricultural Equipment on Highways. (3) The secretary of state shall post, on its website, the standards incorporated by reference under subsection (2) not later than 30 days after enactment of the amendatory act that added this section. History:Add. 2006, Act 14, Imd. Eff. Feb. 9, 2006

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Sec. 685. (1) Except as otherwise provided in subsection (2), a motor vehicle shall be equipped with at least 2 head lamps with at least 1 head lamp on each side of the front of the motor vehicle, in compliance with this chapter. An implement of husbandry manufactured on or after January 1, 2007 shall comply with section 684a. (2) A motorcycle or moped shall be equipped with at least 1 and not more than 2 head lamps that comply with this chapter. (3) A motorcycle or moped head lamp may be wired or equipped to allow either its upper beam or its lower beam, but not both, to modulate from a higher intensity to a lower intensity. A head lamp modulator installed on a motorcycle or moped with 2 head lamps shall be wired in a manner to prevent the head lamps from modulating at different rates or not in synchronization with each other. A head lamp modulator installed on a motorcycle or moped shall meet the standards prescribed in 49 CFR 571.108. (4) Every head lamp upon a motor vehicle shall be located at a height measured from the center of the head lamp of not more than 54 inches nor less than 24 inches above the level surface upon which the vehicle stands. (5) When a motor vehicle equipped with head lamps as required in this section is also equipped with auxiliary lamps or a spot lamp or any other lamp on the front of the motor vehicle projecting a beam of an intensity greater than 300 candlepower, not more than a total of 4 of those lamps on the front of a vehicle shall be lighted at a time when upon a highway. (6) A motor vehicle licensed as an historic vehicle is exempt from the requirements of this section if the vehicle as originally equipped failed to meet these requirements. An historic vehicle shall not be operated in violation of section 684. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1957, Act 22, Imd. Eff. Apr. 19, 1957 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978 ;-- Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006 ;-- Am. 2006, Act 453, Imd. Eff. Dec. 14, 2006

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Sec. 686. (1) A motor vehicle, trailer, semitrailer, pole trailer, or vehicle which is being drawn in a train of vehicles shall be equipped with at least 1 rear lamp mounted on the rear, which, when lighted as required by this act, shall emit a red light plainly visible from a distance of 500 feet to the rear. (2) Either a tail lamp or a separate lamp shall be constructed and placed so as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. A tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be wired so as to be lighted whenever the head lamps or auxiliary driving lamps are lighted. (3) A motor vehicle licensed as an historic vehicle is exempt from the requirements of this section if the vehicle as originally equipped failed to meet these requirements. (4) When operated or moved on a highway at the times specified in section 684, an implement of husbandry shall meet either of the following requirements: (a) For implements of husbandry manufactured before January 1, 2007, the following: (i) Display lighted rear lamps which meet the requirements of subsection (1). (ii) Be accompanied by a vehicle which follows behind the implement of husbandry at a distance of not more than 50 feet, illuminates the implement of husbandry with the vehicle's headlights, and displays on the rear of the vehicle lighted rear lamps as required by this section. (b) For implements of husbandry manufactured on or after January 1, 2007, the provisions of section 684a. (5) A pickup camper shall be attached to the motor vehicle in a manner so that the registration plate of the motor vehicle is clearly visible. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978 ;-- Am. 1987, Act 90, Imd. Eff. July 1, 1987 ;-- Am. 1990, Act 98, Eff. Jan. 1, 1991 ;-- Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006

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Sec. 687. The sections of this chapter immediately following relating to clearance and marker lamps, reflectors and stop lights shall apply as stated in said sections to vehicles of the type therein enumerated, namely: Passenger busses, trucks, truck tractors, and certain trailers, semi-trailers, and pole-trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in section 684 of this chapter except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 688. (1) In addition to other equipment required in this chapter, the following vehicles shall be equipped as provided in this section under the conditions stated in section 687: (a) On every bus or truck, whatever its size, there shall be on the rear, 2 red reflectors, 1 on each side, and 1 red or amber stop light. (b) On every bus or truck 80 inches or more in overall width, in addition to the requirements in subdivision (a), the following: (i) On the front, 2 clearance lamps, 1 at each side. (ii) On the rear, 2 clearance lamps, 1 at each side. (iii) On each side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear. (iv) On each side, 2 reflectors, 1 at or near the front and 1 at or near the rear. (v) Three identification lamps, mounted on the vertical centerline of the vehicle or the vertical centerline of the cab where different from the centerline of the vehicle, except that, if the cab is not more than 42 inches wide at the front roofline, a single lamp at the center of the cab satisfies the requirements for identification lamps. The identification lamps or their mounts shall not extend below the top of the vehicle windshield. (c) On every truck tractor, the following: (i) On the front, 2 clearance lamps, 1 at each side. (ii) On the rear, 1 stop light. (d) On every trailer, pickup camper, or semitrailer having a gross weight in excess of 3,000 pounds, the following: (i) On the front, 2 clearance lamps, 1 at each side. (ii) On each side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear. (iii) On each side, 2 reflectors, 1 at or near the front and 1 at or near the rear. (iv) On the rear, 2 clearance lamps, 1 at each side, also 2 reflectors, 1 at each side, and 1 stop light. (e) On every poletrailer, the following: (i) On each side, 1 side marker lamp and 1 clearance lamp which may be in combination, to show to the front, side, or rear. (ii) On the rear of the poletrailer or load, 2 reflectors, 1 on each side. (f) On every trailer, pickup camper, or semitrailer weighing 3,000 pounds gross or less, on the rear, 2 reflectors, 1 on each side if any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with 1 stop light. (g) Subject to subsection (3), when operated on the highway, every vehicle that has a maximum potential speed of 25 miles an hour, implement of husbandry, farm tractor, modified agriculture vehicle, or special mobile equipment shall be identified with a reflective device as follows: (i) An equilateral triangle in shape, at least 16 inches wide at the base and at least 14 inches in height: with a dark red border, at least 1-3/4 inches wide of highly reflective beaded material. (ii) A center triangle, at least 12-1/4 inches on each side of yellow-orange fluorescent material. (2) The device described in subsection (1)(g) shall be mounted on the rear of the vehicle, broad base down, not less than 3 feet nor more than 5 feet above the ground and as near the center of the vehicle as possible. The use of this reflective device is restricted to use on slow moving vehicles specified in this section, and use of such reflective device on

any other type of vehicle or stationary object on the highway is prohibited. On the rear, at each side, red reflectors or reflectorized material visible from all distances within 500 to 50 feet to the rear when directly in front of lawful upper beams of headlamps. (3) An implement of husbandry manufactured on or after January 1, 2007 shall comply with section 684a. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1963, Act 211, Eff. Sept. 6, 1963 ;-- Am. 1966, Act 163, Eff. Mar. 10, 1967 ;-- Am. 1988, Act 383, Eff. Apr. 1, 1989 ;-- Am. 1990, Act 98, Eff. Jan. 1, 1991 ;-- Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006 ;-- Am. 2012, Act 252, Imd. Eff. July 2, 2012

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Sec. 689. (a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color. (b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color. (c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red or amber, and except that the light illuminating the license plate shall be white. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 690. (1) Reflectors shall be mounted at a height not less than 15 inches and not higher than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 15 inches, the reflector at such point shall be mounted as high as that part of the permanent structure will permit. (2) The rear reflectors on a pole-trailer may be mounted on each side of the bolster or load. (3) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter. (4) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination if illumination is given as required herein with reference to both. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1988, Act 383, Eff. Apr. 1, 1989

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Sec. 691. (a) Every reflector upon any vehicle referred to in section 689 of this chapter shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 500 feet to 50 feet from the vehicle when directly in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear. (b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the front and rear, respectively, of the vehicle. (c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the side of the vehicle on which mounted. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 692. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 693. Whenever the load upon any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 684 hereof, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 694. Whenever a vehicle is parked or stopped upon a highway whether attended or unattended during the times mentioned in section 684, there shall be displayed upon the left side of such vehicle 1 or more lamps projecting a white or amber light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of 500 feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such vehicle when parked in accordance with local ordinances upon a highway where there is sufficient light to reveal any person within a distance of 500 feet upon such highway. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1959, Act 80, Imd. Eff. June 29, 1959

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Sec. 695. All vehicles, including animal-drawn vehicles, implements of husbandry, road machinery, road rollers, and farm tractors, not otherwise required under this act to be equipped with head or rear lamps, shall at the times specified in section 684 be in compliance with either of the following: (a) For implements of husbandry manufactured before January 1, 2007, be equipped with at least 1 lighted lamp exhibiting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp exhibiting a red light visible from a distance of 500 feet to the rear of the vehicle. (b) For implements of husbandry manufactured on or after January 1, 2007, be in compliance with section 684a. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1987, Act 90, Imd. Eff. July 1, 1987 ;-- Am. 1995, Act 221, Eff. Jan. 1, 1996 ;-- Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006

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Sec. 696. (a) A motor vehicle may be equipped with not more than 2 spot lamps, except that a motorcycle shall not be equipped with more than 1 spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed into the eyes of the approaching driver. Spot lamps may not emit other than either a white or amber light. (b) A motor vehicle may be equipped with not more than 2 fog lamps mounted on the front at a height of not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands, which fog lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the requirements of this subsection may be used with lower head-lamp beams. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1977, Act 38, Imd. Eff. June 22, 1977

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Sec. 697. (a) A motor vehicle may be equipped and when required under this chapter shall be equipped with the following signal lamps or devices: (1) A stop lamp on the rear which shall emit a red or amber light and which shall be actuated upon application of the service or foot brake and which may but need not be incorporated with a tail lamp. (2) A lamp or lamps or mechanical signal device which conveys an intelligible signal or warning to another driver approaching from the rear. (b) A stop lamp shall be capable of being seen and distinguished from a distance of 100 feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating intention to turn shall be capable of being seen and distinguished during daytime and nighttime from a distance of 100 feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, the lamp or lamps shall at all times be maintained in good working condition. A stop lamp or signal lamp shall not project a glaring or dazzling light. (c) All mechanical signal devices shall be self-illuminated when in use at the times mentioned in section 684. (d) A motor vehicle licensed as an historic vehicle is exempt from the requirements of this section if the vehicle as originally equipped failed to meet these requirements. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-EQUIPMENT - Equipment (257.683... 257.714b)Section 257.697a - Sale or Operation of Certain Vehicles Unlawful; Exception.

Sec. 697a. No person shall sell or offer for sale or operate on the highways any vehicles manufactured or assembled after January 1, 1955, except those exempted from certificate of title requirements under the provisions of section 216 of chapter 2 of this act, as amended, unless it is equipped with mechanical or electrical turn signals meeting the requirements of section 697. This section shall not apply to any motorcycle or motor-driven cycle. History:Add. 1954, Act 181, Eff. Aug. 13, 1954

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Sec. 697b. A person shall not sell or offer for sale or operate on the highways a vehicle manufactured or assembled after January 1, 1965, except those exempted from certificate of title requirements under the provisions of section 216, unless the vehicle is equipped with 2 rear stop lamps except on a motorcycle or moped meeting the requirements of section 697. A motorcycle or moped shall be required to have 1 rear stop lamp. History:Add. 1964, Act 150, Eff. Aug. 28, 1964 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977

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Sec. 698. (1) A motor vehicle may be equipped with not more than 2 side cowl or fender lamps that emit an amber or white light without glare. (2) A motor vehicle may be equipped with not more than 1 running board courtesy lamp on each side that emits a white or amber light without glare. (3) Backing lights of red, amber, or white may be mounted on the rear of a motor vehicle if the switch controlling the light is so arranged that the light may be turned on only if the vehicle is in reverse gear. The backing lights when unlighted must be covered or otherwise arranged so as not to reflect objectionable glare in the eyes of an operator of a vehicle approaching from the rear. (4) Unless both covered and unlit, a vehicle operated on the highways of this state must not be equipped with a lamp or a part designed to be a reflector unless expressly required or permitted by this chapter or that meets the standards prescribed in 49 CFR 571.108. Except as otherwise provided, a lamp or a part designed to be a reflector, if visible from the front, must display or reflect a white or amber light; if visible from either side, must display or reflect an amber or red light; and if visible from the rear, must display or reflect a red light. (5) The use or possession of flashing, oscillating, or rotating lights of any color is prohibited except as otherwise provided by law or under the following circumstances: (a) A police vehicle must be equipped with flashing, rotating, or oscillating red or blue lights, for use in the performance of police duties. (b) A fire vehicle or ambulance available for public use or for use of the United States, this state, or any unit of this state, whether publicly or privately owned, must be equipped with flashing, rotating, or oscillating red lights and used as required for safety. (c) An authorized emergency vehicle may be equipped with flashing, rotating, or oscillating red lights for use when responding to an emergency call if when in use the flashing, rotating, or oscillating red lights are clearly visible in a 360-degree arc from a distance of 500 feet. (d) Flashing, rotating, or oscillating amber or green lights, placed in a position as to be visible throughout an arc of 360 degrees, must be used by a state, county, or municipal vehicle engaged in the removal of ice, snow, or other material from the highway and in other operations designed to control ice and snow, or engaged in other non-winter operations. This subdivision does not prohibit the use of a flashing, rotating, or oscillating green light by a fire service. (e) A vehicle used for the cleanup of spills or a necessary emergency response action taken under state or federal law or a vehicle operated by an employee of the department of natural resources or the department of environment, Great Lakes, and energy that responds to a spill, emergency response action, complaint, or compliance activity may be equipped with flashing, rotating, or oscillating amber or green lights. The lights described in this subdivision must not be activated unless the vehicle is at the scene of a spill, emergency response action, complaint, or compliance activity. This subdivision does not prohibit the use of a flashing, rotating, or oscillating green light by a fire service. (f) A vehicle to perform public utility service, a vehicle owned or leased by and licensed as a business for use in the collection and hauling of refuse, an automobile service car or wrecker, a vehicle of a peace officer, a vehicle operated by a rural letter carrier or a person under contract to deliver newspapers or other publications by motor route, a vehicle utilized for snow or ice removal under section 682c, a private security guard vehicle as authorized in subsection (7), a motor vehicle while engaged in escorting or transporting an oversize load that has been issued a permit by the state transportation department or a local authority with respect to highways under its jurisdiction, a vehicle owned by the National Guard or a United States military vehicle while traveling under the appropriate recognized military authority, a motor vehicle while towing an implement of husbandry, or an implement of husbandry may be equipped with flashing, rotating, or oscillating amber lights. However, a wrecker may be equipped with flashing, rotating, or oscillating red lights that must be activated only when the wrecker is engaged in removing or assisting a vehicle at the scene of a traffic accident or disablement. The flashing, rotating, or oscillating amber lights must not be activated except when the warning produced by the lights is required for public safety. A vehicle engaged in authorized highway repair or maintenance may be equipped with flashing, rotating, or oscillating amber or green lights. This subdivision does not prohibit the operator of a vehicle utilized for snow or ice removal under section 682c that is equipped with flashing, rotating, or oscillating amber lights from activating the flashing, rotating, or oscillating amber lights when that vehicle is traveling between locations at which it is being utilized for snow or ice removal. (g) A vehicle engaged in leading or escorting a funeral procession or any vehicle that is part of a funeral procession may be equipped with flashing, rotating, or oscillating purple or amber lights that must not be activated except during a funeral procession. (h) An authorized emergency vehicle may display flashing, rotating, or oscillating white lights in conjunction with an authorized emergency light as prescribed in this section. (i) A private motor vehicle of a physician responding to an emergency call may be equipped with and the physician may use flashing, rotating, or oscillating red lights mounted on the

roof section of the vehicle either as a permanent installation or by means of magnets or suction cups and clearly visible in a 360-degree arc from a distance of 500 feet when in use. The physician shall first obtain written authorization from the county sheriff. (j) A public transit vehicle may be equipped with a flashing, oscillating, or rotating light mounted on the roof of the vehicle approximately 6 feet from the rear of the vehicle that displays a white light to the front, side, and rear of the vehicle, which light may be actuated by the driver for use only in inclement weather such as fog, rain, or snow, when boarding or discharging passengers, from 1/2 hour before sunset until 1/2 hour after sunrise, or when conditions hinder the visibility of the public transit vehicle. As used in this subdivision, "public transit vehicle" means a motor vehicle, other than a station wagon or passenger van, with a gross vehicle weight rating of more than 10,000 pounds. (k) A person engaged in the manufacture, sale, or repair of flashing, rotating, or oscillating lights governed by this subsection may possess the lights for the purpose of employment, but shall not activate the lights upon the highway unless authorized to do so under subsection (6). (l) A vehicle used as part of a neighborhood watch program may be equipped with flashing, rotating, or oscillating amber lights, if the vehicle is clearly identified as a neighborhood watch vehicle and the neighborhood watch program is working in cooperation with local law enforcement. The lights described in this subdivision must not be activated when the vehicle is not being used to perform neighborhood watch program duties. (6) A person shall not sell, loan, or otherwise furnish a flashing, rotating, or oscillating blue or red light designed primarily for installation on an authorized emergency vehicle to a person except a police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fire fighter, volunteer ambulance driver, licensed ambulance driver or attendant of this state, a county or municipality within this state, a person engaged in the business of operating an ambulance or wrecker service, or a federally recognized nonprofit charitable organization that owns and operates an emergency support vehicle used exclusively for emergencies. This subsection does not prohibit an authorized emergency vehicle, equipped with flashing, rotating, or oscillating blue or red lights, from being operated by a person other than a person described in this section if the person receives authorization to operate the authorized emergency vehicle from a police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fire fighter, volunteer ambulance driver, licensed ambulance driver or attendant, a person operating an ambulance or wrecker service, or a federally recognized nonprofit charitable organization that owns and operates an emergency support vehicle used exclusively for emergencies, except that the authorization must not permit the person to operate lights as described in subsection (5)(a), (b), (c), (i), or (j), or to exercise the privileges described in section 603. (7) A private motor vehicle of a security guard agency or alarm company licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, may display flashing, rotating, or oscillating amber lights. The flashing, rotating, or oscillating amber lights must not be activated on a public highway when a vehicle is in motion. (8) This section does not prohibit, restrict, or limit the use of lights authorized or required under sections 697, 697a, and 698a. (9) A person who operates a vehicle in violation of this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than $100.00. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1953, Act 206, Imd. Eff. June 10, 1953 ;-- Am. 1957, Act 19, Eff. Sept. 27, 1957 ;-- Am. 1959, Act 151, Imd. Eff. July 16, 1959 ;-- Am. 1964, Act 7, Imd. Eff. Mar. 20, 1964 ;-- Am. 1975, Act 100, Eff. July 1, 1976 ;-- Am. 1976, Act 347, Imd. Eff. Dec. 21, 1976 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 37, Imd. Eff. Mar. 12, 1980 ;-- Am. 1980, Act 270, Imd. Eff. Oct. 1, 1980 ;-- Am. 1984, Act 100, Imd. Eff. May 8, 1984 ;-- Am. 1984, Act 326, Imd. Eff. Dec. 26, 1984 ;-- Am. 1990, Act 188, Eff. Aug. 15, 1990 ;-- Am. 1990, Act 335, Imd. Eff. Dec. 21, 1990 ;-- Am. 1994, Act 101, Imd. Eff. Apr. 18, 1994 ;-- Am. 1997, Act 8, Imd. Eff. May 16, 1997 ;-- Am. 1998, Act 247, Imd. Eff. July 8, 1998 ;-- Am. 2012, Act 262, Imd. Eff. July 2, 2012 ;-- Am. 2016, Act 161, Eff. Sept. 7, 2016 ;-- Am. 2017, Act 37, Eff. Aug. 21, 2017 ;-- Am. 2018, Act 278, Eff. Sept. 27, 2018 ;-- Am. 2018, Act 342, Eff. Jan. 14, 2019 ;-- Am. 2020, Act 382, Eff. Oct. 1, 2021

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Sec. 698a. Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this act. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night. History:Add. 1962, Act 166, Eff. Mar. 28, 1963

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Sec. 699. Except as hereinafter provided, the head lamps, or the auxiliary driving lamps, or combinations thereof, on motor vehicles shall be so arranged that selection may be made between distributions of light projected to different elevations, subject to the following requirements and limitations: (a) Head lamps shall in all cases emit a white light. Auxiliary lamps may emit either a white or amber light. (b) There shall be an uppermost distribution of light, or composite beam, so aimed and of an intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading. (c) There shall be a lowermost distribution

of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver. (d) Every new motor vehicle except motorcycles and mopeds registered in this state which has multiple beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted when the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1954, Act 101, Eff. Aug. 13, 1954 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977

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Sec. 700. (a) Whenever a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified in section 684, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: (b) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, specified in section 699 paragraph (c), shall be deemed to avoid glare at all times regardless of road contour and loading. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1954, Act 101, Eff. Aug. 13, 1954

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Sec. 701. Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to the effective date of this act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations: 1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of 25 feet ahead project higher than a level of 5 inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead. 2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 702. The head lamp or head lamps upon every moped may be of the single beam or multiple beam type, but in either event shall comply with the requirements and limitations as follows: (1) Every head lamp or head lamps on a moped shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet. (2) If the moped is equipped with a multiple beam head lamp or head lamps, the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in section 699(b) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light, as set forth in section 699(c). (3) If the moped is equipped with a single beam lamp or lamps, the lamp or lamps shall be so aimed that when the vehicle is loaded none of the high intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977

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Sec. 703. Any motor vehicle may be operated under the conditions specified in section 684 when equipped with 2 lighted lamps upon the front thereof capable of revealing persons and objects 75 feet ahead in lieu of lamps required in section 699 or section 701: Provided, however, That at no time shall it be operated at a speed in excess of 20 miles per hour. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 704. Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing front direction signals which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the

vehicle. History:1949, Act 300, Eff. Sept. 23, 1949

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Sec. 705. (1) Brake equipment shall be required as follows: (a) A motor vehicle, other than a motorcycle or moped, and a low-speed vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including 2 separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least 2 wheels. If these 2 separate means of applying the brakes are connected in any way, they shall be constructed in a way that failure of 1 part of the operating mechanism shall not leave the motor vehicle without brakes on at least 2 wheels. (b) A motorcycle or moped when operated upon a highway shall be equipped with at least 2 brakes, 1 on the front wheel and 1 on the rear wheel, that may be operated by hand or foot. (c) A trailer or semitrailer of a gross weight of 15,001 pounds or more when operated upon a highway shall be equipped with brakes operating on all wheels and designed to be applied by the driver of the towing motor vehicle from its cab. (d) A new motor vehicle, trailer, or semitrailer sold in this state and operated upon the highways shall be equipped with brakes on all wheels, except a motorcycle or moped, and except that a semitrailer, pole trailer, or trailer of less than 3,000 pounds gross weight need not be equipped with brakes if the gross weight of a trailer or pole trailer, no part of the load of which rests upon the towing vehicle, does not exceed 40% of the gross weight of the towing vehicle, and if the gross weight of the towing vehicle and the gross weight of a semitrailer or pole trailer, part of the load of which rests upon the towing vehicle, does not exceed 40% of the gross weight of the towing vehicle when connected to the semitrailer or pole trailer. This subdivision does not apply to a trailer or semitrailer owned by a farmer and used exclusively in connection with the farming operations of the farmer and not used for hire. (e) Every bus, school bus, truck, or truck tractor shall be equipped with brakes operating on all wheels, except that a truck or truck tractor that has 3 or more axles need not have brakes on the front wheels if the vehicle was manufactured before July 25, 1980. (f) In any combination of motor driven vehicles, means shall be provided for applying the rearmost trailer brakes, for a trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed. (g) A motor vehicle and combination of vehicles, except pole trailers, motorcycles, and mopeds, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power if failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be designed in a manner that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes, and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be constructed in a manner that failure of 1 part shall not leave the vehicle without operative brakes. (h) The brake shoes operating within or upon the drums of the vehicle wheels of a motor vehicle may be used for both service and hand operation. (2) A motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material within the distances specified in this subsection, or shall be capable of being decelerated at a sustained rate corresponding to these distances upon initial application of the service (foot) brake.Feet to stop from 20 miles per hourDeceleration in feet per secondVehicles or combination of vehicles having brakes on all wheels3014Vehicles or combination of vehicles not having brakes on all wheels4010.7(3) Subsection (2) does not apply to a combination of motor-drawn vehicles under all of the following circumstances: (a) The drawn vehicle is an implement of husbandry. (b) The motor vehicle hauling the implement of husbandry does not exceed a maximum speed of 25 miles per hour if the implement of husbandry being drawn is not equipped with brakes that meet the standards set forth in 49 CFR 393.40 and this act. (c) If the implement of husbandry being drawn does not exceed any other implement or component design maximum speed limitation, the combination of vehicles shall not exceed that maximum speed limitation. (4) Nothing in this act or rules promulgated under this act requires a slasher saw table to be equipped with brakes. (5) All brakes shall be maintained in good working order and shall be adjusted in a manner as to operate as equally as practicable with respect to the wheels on the opposite side of the vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 29, Imd. Eff. May 1, 1964 ;-- Am. 1969, Act 134, Imd. Eff. June 1, 1970 ;-- Am. 1974, Act 60, Imd. Eff. Apr. 1, 1974 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1988, Act 357, Eff. Apr. 1, 1989 ;-- Am. 1995, Act 91, Imd. Eff. June 20, 1995 ;-- Am. 2000, Act 82, Eff. July 1, 2000 ;-- Am. 2000, Act 214, Imd. Eff. June 27, 2000 ;-- Am. 2011, Act 151, Imd. Eff. Sept. 21, 2011Compiler's Notes:In subsection (2), the second column heading that reads “Deceleration in feet per second” evidently should read “Deceleration in feet per second per second.”

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Sec. 705a. On and after January 1, 1961, no person shall have for sale, or sell or offer for sale, for use in motor vehicle brake

systems in this state, any hydraulic brake fluid which does not meet the minimum specifications of the society of automotive engineers for heavy duty brake fluid, as prescribed March 1, 1960. History:Add. 1960, Act 60, Eff. Aug. 17, 1960

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Sec. 706. (a) A motor vehicle, including a motorcycle or moped, when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet but a horn or other warning device shall not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use the horn when upon a highway. (b) A vehicle shall not be equipped with nor shall a person use upon a vehicle a siren, whistle, or bell, except as otherwise permitted in this section. (c) A commercial vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. (d) An authorized emergency vehicle may be equipped with a siren, whistle, air horn, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law. In those cases the driver of the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the approach of the vehicle. (e) A motor vehicle licensed as an historic vehicle may be equipped with a siren, whistle, or bell which may be used when participating in a parade, exhibition, tour, or similar event. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1969, Act 134, Imd. Eff. June 1, 1970 ;-- Am. 1975, Act 100, Eff. July 1, 1976 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978

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Sec. 707. (1) A motor vehicle, including a motorcycle or moped, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device upon a motorcycle or moped on a highway or street. (2) The engine and power mechanism of a motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. (3) A motor vehicle shall at all times be equipped with a properly operating exhaust system which shall include a tailpipe and resonator on a vehicle where the original design included a tailpipe and resonator. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1969, Act 134, Imd. Eff. June 1, 1970 ;-- Am. 1976, Act 44, Imd. Eff. Mar. 17, 1976 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977

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Sec. 707a. As used in sections 707a to 707e: (a) "Decibel" means a unit of sound level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with American national standards institute standard S 1.1-1960. (b) "Decibels on the a-weighted network" or "DBA" means decibels measured on the a-weighted network of a sound level meter, as specified in American national standards institute standard S 1.4-1971. (c) "Fast meter response" means the meter ballistics of meter dynamic characteristics as specified by American national standard S 1.4-1971. (d) "Maximum noise" means the noise emitted from a vehicle during that manner of operation which causes the highest DBA level possible from that vehicle. (e) "Muffler" means a device for abating the sound of escaping gases of an internal combustion engine. (f) "Exhaust system" means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts to the atmosphere. (g) "Noise" means any sound. (h) "Total noise" means noises radiating from a vehicle but does not include noises emitted from a horn, siren, bell or other similar device of an authorized emergency vehicle. (i) "Gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a vehicle. (j) "Combination vehicle" means any combination of truck, truck tractor, trailer, semi-trailer or pole trailer used upon the highways or streets in the transportation of passengers or property. History:Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978 ;-- Am. 1978, Act 492, Imd. Eff. Dec. 1, 1978

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Sec. 707b. (1) A motor vehicle, while being operated on a highway or street, shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent noise in excess of the limits established in this act. (2) For purposes of sections 707a to 707f, a motor vehicle does not include a special mobile equipment. History:Add. 1978, Act

73, Imd. Eff. Mar. 21, 1978

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Sec. 707c. (1) A motor vehicle must not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding 1 of the following limits at a distance of 50 feet except as provided in subdivisions (b)(iii) and (c)(iii): (a) A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight ratings of 8,500 pounds or more. (i) Ninety DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour. (ii) Eighty-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour. (iii) Eighty-eight DBA under stationary run-up test. (b) A motorcycle or a moped: (i) Eighty-six DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour. (ii) Eighty-two DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour. (iii) Ninety-five DBA under stationary run-up test at 75 inches. (c) A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in subdivision (a) or (b): (i) Eighty-two DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour. (ii) Seventy-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour. (iii) Ninety-five DBA under stationary run-up test 20 inches from the end of the tailpipe. (2) A dealer shall not sell or offer for sale for use upon a street or highway in this state a new motor vehicle that produces a maximum noise exceeding the following limits: (a) A motor vehicle with a gross vehicle weight rating of 8,500 pounds or more—83 DBA. (b) A motorcycle or a moped—83 DBA. (c) A motor vehicle not covered in subdivision (a) or (b)—80 DBA. (3) A person shall not operate a vehicle on a highway or street if the vehicle has a defect in the exhaust system that affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cutout, bypass, amplifier, or a similar device. (4) A person, either acting for himself or herself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by this act or a rule promulgated under this act. (5) A person shall not modify, repair, replace, or remove a part of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the levels established by this act, or operate a motor vehicle so altered on a street or highway. (6) A dealer shall not sell a used or secondhand motor vehicle for use upon a street or highway that is not in compliance with this act. (7) A person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than $100.00. History:Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978 ;-- Am. 1978, Act 492, Imd. Eff. Dec. 1, 1978 ;-- Am. 2020, Act 382, Eff. Oct. 1, 2021

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Sec. 707d. (1) A person who violates section 707c(2), (4), or (6) is guilty of a misdemeanor punishable by a fine of $100.00. (2) A person who violates section 707b or 707c(1), (3), or (5) is responsible for a civil infraction. (3) A person who, at the time of installation, knowingly installs a muffler or exhaust system which exceeds the decibel limits of this act shall be liable to the person who receives a citation for violation of 707c for the amount of not less than $100.00, plus reasonable attorney fees and court costs. (4) If it is shown that the noise level of a motor vehicle is in excess of the DBA levels established in this act, that evidence shall be prima facie evidence that the motor vehicle was producing excessive noise in violation of this act. (5) A violation of section 707c(4) or (6) by a dealer licensed under this act is prima facie evidence of a fraudulent act under section 249. History:Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979

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Sec. 707e. (1) Test instrumentation and procedures used for implementation and enforcement of sections 707a to 707d shall substantially conform with applicable standards and recommended practices established by the society of automotive engineers, inc., and the American national standards institute, inc., for the measurement of motor vehicle sound levels. Rules establishing these test procedures shall be promulgated by the department of state highways and transportation. The rules may provide for measurement at other than the distance specified in section 707c, provided that the decibel limits applied at the other distances are adjusted accordingly, to meet the standards in section 707c. The rules shall be promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws. (2) This act occupies the whole field of vehicle noise regulation. A city, county, village, or township shall not adopt or enforce vehicle noise rules unless the rules are identical to the requirements of this act. History:Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978

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Sec. 707f. Funds shall be appropriated annually from the motor vehicle highway fund to implement sections 707a to 707e. History:Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978

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Sec. 708. A person shall not drive a motor vehicle on a highway which is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless the vehicle is equipped with a mirror located so as to reflect to the driver a view of the highway to the rear of the vehicle. In addition all motor vehicles shall be equipped with an outside rearview mirror on the driver's side which shall be positioned to give the driver a rearviewing angle from the driver's side of the vehicle, except a motor vehicle licensed as an historic vehicle if the vehicle was not originally equipped with an outside rearview mirror. Rearview mirrors may be positioned on the helmet or visor worn by the operator of a motorcycle if the helmet is securely attached to the head of the operator. Every commercial vehicle of 1/2 ton capacity or more, operating upon the public highways of this state, shall be equipped with 2 mirrors, 1 on each side, adjusted so that the operator shall have a clear view of the highway behind the commercial vehicle. The outside mirrors shall not be considered to be a part of the vehicle for the purpose of determining the maximum width under section 717. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1967, Act 90, Eff. Jan. 1, 1968 ;-- Am. 1970, Act 94, Imd. Eff. July 20, 1970 ;-- Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978

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Sec. 708a. A motor vehicle shall not be operated on the public highways of this state unless it is equipped with a windshield of sufficient dimensions to protect the driver and occupants from insects, other airborne objects, and highway surface water and debris, when the motor vehicle is moving forward. A farm tractor, other implement of husbandry, and historic vehicles as defined in section 803a are exempt from this section. When a motorcycle operated on the public highways of this state in excess of 35 miles per hour is not equipped with a windshield, the operator shall wear goggles with transparent lenses or a transparent face shield or eyeglasses, which goggles, eyeglasses, or face shield shall be of shatter resistant material and of sufficient size to protect his eyes against insects, other airborne material, and highway surface water and debris. History:Add. 1968, Act 142, Eff. Sept. 1, 1968 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977

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Sec. 708b. (1) A person shall not operate a motor vehicle that is to be used upon the highways of this state with a television or other similar electronic device that displays a video image that can be viewed by the operator while the motor vehicle is in motion. (2) This section does not apply to: (a) An audio entertainment system, heating or air-conditioning controls, or other accessory controls in the motor vehicle. (b) A vehicle information or navigation system for use in displaying only information pertaining to vehicle location, available routes and destinations, road layouts, weather conditions, traffic and road conditions, vehicle conditions, or traveler services. (c) A research vehicle if the test plan for the vehicle has been approved by a process meeting federal guidelines established in 45 CFR part 46 for the protection of human beings and the vehicle has been issued a special registration permit by the secretary of state. (d) A motor vehicle equipped with a video display to enhance or supplement the driver's view. (e) A police vehicle, fire vehicle, or ambulance equipped with a monitor for use with a computer-aided dispatch system or emergency equipment controls. (f) A police vehicle equipped with a monitor for use with recording equipment. (g) A motor vehicle equipped with a video display to communicate vehicle, driver, or safety conditions. (3) Except as otherwise provided in this subsection, a visual device permitted under subsection (2)(a) or (b) shall be built into the dashboard, center console, instrument panel, rearview mirror, or other control area of the vehicle and shall meet all applicable federal motor vehicle dash safety standards. An aftermarket visual device described in subsection (2)(a) or (b) may be installed or mounted on the windshield or above the dashboard, but shall not be mounted within the deployment profile of the vehicle airbags or in a manner that interferes with the operator's view or control. This subsection does not apply to a research vehicle described in subsection (2)(c). (4) Upon receipt of a completed application, on a form prescribed by the secretary of state, and payment of a fee of $10.00, the secretary of state may issue a special permit authorizing a research vehicle to use the highways of this state. A copy of the authority received by the applicant under subsection (2)(c) shall be submitted as part of the application for the special permit. The special permit may be in a form as prescribed by, and shall be displayed on a research vehicle in a manner determined by, the secretary of state. The special permit shall expire upon completion of or expiration of the specific test plan approved under subsection (2)(c), whichever occurs first, and shall be immediately removed from the research vehicle and destroyed. A special permit shall not be transferred to another vehicle or person. The fee collected under this subsection shall be credited to the Michigan transportation fund and used to defray the expenses of the secretary of state in administering the special permit program. In addition to a special permit, the appropriate vehicle registration

plate shall be displayed on a research vehicle to use a highway of this state. (5) A person who violates this section is responsible for a civil infraction. History:Add. 1991, Act 55, Imd. Eff. June 27, 1991 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2008, Act 19, Imd. Eff. Mar. 7, 2008

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Sec. 709. (1) A person shall not operate a motor vehicle with any of the following: (a) A sign, poster, nontransparent material, window application, reflective film, or nonreflective film upon or in the front windshield, the side windows immediately adjacent to the driver or front passenger, or the sidewings adjacent to and forward of the driver or front passenger, except that a tinted film may be used along the top edge of the windshield and the side windows or sidewings immediately adjacent to the driver or front passenger if the material does not extend more than 4 inches from the top of the windshield, or lower than the shade band, whichever is closer to the top of the windshield. (b) A rear window or side window to the rear of the driver composed of, covered by, or treated with a material that creates a total solar reflectance of 35% or more in the visible light range, including a silver or gold reflective film. (c) An object that obstructs the vision of the driver of the vehicle, except as authorized by law. (2) A person shall not drive a motor vehicle if driver visibility through the rear window is obstructed, unless the vehicle is equipped with 2 rearview mirrors, 1 on each side, adjusted so that the operator has a clear view of the highway behind the vehicle. (3) This section does not apply to any of the following: (a) The use of draperies, louvers, or other special window treatments, except those specifically designated in this section, on the rear window, or a side window to the rear of the driver if the vehicle is equipped with 2 outside rearview mirrors, 1 on each side, adjusted so that the driver has a clear view of the highway behind the vehicle. (b) The use of a nonreflective, smoked or tinted glass, nonreflective film, perforated window screen, or other decorative window application on the rear window or a side window to the rear of the driver. (c) The placement of a necessary certificate or sticker that does not obstruct the driver's clear view of the roadway or an intersecting roadway. (d) A vehicle registered in another state, territory, commonwealth of the United States, or another country or province. (e) A special window treatment or application determined necessary by a physician or optometrist, for the protection of a person who is light sensitive or photosensitive, if the owner or operator of a motor vehicle has in possession a letter signed by a physician or optometrist, indicating that the special window treatment or application is a medical necessity. However, the special window treatment or application shall not interfere with or obstruct the driver's clear vision of the highway or an intersecting highway. (4) Except as provided in subsection (5), the windshield on each motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. A vehicle licensed as an historical vehicle is exempt from this subsection if the vehicle was not originally equipped with such a device. Each windshield wiper upon a motor vehicle shall be maintained in good working order. (5) A truck with a gross weight over 10,000 pounds, a truck tractor, a bus, or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted pursuant to 49 CFR parts 100 to 199 having a windshield shall be equipped with not less than 2 automatically operating windshield wiper blades, 1 on each side of the centerline of the windshield, for cleaning rain, snow, or other moisture from the windshield. The blades shall be in such condition as to provide clear vision for the driver, unless 1 blade is so arranged as to clean an area of the windshield extending to within 1 inch of the limit of vision through the windshield at each side. However, in driveaway-towaway operations, this subsection applies only to the operated vehicle. In addition, 1 windshield wiper blade suffices under this subsection when the driven vehicle in a driveaway-towaway operation constitutes part or all of the property being transported and has no provision for 2 blades. A truck and truck tractor, manufactured after June 30, 1953, that depends upon vacuum to operate the windshield wipers, shall be so constructed that the operation of the wipers is not materially impaired by change in the intake manifold pressure. (6) A truck with a gross weight over 10,000 pounds, a truck tractor, a bus, or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted under 49 CFR parts 100 to 199 shall not be operated on the highways at any time unless it is equipped with a hot air windshield defroster or an electrically heated windshield or other device to heat and maintain the windshield in operable condition at all times. (7) As used in this section: (a) "Physician" means that term as defined in section 17001 or 17501 of the public health code, 1978 PA 368, MCL 333.17001 and 333.17501. (b) "Optometrist" means that term as defined in section 17401 of the public health code, 1978 PA 368, MCL 333.17401. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 142, Eff. Sept. 28, 1951 ;-- Am. 1954, Act 167, Eff. Aug. 13, 1954 ;-- Am. 1955, Act 174, Eff. Oct. 14, 1955 ;-- Am. 1958, Act 23, Eff. Sept. 13, 1958 ;-- Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978 ;-- Am. 1980, Act 220, Eff. Mar. 31, 1981 ;-- Am. 1988, Act 383, Eff. Apr. 1, 1989 ;-- Am. 1988, Act 470, Eff. Apr. 1, 1989 ;-- Am. 2000, Act 127, Imd. Eff. May 30, 2000 ;-- Am. 2010, Act 258, Imd. Eff. Dec. 14, 2010

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Sec. 710. (a) A person shall not operate on a public highway of this state a vehicle or special mobile equipment which has metal or plastic track or a tire which is equipped with metal that comes in contact with the surface of the road or which has a partial contact

of metal or plastic with the surface of the road, except as provided in subsections (c), (d), and (e). (b) A person shall not operate on a highway a vehicle which has a tire that has on its periphery a block, stud, flange, cleat, spike, or other protuberance of a material other than rubber which projects beyond the tread of the traction surface of the tire, except as provided in subsections (c), (d), and (e). A person may, however, use farm machinery with a tire having a protuberance which will not injure a highway. A person may also use a tire chain of reasonable proportion upon a vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to skid. (c) A person may operate on a highway a vehicle which has a pneumatic tire in which wire of .075 inches in diameter or less is embedded if the tire is constructed so that the percent of metal in contact with the highway does not exceed 5% of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of the tire the metal in contact with the highway shall not exceed 20% of the area. (d) The department of state highways and transportation shall promulgate rules establishing acceptable standards to permit the use of a tire with studs or other traction devices to be used on a street or highway after April 1, 1975. The rules shall make separate provision for the extreme winter snow and ice conditions of the Upper Peninsula and the northern Lower Peninsula. The rules shall include a restriction on the amount and dimension of protrusions that may be allowed on a tire, the type of material that may be used in a stud, traction device, or tire, and the amount of road wear that a tire with studs or other traction devices may cause on a street or highway. (e) A person may operate on a highway a vehicle which has a pneumatic tire in which are inserted ice grips or tire studs if the person is a law enforcement officer operating a vehicle owned by a law enforcement agency, a person operating an ambulance, or a United States postal service rural carrier driving a vehicle the rural carrier owns and maintains as a prerequisite to employment in the postal service. (f) A person shall not operate a vehicle on a highway when a tire in use on that vehicle is unsafe as provided in subsection (h). (g) A person in the business of selling tires shall not sell or offer for sale for highway use a tire which is unsafe as provided in subsection (h). (h) A tire is unsafe if it is in any of the following conditions: (i) Has a part of the belting material, tire cords, or plys exposed. (ii) Has evidence of cord or tread separations. (iii) Is worn to or below the minimum tread level in 2 or more adjacent major grooves at 3 or more locations spaced around the circumference of the tire. Minimum allowable tread levels are as follows:motorcycles and moped1/32 inch front and rearpassenger cars and vehicles weighingless than 10,000 pounds2/32 inch front and rearvehicles weighing 10,000 poundsor more4/32 inch front and 2/32 rearMeasurements shall not be made at locations of tread wear indicators or tie bars. A motor vehicle licensed as an historic vehicle under section 803a is exempt from the tread depth requirements of this subsection. (iv) Has a marking "not for highway use", "for racing purposes only", "for farm use only", or "unsafe for highway use". (v) Has been regrooved or recut below the original tread design depth except in the case of special purpose designed tires having extra undertread rubber provided for this purpose and identified as those tires. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1962, Act 41, Eff. Mar. 28, 1963 ;-- Am. 1966, Act 237, Eff. Mar. 10, 1967 ;-- Am. 1967, Act 127, Imd. Eff. June 27, 1967 ;-- Am. 1973, Act 138, Eff. Mar. 29, 1974 ;-- Am. 1977, Act 119, Imd. Eff. Oct. 19, 1977Compiler's Notes:In subdivision (h)(i), the word “plys” evidently should read “plies.”Admin Rule:R 247.171 et seq. of the Michigan Administrative Code.

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Sec. 710a. No person shall sell, offer or keep for sale, or install for use in any motor vehicle to be operated on the highways of this state, any safety belt, safety restraining device, or attachments thereto as referred to in this section, unless of a type conforming to standards and specifications established by rules and regulations which have been established by the commissioner of the Michigan state police. The rules and regulations established pursuant to the authorization given in this section shall be promulgated in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82, inclusive, of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110, inclusive, of the Compiled Laws of 1948. History:Add. 1955, 1st Ex. Sess., Act 2, Eff. Feb. 3, 1956Popular Name:Seat Belt LawAdmin Rule:R 28.901 et seq. of the Michigan Administrative Code.

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Sec. 710b. A private passenger vehicle manufactured after January 1, 1965 shall not be offered for sale in this state unless the vehicle is equipped with safety belts for the use of the driver and 1 other front seat passenger. All safety belts and bolts and brackets used in the installation of the safety belts shall meet the minimum specifications of the society of automotive engineers as prescribed on April 1, 1963. This section shall not apply to trucks, buses, hearses, motorcycles, or mopeds. History:Add. 1961, Act 163, Eff. Sept. 8, 1961 ;-- Am. 1963, Act 212, Eff. Sept. 6, 1963 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977Popular Name:Seat Belt Law

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Sec. 710c. (1) A person shall not operate a motor vehicle on a public highway or street of this state unless the vehicle is equipped with a bumper or other energy absorption system with an analogous function which bumper or system is securely bolted or

permanently attached on both the front and rear of the vehicle. The bumper or energy absorption system shall be maintained in good operational condition, except as provided in subsection (5). Notwithstanding subsection (6), a person shall not drive a vehicle having a raised or lifted body height unless the vehicle is equipped with bumpers that comply with this subsection and subsection (2). (2) A person shall not operate a motor vehicle of a type defined in subsection (8) that exceeds either of the following limits:Vehicle TypeFrame HeightBumper HeightPassenger vehicle12 inches22 inchesOther motor vehicle:Less than 4,501 pounds GVWR24 inches26 inches4,501 to 7,500 pounds GVWR24 inches28 inches7,501 to 10,000 pounds GVWR26 inches30 inches(3) If the GVWR cannot be determined on a motor vehicle other than a passenger vehicle, the limitations for a motor vehicle having less than 4,501 pounds GVWR shall apply. (4) Notwithstanding subsection (2), a person shall not operate a motor vehicle having lift blocks between the front axle and springs, or with lift blocks that exceed 4 inches in height between the rear axle and springs in addition to those provided by the original manufacturer. Any body lift block shall be of single piece construction and shall not use more than a 3-inch spacer. Any suspension lift block shall use an alignment pin between the axle and the spring, and shall be of single piece construction. Spring shackle replacements shall not exceed the original equipment manufacture length by more than 2 inches, and coil spring spacers are prohibited. All steering components shall be geometrically arranged to function as original equipment manufacture. Welded pitman arms, drag links, and tie rods are prohibited. All parts used to modify the original suspension or height of a motor vehicle shall be factory manufactured and shall meet or exceed the original manufacturer's specifications. (5) A person shall not modify a vehicle to be in violation of this section, alter or add to an original frame resulting in an increase in height of the vehicle, or cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body. No part of the suspension on a vehicle shall extend below the lowest portion of a wheel rim on the vehicle. A part of the original suspension system shall not be disconnected or modified to defeat the safe operation of the suspension system. This section does not prohibit the installation of heavy duty equipment including bumpers, shock absorbers, and overload springs within the limitations of this section, or the removal of a bumper when necessary to install a snowplow, lift ramp, or similar device while the device is in place and operational. (6) This section shall not be construed to establish standards stricter than those formulated by the United States department of transportation for bumpers on a passenger motor vehicle sold within the United States. (7) This section does not apply to a vehicle having a manufacturer's design which intrinsically precludes conformance with this section, a vehicle with a GVWR of 10,001 pounds or more, a vehicle designed to carry 16 or more passengers including the driver, implements of husbandry, or a road tractor, truck or truck tractor owned by a wood harvester or contractor and used exclusively in connection with wood harvesting and logging operations, or a vehicle which has an unaltered bumper or suspension system as supplied by the manufacturer. The operator of a vehicle cited for a violation of this section may assert as an affirmative defense that the vehicle in question, at the time of the violation, met original manufacturer's specifications for equipment which affected its bumper or frame height. The operator shall establish by a preponderance of this evidence the affirmative defense asserted pursuant to this subsection. (8) As used in this section: (a) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, as measured to a level surface when the vehicle is unladen with the vehicle tires inflated to the manufacturer's recommended pressure. If the bottom of the bumper cannot be determined due to vehicle design, the measurement shall be made from the lowest point on the rearmost portion of the rear horizontal bumper bar, or the vertical distance between the lowest point on the forwardmost portion of the front horizontal bumper bar, as measured to a level surface when the vehicle is unladen with the vehicle tires inflated to the manufacturer's recommended pressure. (b) "Frame" means the main longitudinal structural members of the chassis of the vehicle as equipped from the factory or, for a vehicle with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle. (c) "Frame height" means the vertical distance between the ground and the lowest point on the frame, measured when the vehicle is unladen on a level surface at the lowest point on the frame midway between the front axle and the second axle on the vehicle with the vehicle tires inflated to the manufacturer's recommended pressure. (d) "GVWR" means the original manufacturer's gross vehicle weight rating as defined in section 18b. (e) "Multipurpose passenger motor vehicle" means a motor vehicle, other than a truck or passenger vehicle, designed to carry 10 passengers or less and constructed either on a truck chassis or with special features for occasional off-road operation. (f) "Other motor vehicle" means any truck, multipurpose passenger motor vehicle, or other motor vehicle having a GVWR of 10,000 pounds or less, not including a passenger vehicle or motorcycle. (g) "Passenger vehicle" means a motor vehicle with motive power designed to carry 10 passengers or less, or a van having a GVWR of 5,000 pounds or less, but not including a multipurpose passenger motor vehicle, motorcycle, or truck. History:Add. 1978, Act 225, Eff. Mar. 30, 1979 ;-- Am. 1987, Act 19, Eff. Jan. 1, 1991 ;-- Am. 1991, Act 129, Eff. Mar. 30, 1992

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***** 257.710d.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 710d. (1) Except as provided in this section, or as otherwise provided by law, a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or federal regulation, each driver transporting a child in a motor vehicle shall properly secure that child in a child restraint system that meets the standards prescribed in 49 CFR 571.213. (2) A driver transporting a child as required under subsection (1) shall position the child in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children, then a

child may be positioned in the child restraint system in the front seat. A child in a rear-facing child restraint system may be placed in the front seat only if the front passenger air bag is deactivated. In addition, a child must be seated and positioned in a child restraint system as follows: (a) A child must be restrained in a rear-facing child restraint system until the child meets either of the following conditions: (i) The child has reached the weight or height limit of the rear-facing child restraint system set by the manufacturer. (ii) The child is 2 years of age or older. (b) A child who meets either of the conditions in subdivision (a)(i) or (ii) must be restrained in a forward-facing child restraint system with an internal harness until the child meets either of the following conditions: (i) The child has reached the weight or height limit of the forward-facing child restraint system set by the manufacturer. (ii) The child is 5 years of age or older. (c) A child who meets either of the conditions in subdivision (b)(i) or (ii) must be restrained in a belt-positioning child booster seat secured with a lap-shoulder safety belt until the child meets either of the following conditions: (i) The child has reached the height of 4 feet 9 inches. (ii) The child is 8 years of age or older. (3) If a child is secured in a child restraint system under subsection (2)(a) to (c), the child must be secured in a child restraint system that is appropriate for the child's weight and height and configured according to the child restraint system manufacturer's and vehicle manufacturer's instructions and the standards prescribed in 49 CFR 571.213. (4) Except as otherwise provided in this subsection, a child who meets either of the conditions in subsection (2)(c)(i) or (ii) but is less than 13 years of age must be restrained with a properly adjusted and fastened safety belt that meets the standards prescribed in 49 CFR 571.209. In addition, the child must be positioned in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children, then the child may be positioned with a properly adjusted and fastened safety belt in the front seat. A child described in this subsection may be restrained in a belt-positioning child booster seat under subsection (2)(c) until the child has reached the weight or height limit of the child booster seat set by the manufacturer. To maximize safety, the legislature recommends that a child be secured in a child restraint system for as long as the child is within the weight and height limits described in subsection (2)(a)(i), (b)(i), or (c)(i). (5) A child who is 13 years of age or older but less than 16 years of age must be secured as required in section 710e. (6) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations. (7) A person who violates this section is responsible for a civil infraction. (8) Points must not be assessed under section 320a for a violation of this section. An abstract required under section 732 must not be submitted to the secretary of state regarding a violation of this section. (9) The secretary of state may exempt by rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a class of children from the requirements of this section, if the secretary of state determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The secretary of state may specify alternate means of protection for children exempted under this subsection. History:Add. 1981, Act 117, Eff. Mar. 31, 1982 ;-- Am. 1990, Act 90, Eff. Mar. 28, 1991 ;-- Am. 1999, Act 29, Eff. Mar. 10, 2000 ;-- Am. 2009, Act 57, Imd. Eff. June 26, 2009 ;-- Am. 2024, Act 21, Eff. (sine die)Compiler's Notes:Enacting section 1 of 1999 PA 29, which amended this section, provides:“Enacting section 1. It is the intent of the legislature that the cost savings realized by insurance companies because of the changes made by this amendatory act shall be passed on to insurance policy holders.”Popular Name:Seat Belt Law

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***** 257.710d THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.710d.amended ***** Sec. 710d. (1) Except as provided in this section, or as otherwise provided by law, a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or federal regulation, each driver transporting a child less than 4 years of age in a motor vehicle shall properly secure that child in a child restraint system that meets the standards prescribed in 49 CFR 571.213. (2) A driver transporting a child as required under subsection (1) shall position the child in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children less than 4 years of age, then a child less than 4 years of age may be positioned in the child restraint system in the front seat. A child in a rear-facing child restraint system may be placed in the front seat only if the front passenger air bag is deactivated. (3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations. (4) A person who violates this section is responsible for a civil infraction. (5) Points shall not be assessed under section 320a for a violation of this section. An abstract required under section 732 shall not be submitted to the secretary of state regarding a violation of this section. (6) The secretary of state may exempt by rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a class of children from the requirements of this section, if the secretary of state determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The secretary of state may specify alternate means of protection for children exempted under this subsection. History:Add. 1981, Act 117, Eff. Mar. 31, 1982 ;-- Am. 1990, Act 90, Eff. Mar. 28, 1991 ;-- Am. 1999, Act 29, Eff. Mar. 10, 2000 ;-- Am. 2009, Act 57, Imd. Eff. June 26, 2009Compiler's Notes:Enacting section 1 of 1999 PA 29, which amended this section, provides:“Enacting section 1. It is the intent of the legislature that the cost savings realized by insurance companies because of the changes made by this amendatory act shall be passed on to insurance policy holders.”Popular Name:Seat Belt Law

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***** 257.710e.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 710e. (1) This section does not apply to an operator or passenger of any of the following: (a) A motor vehicle manufactured before January 1, 1965. (b) A bus. (c) A motorcycle. (d) A moped. (e) A motor vehicle, if the operator or passenger possesses a written verification from a physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons. (f) A motor vehicle that is not required to be equipped with safety belts under federal law. (g) A commercial or United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services. (h) A motor vehicle operated by a rural carrier of the United States Postal Service while serving the carrier's rural postal route. (2) This section does not apply to a passenger of a school bus. (3) Each operator and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt, except that a child who is less than 13 years of age must be protected as required in section 710d. (4) If there are more passengers than safety belts available for use, and all safety belts in the motor vehicle are being utilized in compliance with this section, the operator of the motor vehicle is in compliance with this section. (5) Except as otherwise provided in section 710d, each operator of a motor vehicle transporting a child 13 years of age or older but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt and seated as required under this section. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this section, and the operator and all front seat passengers comply with subsection (3), the operator of a motor vehicle transporting a child 13 years of age or older but less than 16 years of age for which there is not an available safety belt is in compliance with this subsection if that child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the operator may transport the child in the front seat without a safety belt. (6) The operator of a motor vehicle shall wear a lap belt, but is not required to wear a shoulder harness, if the operator is operating the vehicle for the purpose of performing road construction or maintenance in a work zone. (7) If the office of highway safety planning certifies that there has been less than 80% compliance with the safety belt requirements of this section during the preceding year, enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of another section of this act. (8) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, that negligence must not reduce the recovery for damages by more than 5%. (9) A person who violates this section is responsible for a civil infraction. (10) A law enforcement agency shall conduct an investigation for all reports of inappropriate enforcement that result from the enforcement of this section. (11) The secretary of state shall promote compliance with the safety belt requirements of this section at the branch offices and through any print or visual media determined appropriate by the secretary of state. (12) It is the intent of the legislature that the enforcement of this section be conducted in a manner calculated to save lives and not in a manner that results in the inappropriate enforcement of this section against the citizens of this state. (13) Points must not be assessed under section 320a for a violation of this section. History:Add. 1985, Act 1, Eff. July 1, 1985 ;-- Am. 1989, Act 3, Imd. Eff. Apr. 6, 1989 ;-- Am. 1990, Act 90, Eff. Mar. 28, 1991 ;-- Am. 1991, Act 25, Imd. Eff. May 20, 1991 ;-- Am. 1999, Act 29, Eff. Mar. 10, 2000 ;-- Am. 2008, Act 43, Eff. July 1, 2008 ;-- Am. 2016, Act 460, Eff. Apr. 5, 2017 ;-- Am. 2024, Act 21, Eff. (sine die)Compiler's Notes:Enacting section 1 of 1999 PA 29, which amended this section, provides:“Enacting section 1. It is the intent of the legislature that the cost savings realized by insurance companies because of the changes made by this amendatory act shall be passed on to insurance policy holders.”Popular Name:Seat Belt Law

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***** 257.710e THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.710e.amended ***** Sec. 710e. (1) This section does not apply to an operator or passenger of any of the following: (a) A motor vehicle manufactured before January 1, 1965. (b) A bus. (c) A motorcycle. (d) A moped. (e) A motor vehicle if the operator or passenger possesses a written verification from a physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons. (f) A motor vehicle that is not required to be equipped with safety belts under federal law. (g) A commercial or United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of

goods or services. (h) A motor vehicle operated by a rural carrier of the United States Postal Service while serving his or her rural postal route. (2) This section does not apply to a passenger of a school bus. (3) Each operator and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt except as follows: (a) A child who is less than 4 years of age shall be protected as required in section 710d. (b) A child who is 4 years of age or older but less than 8 years of age and who is less than 4 feet 9 inches in height shall be properly secured in a child restraint system in accordance with the child restraint manufacturer's and vehicle manufacturer's instructions and the standards prescribed in 49 CFR 571.213. (4) If there are more passengers than safety belts available for use, and all safety belts in the motor vehicle are being utilized in compliance with this section, the operator of the motor vehicle is in compliance with this section. (5) Except as otherwise provided in subsection (3)(b), each operator of a motor vehicle transporting a child 4 years of age or older but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt and seated as required under this section. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this section, and the operator and all front seat passengers comply with subsection (3), the operator of a motor vehicle transporting a child 8 years of age or older but less than 16 years of age for which there is not an available safety belt is in compliance with this subsection if that child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the operator may transport the child in the front seat without a safety belt. (6) The operator of a motor vehicle shall wear a lap belt, but is not required to wear a shoulder harness, if the operator is operating the vehicle for the purpose of performing road construction or maintenance in a work zone. (7) If after December 31, 2005 the office of highway safety planning certifies that there has been less than 80% compliance with the safety belt requirements of this section during the preceding year, enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of another section of this act. (8) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, that negligence shall not reduce the recovery for damages by more than 5%. (9) A person who violates this section is responsible for a civil infraction. (10) A law enforcement agency shall conduct an investigation for all reports of police harassment that result from the enforcement of this section. (11) The secretary of state shall engage an independent organization to conduct a 3-year study to determine the effect that the primary enforcement of this section has on the number of incidents of police harassment of motor vehicle operators. The organization that conducts the study shall submit a report to the legislature not later than June 30, 2001 and an annual report not later than June 30 each year thereafter. (12) The secretary of state shall promote compliance with the safety belt requirements of this section at the branch offices and through any print or visual media determined appropriate by the secretary of state. (13) It is the intent of the legislature that the enforcement of this section be conducted in a manner calculated to save lives and not in a manner that results in the harassment of the citizens of this state. (14) Points shall not be assessed under section 320a for a violation of this section. History:Add. 1985, Act 1, Eff. July 1, 1985 ;-- Am. 1989, Act 3, Imd. Eff. Apr. 6, 1989 ;-- Am. 1990, Act 90, Eff. Mar. 28, 1991 ;-- Am. 1991, Act 25, Imd. Eff. May 20, 1991 ;-- Am. 1999, Act 29, Eff. Mar. 10, 2000 ;-- Am. 2008, Act 43, Eff. July 1, 2008 ;-- Am. 2016, Act 460, Eff. Apr. 5, 2017Compiler's Notes:Enacting section 1 of 1999 PA 29, which amended this section, provides:“Enacting section 1. It is the intent of the legislature that the cost savings realized by insurance companies because of the changes made by this amendatory act shall be passed on to insurance policy holders.”Popular Name:Seat Belt Law

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Sec. 710f. The secretary of state shall adopt a program to encourage compliance with the safety belt usage requirement, which shall inform all applicants for an operator license that safety belts are beneficial and that failure to use them properly is unlawful. History:Add. 1985, Act 1, Eff. July 1, 1985Popular Name:Seat Belt Law

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Sec. 710g. The department of community health shall establish a child car seat safety grant program for the purpose of providing grants for training, promotion, and education concerning the child restraint system use requirements under sections 710d and 710e. The child car seat safety grant program shall provide grants to persons that the department of community health considers eligible. History:Add. 2000, Act 282, Imd. Eff. July 10, 2000 ;-- Am. 2000, Act 439, Imd. Eff. Jan. 9, 2001

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Sec. 711. (1) A person shall not sell a new motor vehicle nor shall a new motor vehicle be registered thereafter which is designed or used for the purpose of transporting passengers for compensation unless that vehicle is equipped with safety glass wherever glass is

used in doors, windows, and windshields. Rigid safety plastic which meets the test requirements of American national standards institute standard Z26.1-1966, as supplemented and amended, may be used on buses in lieu of safety glass, except that front windshields shall be equipped with safety glass. (2) A person shall not sell a new motor vehicle nor shall a new motor vehicle be registered thereafter unless that vehicle is equipped with safety glass wherever glass is used in the windshield, doors, and windows; nor shall any glass be replaced in the windshield, doors, and windows of a motor vehicle unless the glass is safety glass as herein defined. (3) The term "safety glass" shall mean a product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken. (4) In addition to the penalties imposed by this act, the permit issued by the Michigan public service commission to a person engaged in the passenger carrying business shall be subject to revocation or suspension in the discretion of the Michigan public service commission. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1974, Act 64, Imd. Eff. Apr. 1, 1974 ;-- Am. 1990, Act 188, Eff. Aug. 15, 1990

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Sec. 715. (1) Equipment on motor vehicles as required under this act shall be maintained as provided in this act. A uniformed police officer may on reasonable grounds shown stop a motor vehicle to inspect the vehicle, and if any defects in equipment are found, issue an appropriate citation under section 728 or 742 to the driver and order the driver to have the defect or defects repaired immediately. In case of an accident a police officer may make an inspection of the vehicles involved in the accident. (2) The director of the department of state police shall cause inspection to be made of motor vehicles operating on the public highways to detect defective equipment or other violations of law governing the use of public highways by motor vehicles, operators, and chauffeurs. For that purpose the director may establish temporary vehicle check lanes at appropriate locations throughout the state for checking for inadequacies and violations. A county, city, village, or township police department also may operate a temporary check lane within its limits with the express authorization of the director of the department of state police and under the direct supervision of a designated representative of the director. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 214, Eff. Mar. 10, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979

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Sec. 715a. (1) A school bus, bus, or other motor vehicle with a manufacturers rated seating capacity of 12 or more which is owned, leased or used by a nonpublic school, religious organization, nonprofit youth organization, nonprofit rehabilitation facility, or senior citizen center for the transportation of passengers shall not be operated on a highway unless the vehicle has been inspected as provided in this section. (2) The department of state police shall inspect each school bus, bus, or other motor vehicle with a manufacturers rated seating capacity of 12 or more, which is owned, leased or used by a nonpublic school, religious organization, nonprofit youth organization, nonprofit rehabilitation facility, or senior citizen center for the transportation of passengers, annually, and more frequently if defects are found in the organization's vehicles, to determine if the vehicles meet the specifications of the department of state police. The department of state police may delegate the inspection of vehicles under this section to publicly employed inspectors if the inspections comply with this section. (3) The department of state police shall promulgate rules for safety equipment for a school bus, bus, or other motor vehicle regulated under this section pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws. History:Add. 1978, Act 547, Imd. Eff. Dec. 22, 1978 ;-- Am. 1984, Act 269, Imd. Eff. Dec. 18, 1984Admin Rule:R 257.951 et seq. of the Michigan Administrative Code.

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Sec. 676. (1) A person shall not allow a motor vehicle to stand on a highway unattended without engaging the parking brake or placing the vehicle in park, stopping the motor of the vehicle, and removing and taking possession of the ignition key. If the vehicle is standing upon a grade, the front wheels of the vehicle shall be turned to the curb or side of the highway. This section does not apply to a vehicle that is standing in place and is equipped with a remote start feature, if the remote start feature is engaged. (2) R 28.1458 of the Michigan Administrative Code is rescinded. (3) A person who violates subsection (1) is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 2003, Act 184, Imd. Eff. Oct. 17, 2003 ;-- Am. 2017, Act 61, Eff. Sept. 26, 2017

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Sec. 676a. (1) Except as otherwise provided in this section, a person, firm, or corporation who sells or offers for sale, or displays or attempts to display for sale, goods, wares, produce, fruit, vegetables, or merchandise within the right-of-way of a highway outside of the corporate limits of a city or village, or within the right-of-way of a state trunk line highway, is responsible for a civil infraction. (2) The state transportation department may issue a permit to a person, firm, or corporation to conduct activities described in subsection (1) if the permitted activities do not create an unsafe situation and do not interfere with transportation along the state trunk line highway. As a condition of issuing a permit under this subsection, the state transportation department shall require the municipality having jurisdiction over the site to pass a resolution authorizing the activities described in subsection (1) and may require that the municipality having jurisdiction over the site of the permitted activities agree to enforce compliance with the permit. The issuance of a permit under this subsection does not confer any property right. The state transportation department may charge a fee for issuing a permit under this subsection in an amount not greater than the administrative cost of issuing the permit. (3) A holder of a permit issued under subsection (2) that conducts activities in violation of that permit is responsible for a civil infraction. Each day during which the permit holder conducts activities in violation of the permit is a separate violation. The state transportation department may limit or revoke a permit issued under subsection (2) if the permit holder conducts activities that create an unsafe situation or interfere with transportation along the state trunk line highway, or if the permit holder is in violation of the conditions of the permit. (4) This section does not interfere with a permanently established business that, as of September 27, 1957, was located on or partially on private property or grant to the owner of that business additional rights or authority that the owner did not possess on September 27, 1957, or diminish the legal rights or duties of the authority having jurisdiction of the right-of-way. (5) In conjunction with the exemption granted by federal law from the restrictions contained in 23 USC 111, and described in the "manual on uniform traffic control devices for streets and highways", U.S. department of transportation and federal highway administration, part 2g (LOGOS), this section does not prohibit the use of a facility located in part on the right-of-way of I-94 in the vicinity of the interchange of I-94 and I-69 business loop/I-94 business loop for the sale of only those articles which are for export and consumption outside the United States. (6) This section does not prohibit the use of logo signage within the right-of-way of limited access highways. For purposes of this subsection, "logo signage" means a sign containing the trademark or other symbol that identifies a business in a manner and at locations approved by the state transportation department. The state transportation department may enter into agreements to allow logo signage, and any revenue received by the state transportation department under this subsection shall be deposited into the state trunk line fund established under section 11 of 1951 PA 51, MCL 247.661. History:Add. 1957, Act 269, Eff. Sept. 27, 1957 ;-- Am. 1964, Act 222, Eff. Aug. 28, 1964 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1990, Act 87, Imd. Eff. May 30, 1990 ;-- Am. 1995, Act 92, Imd. Eff. June 20, 1995 ;-- Am. 1998, Act 224, Imd. Eff. July 1, 1998 ;-- Am. 1999, Act 46, Imd. Eff. June 15, 1999 ;-- Am. 2005, Act 1, Imd. Eff. Mar. 24, 2005

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Sec. 676b. (1) Subject to subsection (2), a person, without authority, shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular, streetcar, or pedestrian traffic upon a public street or highway in this state, by means of a barricade, object, or device, or with his or her person. This section does not apply to persons maintaining, rearranging, or constructing public utility or streetcar facilities in or adjacent to a street or highway. (2) Subsection (1) and any provision of the Michigan Administrative Code that prohibits a person from standing in a roadway other than a limited access highway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle do not apply to a person who is soliciting contributions on behalf of a charitable or civic organization during daylight hours, if all of the following are satisfied: (a) The charitable or civic organization complies with applicable local government regulations. A local government may enact or enforce regulations restricting, but not prohibiting, the activity described in this subsection. (b) The charitable or civic organization maintains at least $500,000.00 in liability insurance. (c) The person is 18 years of age or older. (d) The person is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association. (e) The portion of the roadway upon which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present. (f) The solicitation does not block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track. (3) A local government or road authority that has jurisdiction over a roadway upon which solicitation occurs as described in subsection (2) is not liable for any claim for damages arising out of the use of the roadway as described in subsection (2). (4) A person who violates this section is responsible for a civil infraction. (5) A local government that, on July 27, 2017, has enacted or is enforcing regulations that are prohibited under subsection (2)(a) shall bring those regulations into compliance with subsection (2)(a) no later

than September 25, 2017. (6) As used in this section, "charitable or civic organization" means a nonprofit organization that is qualified under section 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), or 501(c)(10) of the internal revenue code of 1986, 26 USC 501, or a veterans' organization that has tax-exempt status under the internal revenue code. History:Add. 1968, Act 151, Eff. Nov. 15, 1968 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2017, Act 112, Imd. Eff. July 27, 2017 ;-- Am. 2018, Act 75, Imd. Eff. Mar. 19, 2018 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

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Sec. 676c. (1) Except as provided in subsection (2), a person shall not travel to the scene of a motor vehicle accident or a disabled vehicle located on public property, property open to the public, or a state trunk line highway and solicit business for a wrecker, recovery, or towing service. A person who violates this subsection is responsible for a civil infraction and shall be ordered to pay a civil fine of $1,000.00. (2) Subsection (1) does not apply if any of the following conditions apply: (a) A law enforcement agency having jurisdiction over the scene of the accident or disabled vehicle, or an individual involved in that accident or disabled vehicle, requests the owner or operator of a wrecker or towing service to come to the scene. (b) A wrecker, recovery truck, or tow truck operator, who does not travel to the scene of a motor vehicle accident or disabled vehicle as described in subsection (1) for the purpose of soliciting business for a wrecker, recovery, or towing service, offers assistance to a stranded motorist without creating a nuisance or interfering with management of a motor vehicle accident by law enforcement. (3) Subject to section 252d, the law enforcement agency at the scene shall permit an owner or operator of a motor vehicle to request the towing, wrecker, or recovery service or roadside assistance service of his or her choice unless the vehicle is involved in a suspected criminal activity, fatality, or law enforcement investigation, if the vehicle is being impounded, or if the requested preference wrecker service is unavailable or cannot respond within a timely manner and the vehicle is creating a road or safety hazard as determined by law enforcement at the scene. History:Add 2014, Act 303, Eff. Jan. 7, 2015

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Sec. 676d. (1) A local unit of government shall not require as a term of a contract with a wrecker, recovery, or towing service that the wrecker, recovery, or towing service pay a fee to that local unit of government for responding to the scene of an impound, accident, disabled vehicle, or abandoned vehicle and providing wrecker, recovery, or towing services. A local unit of government shall not accept a payment, commission, or portion of wrecker, recovery, or towing service fees from a wrecker, recovery, or towing service in exchange for securing business for that wrecker, recovery, or towing service. (2) A wrecker, recovery, or towing service shall not offer to a local unit of government a payment, fee, or commission to induce the local unit of government to enter into a contract with or secure business for the wrecker, recovery, or towing service. (3) This section only applies to a contract between a local unit of government and a wrecker, recovery, or towing service that is entered into or renewed after January 7, 2015. History:Add. 2014, Act 303, Eff. Jan. 7, 2015 ;-- Am. 2020, Act 141, Eff. Oct. 6, 2020

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Sec. 677. (1) A person shall not drive a vehicle when it is loaded, or when there are in the front seat a number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle. (2) A passenger in a vehicle or streetcar shall not ride in a position as to interfere with the driver's or operator's view ahead or to the sides, or to interfere with the driver's or operator's control over the driving mechanism of the vehicle or streetcar. (3) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 677a. (1) As used in this section: (a) "Person" does not include the state or a political subdivision of the state or an employee of the state or a political subdivision of the state operating within the scope of his duties. (b) "Safety vision" means an unobstructed line of sight enabling a driver to travel upon, enter, or exit a roadway in a safe manner. (2) A person shall not remove, or cause to be

removed, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle other than off-road vehicles. (3) A person shall not deposit, or cause to be deposited, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle. (4) A person shall not deposit, or cause to be deposited, snow, ice or slush on any roadway or highway. (5) A person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than $100.00. History:Add. 1978, Act 82, Imd. Eff. Mar. 29, 1978 ;-- Am. 2020, Act 382, Eff. Oct. 1, 2021

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Sec. 678. (1) The driver of a motor vehicle when traveling upon a down grade shall not coast with the gears of the vehicle in neutral. (2) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged. (3) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 679. (1) The driver of a vehicle other than a vehicle on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or driver into or park the vehicle within 500 feet where fire apparatus has stopped in answer to a fire alarm. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979Compiler's Notes:The words “driver into” in subsection (1) evidently should read “drive into”.

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Sec. 679a. (1) A person shall not operate a motorcycle with less than a 125 cubic centimeter engine, moped, farm tractor, or other self-propelled farm implement, nor shall a pedestrian, bicycle, except as provided in this section, or other nonmotorized traffic be permitted on a limited access highway in this state. Bicycles shall be permitted on paths constructed separately from the roadway and designated for the exclusive use of bicycles. (2) A person who violates this section is responsible for a civil infraction. History:Add. 1961, Act 164, Eff. Sept. 8, 1961 ;-- Am. 1964, Act 222, Eff. Aug. 28, 1964 ;-- Am. 1969, Act 134, Imd. Eff. June 1, 1970 ;-- Am. 1974, Act 212, Imd. Eff. July 19, 1974 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 680. (1) A streetcar or vehicle shall not be driven over an unprotected hose of a fire department when laid down on a street, private driveway, or streetcar track, to be used at a fire or alarm of fire, without the consent of the fire department official in command. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 681. (1) A person, owner, or motor carrier shall not drive a bus or cause or permit a bus to be driven or moved, unless the bus is equipped with properly filled fire extinguishers as follows: (a) If the bus is used to transport hazardous materials and required to be marked or placarded pursuant to 49 C.F.R. parts 100 to 199, a fire extinguisher having an underwriters laboratories rating of 10 B:C or more. (b) If the bus is not used to transport hazardous materials, either a fire extinguisher having an underwriters laboratories rating of 5 B:C or more, or 2 fire extinguishers having an underwriters laboratories rating of 4 B:C or more. (2) The fire extinguishers required by this section shall be securely mounted on the vehicle in a location readily accessible for use. The fire extinguishers shall be designed, constructed, and maintained to permit a determination of whether they are fully charged and in

proper operating condition. (3) A fire extinguisher, required under this section, must have an extinguishing agent that does not need protection from freezing. (4) A fire extinguisher, required under this section, must not use a vaporizing liquid that gives off vapors more toxic than those shown as having toxicity rating of 5 or 6 in the underwriters' laboratories classification of comparative life hazard of gases and vapors. (5) Each fire extinguisher required under this section must be labeled or marked with its underwriters' laboratories rating. History:Add. 1988, Act 219, Imd. Eff. July 1, 1988Compiler's Notes:Former MCL 257.681, which prohibited deposit of glass, nails, rubbish or garbage on highways and required any person removing damaged vehicle from highway to remove any glass or injurious substance dropped upon highway from such vehicle, was repealed by Act 106 of 1963, Eff. Sept. 6, 1963.

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***** 257.682.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 682. (1) The operator of a vehicle overtaking or meeting a school bus that has stopped and is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 20 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. The operator of a vehicle that fails to stop for a school bus as required by this subsection, that passes a school bus in violation of this subsection, or that fails to stop for a school bus in violation of an ordinance that is substantially similar to this subsection, is responsible for a civil infraction and must be ordered to pay a civil fine of not less than $100.00 and not more than $500.00. A citation issued under this subsection is not a citation for a camera-based violation under subsection (4), and a civil fine for a violation of this subsection must be applied as provided in section 909(1). (2) Except where a crosswalk or pedestrian walkway is present, the operator of a vehicle on a highway that has been divided into 2 roadways by leaving a raised intervening space, or by a physical barrier, or clearly indicated dividing sections so constructed as to impede vehicular traffic, is not required to stop upon meeting a school bus that has stopped across the raised intervening space, physical barrier, or dividing section. (3) In a proceeding for a violation of subsection (1), proof that the particular vehicle described in the citation was in violation of subsection (1), together with proof that the defendant named in the citation was, at the time of the violation, the registered owner of the vehicle, constitutes a rebuttable presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation. (4) Notwithstanding any provision of law to the contrary, if the operator of a vehicle fails to stop for a school bus as required under subsection (1), or passes a school bus in violation of subsection (1), or fails to stop for a school bus in violation of an ordinance that is substantially similar to subsection (1), and the school bus is equipped with a stop-arm camera system under section 20 of the pupil transportation act, 1990 PA 187, MCL 257.1820, the photograph captured or video recorded by the stop-arm camera system may be used as evidence in a proceeding for a camera-based violation. A school district that uses a stop-arm camera system shall provide a photograph captured or video recorded by a stop-arm camera system for use as evidence in a proceeding for a camera-based violation if requested by an investigating law enforcement agency. A photograph or video recorded by a stop-arm camera system is admissible as evidence in a proceeding for a camera-based violation to the extent permitted by the rules of evidence of this state. However, a photograph captured or video recorded by a stop-arm camera system, is not required for the prosecution of a violation of subsection (1). (5) For a camera-based violation, the operator of a vehicle is responsible for a civil infraction and must be ordered to pay a civil fine of not less than $100.00 and not more than $500.00. (6) For a camera-based violation, by not later than 30 days after receiving stop-arm camera system information as described in section 20 of the pupil transportation act, 1990 PA 187, MCL 257.1820, a law enforcement agency may review that information to determine if there is sufficient evidence that a violation of subsection (1) occurred and, if there is sufficient evidence that a violation occurred, may issue a citation. (7) For a camera-based violation, if a law enforcement agency determines that it has sufficient evidence that a violation of subsection (1) has occurred, the law enforcement agency may initiate an action by mailing via first-class mail a citation to the operator of the vehicle involved in the violation. The mailing must include all of the following information: (a) A copy of the captured photograph or selected images from a recorded video showing the vehicle involved in the violation. (b) If the violation is based on a recorded video, a method to review the recorded video on a website. (c) The date, time, and location of the alleged violation. (d) A statement of the facts inferred from the captured photograph or recorded video. (8) Notwithstanding any provision of law to the contrary, a civil fine for a camera-based violation must be paid to the county treasurer or the county treasurer's designee, who shall distribute the paid civil fines not less than monthly to the school district that operates the school bus. A school district that receives money under this subsection must use that money for school transportation safety-related purposes. (9) As used in this section: (a) "Camera-based violation" means a violation of subsection (1) based solely on a photograph captured or a video recorded by a stop-arm camera system. (b) "Law enforcement agency" means any of the following: (i) The department of state police. (ii) The county sheriff's office. (iii) The police department of a local unit of government. (iv) Any other governmental law enforcement agency in this state. (c) "Local unit of government" means a state university or college or a county, city, village, or township. (d) "School district" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, and a public school academy as that term is defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5. (e) "Stop-arm camera system" means that term as defined in section 5 of the pupil transportation act, 1990 PA 187, MCL 257.1805. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1956, Act 48, Eff. Aug. 11,

1956 ;-- Am. 1957, Act 284, Eff. Sept. 27, 1957 ;-- Am. 1958, Act 160, Eff. Sept. 13, 1958 ;-- Am. 1962, Act 92, Eff. Mar. 28, 1963 ;-- Am. 1963, Act 149, Eff. Sept. 6, 1963 ;-- Am. 1969, Act 240, Eff. Mar. 20, 1970 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1982, Act 65, Imd. Eff. Apr. 8, 1982 ;-- Am. 1990, Act 188, Eff. Aug. 15, 1990 ;-- Am. 2012, Act 263, Imd. Eff. July 3, 2012 ;-- Am. 2021, Act 50, Eff. Oct. 11, 2021 ;-- Am. 2024, Act 161, Eff. (sine die)

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***** 257.682 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.682.amended ***** Sec. 682. (1) The operator of a vehicle overtaking or meeting a school bus that has stopped and is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 20 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. The operator of a vehicle who fails to stop for a school bus as required by this subsection, who passes a school bus in violation of this subsection, or who fails to stop for a school bus in violation of an ordinance that is substantially similar to this subsection, is responsible for a civil infraction. (2) The operator of a vehicle on a highway that has been divided into 2 roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing sections so constructed as to impede vehicular traffic, is not required to stop upon meeting a school bus that has stopped across the dividing space, barrier, or section. (3) In a proceeding for a violation of subsection (1), proof that the particular vehicle described in the citation was in violation of subsection (1), together with proof that the defendant named in the citation was, at the time of the violation, the registered owner of the vehicle, constitutes a rebuttable presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation. (4) A school bus may be equipped with a stop-arm camera system in accordance with section 20 of the pupil transportation act, 1990 PA 187, MCL 257.1820. A school that uses a stop-arm camera system shall provide a video or photograph recorded by a stop-arm camera system for use as evidence in a proceeding for a violation of subsection (1) if requested by an investigating law enforcement agency. A photograph or video recorded by a stop-arm camera system is admissible as evidence in a proceeding for a violation of subsection (1) to the extent permitted by the rules of evidence of this state. However, a photograph or video recorded by a stop-arm camera system is not required for the prosecution of a violation of subsection (1). (5) As used in this section: (a) "Law enforcement agency" means any of the following: (i) The department of state police. (ii) The county sheriff's office. (iii) The police department of a local unit of government. (iv) Any other governmental law enforcement agency in this state. (b) "Local unit of government" means a state university or college or a county, city, village, or township. (c) "School" means that term as defined by section 5 of the pupil transportation act, 1990 PA 187, MCL 257.1805. (d) "Stop-arm camera system" means that term as defined by section 20 of the pupil transportation act, 1990 PA 187, MCL 257.1820. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1956, Act 48, Eff. Aug. 11, 1956 ;-- Am. 1957, Act 284, Eff. Sept. 27, 1957 ;-- Am. 1958, Act 160, Eff. Sept. 13, 1958 ;-- Am. 1962, Act 92, Eff. Mar. 28, 1963 ;-- Am. 1963, Act 149, Eff. Sept. 6, 1963 ;-- Am. 1969, Act 240, Eff. Mar. 20, 1970 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1982, Act 65, Imd. Eff. Apr. 8, 1982 ;-- Am. 1990, Act 188, Eff. Aug. 15, 1990 ;-- Am. 2012, Act 263, Imd. Eff. July 3, 2012 ;-- Am. 2021, Act 50, Eff. Oct. 11, 2021

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Sec. 682a. A person who installs, sells, or distributes a device for the purpose of causing flame or smoke to be emitted from a motor vehicle, except highway maintenance vehicles, or a person who uses such a device on a motor vehicle which is not a highway maintenance vehicle on a highway of this state is responsible for a civil infraction. History:Add. 1952, Act 22, Imd. Eff. Mar. 14, 1952 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 682b. (1) Except as provided in this section, an operator shall not permit a person less than 18 years of age to ride in the open bed of a pickup truck on a highway, road, or street in a city, village, or township at a speed greater than 15 miles per hour. (2) Subsection (1) does not apply to the operator of any of the following: (a) A motor vehicle operated as part of a parade pursuant to a permit issued by the governmental unit with jurisdiction over the highway or street. (b) A military motor vehicle. (c) An authorized emergency vehicle. (d) A motor vehicle controlled or operated by an employer or an employee of a farm operation, construction business, or similar enterprise during the course of work activities. (e) A motor vehicle used to transport a search and rescue team to and from the site of an emergency. (3) A person who violates this section is responsible for a civil infraction. History:Add. 2000, Act 434, Eff. Mar. 28, 2001Compiler's Notes:Former MCL 257.682b, which pertained to persons authorized to be transported on

school bus and to first aid kits, fire extinguishers, and traffic flares, was repealed by Act 188 of 1990, Eff. Aug. 15, 1990.

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Sec. 682c. (1) A person shall not operate a commercial snow removal vehicle to remove snow or ice on a public street or highway or in a parking lot accessible for use by the public unless the vehicle is operated with at least 1 flashing, rotating, or oscillating yellow or amber light that is clearly visible in a 360-degree arc from a distance of 500 feet when in use. (2) A person who owns or leases a commercial snow removal vehicle shall not knowingly allow a person to operate that vehicle in violation of subsection (1). (3) A person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than $100.00. (4) As used in this section: (a) "Commercial snow removal vehicle" means a vehicle equipped with a plow or other device that is used to remove snow or ice for payment or other remuneration. (b) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity. History:Add. 2012, Act 262, Imd. Eff. July 2, 2012 ;-- Am. 2020, Act 382, Eff. Oct. 1, 2021

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Sec. 656. (1) A person who violates any of sections 656 to 661a is responsible for a civil infraction. (2) The parent of a child or the guardian of a ward shall not authorize or knowingly permit the child or ward to violate this chapter. (3) The regulations applicable to bicycles under sections 656 to 662 shall apply when a bicycle is operated upon a highway or upon a path set aside for the exclusive use of bicycles, subject to those exceptions stated in sections 656 to 662. (4) The regulations applicable to motorcycles in sections 656 to 662 shall be considered supplementary to other provisions of this chapter governing the operation of motorcycles. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 657. Each person riding a bicycle, electric bicycle, electric personal assistive mobility device, electric skateboard, or moped or operating a low-speed vehicle or commercial quadricycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle under this chapter, except for special regulations in this article and except for the provisions of this chapter that by their nature do not apply. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 2000, Act 82, Eff. July 1, 2000 ;-- Am. 2002, Act 494, Imd. Eff. July 3, 2002 ;-- Am. 2015, Act 126, Imd. Eff. July 15, 2015 ;-- Am. 2017, Act 139, Eff. Jan. 28, 2018 ;-- Am. 2018, Act 204, Eff. Sept. 18, 2018

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Sec. 657a. (1) A village or city having a population of fewer than 30,000 individuals based upon the 2010 decennial census may by resolution allow the operation of golf carts on the streets of that village or city, subject to the requirements of this section. A township having a population of fewer than 30,000 individuals based upon the 2010 decennial census may by resolution, unless disapproved by the county board of commissioners under subsection (3), allow the operation of golf carts on the streets of that township, subject to the requirements of this section. (2) If a village, city, or township allows the operation of golf carts on the streets of that village, city, or township, that village, city, or township may require those golf carts and the operators of those golf carts to be recorded on a list maintained by that village, city, or township. A village, city, or township shall not charge a fee for listing golf carts or the operators of those golf carts. (3) A county board of commissioners may, by resolution, disapprove the operation of golf carts on the streets of a township located within that county if the county board of commissioners conducts a hearing and determines that 1 or more of the following apply: (a) The operation of golf carts on the streets of that township would cause significant environmental damage. (b) The operation of golf carts on the streets of that township would cause a significant concern of public safety. (4) The county board of commissioners shall provide public notice of a hearing under subsection (3) at

least 45 days before the hearing is conducted. The county board of commissioners shall also provide written notice of a hearing under subsection (3) to the township at least 45 days before the hearing is conducted. (5) A person shall not operate a golf cart on any street unless he or she is at least 16 years old and is licensed to operate a motor vehicle. (6) The operator of a golf cart shall comply with the signal requirements of section 648 that apply to the operation of a vehicle. (7) A person operating a golf cart upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction. (8) Except as otherwise provided in subsection (9), a person shall not operate a golf cart on a state trunk line highway. This subsection does not prohibit a person from crossing a state trunk line highway when operating a golf cart on a street of a village, city, or township, using the most direct line of crossing. (9) The legislative body of a local unit of government may request the state transportation department to authorize the local unit of government to adopt an ordinance authorizing the operation of golf carts on a state trunk line highway, other than an interstate highway, located within the local unit of government. The request shall describe how the authorization would meet the requirements of subsection (10). The state transportation department shall solicit comment on the request from the local units of government where the state trunk line highway is located. The state transportation department shall consider comments received on the request before making a decision on the request. The state transportation department shall grant the request in whole or in part or deny the request not more than 60 days after the request is received. If the state transportation department grants a request in whole or in part under this subsection, the local unit of government that submitted the request may adopt an ordinance authorizing the operation of golf carts on the state trunk line highway that was the subject of the request. A county may submit a request for authorization under this subsection on behalf of 1 or more local units of government located within that county if requested by those local units of government. (10) The state transportation department shall authorize operation of a golf cart under subsection (9) only on a state trunk line highway that is not an interstate highway within a local unit of government that has already adopted an ordinance under subsection (1), that serves as a connector between portions of the local unit of government that only connect through the state trunk line highway, and that meets 1 or more of the following requirements: (a) Provides access to tourist attractions, food service establishments, fuel, motels, or other services. (b) Serves as a connector between 2 segments of the same county road that run along discontinuous town lines. (c) Includes a bridge or culvert that allows a golf cart to cross a river, stream, wetland, or gully that is not crossed by a street or county road on which golf carts are authorized to operate under an ordinance adopted as provided in subsection (1). (11) The state transportation department may permanently or temporarily close a state trunk line highway to the operation of golf carts otherwise authorized under subsection (9) after written notice to the clerk of the local unit of government that requested the authorization under subsection (9). The notice shall be in writing and sent by first-class United States mail or personally delivered not less than 30 days before the adoption of the rule or order closing the state trunk line highway. The notice shall set forth specific reasons for the closure. The state transportation department is not required to develop a plan for an alternate route for a state trunk line highway that it has temporarily closed to the operation of golf carts. (12) Where a usable and designated path for golf carts is provided adjacent to a highway or street, a person operating a golf cart may, by local ordinance, be required to use that path. (13) A person operating a golf cart shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a 2-way street or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane. (14) A golf cart shall not be operated on a sidewalk constructed for the use of pedestrians. (15) A golf cart shall be operated at a speed not to exceed 15 miles per hour and shall not be operated on a state trunk line highway or a highway or street with a speed limit of more than 30 miles per hour except to cross that state trunk line highway or highway or street. A village, city, or township may, by resolution, designate roads or classifications of roads for use by golf carts under this subsection. (16) A golf cart shall not be operated on a state trunk line highway or the streets of a city, village, or township during the time period from 1/2 hour before sunset to 1/2 hour after sunrise. (17) A person operating a golf cart or who is a passenger in a golf cart is not required to wear a crash helmet. (18) A person operating a golf cart on a state trunk line highway shall ride as near to the right side of the roadway as practicable. (19) This section does not apply to a police officer in the performance of his or her official duties. (20) A golf cart operated on a street of a village, city, or township under this section is not required to be registered under this act for purposes of section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101. (21) As used in this section, "golf cart" means a vehicle designed for transportation while playing the game of golf. A village, city, or township may require a golf cart registered within its jurisdiction to meet any or all of the following vehicle safety requirements of a low-speed vehicle for approval under this section: (a) At least 2 headlamps that comply with section 685. (b) At least 1 tail lamp that complies with section 686. (c) At least 1 stop lamp and 1 lamp or mechanical signal device that comply with sections 697 and 697b. (d) At least 1 red reflector on each side of the golf cart as far to the rear as practicable and 1 red reflector on the rear of the golf cart as required for low-speed vehicles by 49 CFR 571.500. (e) One exterior mirror mounted on the driver's side of the golf cart and either 1 exterior mirror mounted on the passenger side of the golf cart or 1 interior mirror as required for low-speed vehicles by 49 CFR 571.500. (f) Brakes and a parking brake that comply with section 704. (g) A horn that complies with section 706. (h) A windshield that complies with section 708a. (i) A manufacturer's identification number permanently affixed to the frame of the golf cart. (j) Safety belts that comply with section 710a and that are used as required by section 710e. (k) The crash helmet requirements applicable to low-speed vehicles under section 658b. History:Add. 2014, Act 491, Imd. Eff. Jan. 13, 2015 ;-- Am. 2018, Act 139, Eff. Aug. 8, 2018

Bicycles, Motorcycles and Toy Vehicles (257.656...257.662a)Section 257.658 - Riding on Seat of Bicycle, Motorcycle, Moped, Electric Skateboard, or Electric Personal Assistive Mobility Device; Number of Persons; Wearing of Crash Helmet; Conditions; Rules; Requirements for Autocycle.

Sec. 658. (1) A person propelling a bicycle or operating a motorcycle or moped shall not ride other than upon and astride a permanent and regular seat attached to that vehicle. (2) A bicycle or motorcycle shall not be used to carry more persons at 1 time than the number for which it is designed and equipped. (3) An electric personal assistive mobility device or an electric skateboard shall not be used to carry more than 1 person at a time. (4) A person less than 19 years of age operating a moped on a public thoroughfare shall wear a crash helmet on his or her head. A person less than 19 years of age operating an electric skateboard shall wear a crash helmet on his or her head. Except as provided in subsection (5), a person operating or riding on a motorcycle shall wear a crash helmet on his or her head. (5) The following conditions apply to a person 21 years of age or older operating or riding on a motorcycle, as applicable: (a) A person who is operating a motorcycle is not required to wear a crash helmet on his or her head if he or she has had a motorcycle endorsement on his or her operator's or chauffeur's license for not less than 2 years or the person passes a motorcycle safety course conducted under section 811a or 811b and satisfies the requirements of subdivision (c). (b) A person who is riding on a motorcycle is not required to wear a crash helmet on his or her head if the person or the operator of the motorcycle satisfies the requirements of subdivision (c). (c) A person who is operating a motorcycle and a person who is riding on a motorcycle are not required to wear crash helmets on their heads if the operator of the motorcycle or the rider has in effect security for the first-party medical benefits payable in the event that he or she is involved in a motorcycle accident, as provided in section 3103 of the insurance code of 1956, 1956 PA 218, MCL 500.3103, in 1 of the following amounts, as applicable: (i) A motorcycle operator without a rider, not less than $20,000.00. (ii) A motorcycle operator with a rider, not less than $20,000.00 per person per occurrence. However, if the rider has security in an amount not less than $20,000.00, then the operator is only required to have security in the amount of not less than $20,000.00. (6) Crash helmets shall be approved by the department of state police. The department of state police shall promulgate rules for the implementation of this section under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Rules in effect on June 1, 1970, apply to helmets required by this act. (7) The crash helmet requirements under this section do not apply to a person operating or riding in an autocycle if the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet. (8) A person operating or riding in an autocycle shall wear seat belts when on a public highway in this state. (9) A person under the age of 12 shall not operate an electric skateboard on a public highway or street. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1959, Act 260, Eff. Mar. 19, 1960 ;-- Am. 1966, Act 207, Eff. Mar. 10, 1967 ;-- Am. 1968, Act 141, Imd. Eff. June 12, 1968 ;-- Am. 1969, Act 118, Eff. Sept. 1, 1969 ;-- Am. 1969, Act 134, Eff. June 1, 1970 ;-- Am. 1970, Act 24, Imd. Eff. June 1, 1970 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1983, Act 91, Imd. Eff. June 16, 1983 ;-- Am. 1984, Act 328, Imd. Eff. Dec. 26, 1984 ;-- Am. 2002, Act 494, Imd. Eff. July 3, 2002 ;-- Am. 2012, Act 98, Imd. Eff. Apr. 13, 2012 ;-- Am. 2012, Act 589, Eff. Mar. 28, 2013 ;-- Am. 2018, Act 204, Eff. Sept. 18, 2018Constitutionality:The legislature may reasonably require that helmets be worn with a view to mitigating potential civil and criminal liability of drivers who collide with motorcycles. People v Poucher, 398 Mich 316; 247 NW2d 798 (1976).Popular Name:Helmet LawAdmin Rule:R 28.901 et seq. and R 28.951 et seq. of the Michigan Administrative Code.

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Sec. 658a. (1) In addition to the requirements of section 658, a motorcycle shall be equipped with adequate seats and foot rests or pegs for each designated seating position. Foot rests or pegs must be securely attached. A passenger shall not ride on a motorcycle unless his or her feet can rest on the assigned foot rests or pegs except that this requirement does not apply to a person who is unable to reach the foot rests or pegs due to a permanent physical disability. (2) A person who violates this section is responsible for a civil infraction. History:Add. 1995, Act 68, Eff. Jan. 1, 1996

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Sec. 658b. (1) Except as provided in subsection (2), a person operating or riding in a low-speed vehicle shall wear a crash helmet on his or her head. The crash helmet shall meet the requirements of the rules promulgated by the department of state police under section 658. (2) Subsection (1) does not apply to a person operating or riding in a low-speed vehicle equipped with a roof that meets or exceeds the standards for roof-crush resistance, provided under 49 C.F.R. 571.500. History:Add. 2000, Act 82, Eff. July 1, 2000

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Sec. 659. A person riding upon a bicycle, moped or motorcycle, coaster, roller skates, sled, or toy vehicle shall not attach the same or himself to a streetcar or vehicle upon a roadway. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977

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Sec. 660. (1) A person operating an electric personal assistive mobility device, low-speed vehicle, electric skateboard, or moped upon a roadway shall ride as near to the right side of the roadway as practicable, shall exercise due care when passing a standing vehicle or a vehicle proceeding in the same direction, and shall not block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track. (2) A motorcycle is entitled to full use of a lane, and a motor vehicle must not be driven in such a manner as to deprive a motorcycle of the full use of a lane. This subsection does not apply to motorcycles operated 2 abreast in a single lane or to the operation of a motorcycle in a manner that blocks, delays, or otherwise interferes with the movement of a streetcar on a streetcar track. (3) A person riding an electric personal assistive mobility device, motorcycle, electric skateboard, or moped upon a roadway shall not ride more than 2 abreast except on a path or part of a roadway set aside for the exclusive use of those vehicles. (4) Where a usable and designated path for bicycles is provided adjacent to a highway or street, a person operating an electric personal assistive mobility device or electric skateboard may, by local ordinance, be required to use that path. (5) A person operating a motorcycle, moped, low-speed vehicle, electric personal assistive mobility device, or electric skateboard shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a 2-way street or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane. (6) A person operating an electric personal assistive mobility device or electric skateboard on a sidewalk constructed for the use of pedestrians shall yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing the pedestrian. (7) A moped, low-speed vehicle, or commercial quadricycle must not be operated on a sidewalk constructed for the use of pedestrians. (8) A low-speed vehicle or commercial quadricycle must not be operated at a speed of more than 25 miles per hour. A low-speed vehicle must not be operated on a highway or street with a speed limit of more than 35 miles per hour except for the purpose of crossing that highway or street. A commercial quadricycle must not be operated on a highway or street with a speed limit of more than 45 miles per hour except for the purpose of crossing that highway or street. An individual shall not operate a commercial quadricycle that is equipped with a motor unless he or she has a valid operator's license issued under this act. The state transportation department may prohibit the operation of a low-speed vehicle or commercial quadricycle on any highway or street under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety. (9) This section does not apply to a police officer in the performance of his or her official duties. (10) An electric personal assistive mobility device must not be operated at a speed of more than 15 miles per hour and must not be operated on a highway or street with a speed limit of more than 25 miles per hour except to cross that highway or street. (11) An electric skateboard must not be operated at a speed of more than 25 miles per hour. An electric skateboard that does not have handlebars must not be operated on a highway or street with a speed limit of more than 25 miles per hour except to cross that highway or street, and an electric skateboard equipped with handlebars must not be operated on a highway or street with a speed limit of more than 45 miles per hour except to cross that highway or street. (12) The governing body of a county, a city, a village, an entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or a township may, by ordinance based on the health, safety, and welfare of the citizens, regulate the operation of electric personal assistive mobility devices, electric skateboards, or commercial quadricycles on sidewalks, highways or streets, or crosswalks. Except as otherwise provided in this subsection, a governing body of a county, city, village, entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or township may prohibit the operation of electric personal assistive mobility devices, electric skateboards or commercial quadricycles in an area open to pedestrian traffic adjacent to a waterfront or on a trail under its jurisdiction, in a downtown or central business district, or on a street that includes streetcar tracks. Signs indicating the regulation must be conspicuously posted in the area where the use of an electric personal assistive mobility device, electric skateboard, or commercial quadricycle is regulated. (13) Operation of an electric personal assistive mobility device or electric skateboard is prohibited in a special charter city and a state park under the jurisdiction of the Mackinac Island State Park commission. (14) Operation of an electric personal assistive mobility device or electric skateboard may be prohibited in a historic district. (15) The department of natural resources may by order regulate the use of electric personal assistive mobility devices or electric skateboards on all lands under its control. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 207, Eff. Mar. 10, 1967 ;-- Am. 1969, Act 134, Eff. June 1, 1970 ;-- Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975 ;-- Am. 1975, Act 273, Eff. Mar. 31, 1976 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1994, Act 348, Eff. Mar. 30, 1995 ;-- Am. 2000, Act 82, Eff. July 1, 2000 ;-- Am. 2002, Act 494, Imd. Eff. July 3, 2002 ;-- Am. 2006, Act 339, Imd. Eff. Aug. 15, 2006 ;-- Am. 2015, Act 126, Imd. Eff. July 15, 2015 ;-- Am. 2018, Act 204, Eff. Sept. 18, 2018 ;-- Am. 2018, Act 394, Eff. Mar. 19, 2019 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021Compiler's Notes:For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No.

2011-1, compiled at MCL 324.99921.

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Sec. 660a. A person operating a bicycle upon a highway or street at less than the existing speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway except as follows: (a) When overtaking and passing another bicycle or any other vehicle proceeding in the same direction. (b) When preparing to turn left. (c) When conditions make the right-hand edge of the roadway unsafe or reasonably unusable by bicycles, including, but not limited to, surface hazards, an uneven roadway surface, drain openings, debris, parked or moving vehicles or bicycles, pedestrians, animals, or other obstacles, or if the lane is too narrow to permit a vehicle to safely overtake and pass a bicycle. (d) When operating a bicycle in a lane in which the traffic is turning right but the individual intends to go straight through the intersection. (e) When operating a bicycle upon a 1-way highway or street that has 2 or more marked traffic lanes, in which case the individual may ride as near the left-hand curb or edge of that roadway as practicable. (f) When riding as close as practicable to the right-hand curb or edge of the roadway would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track. History:Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021Compiler's Notes:Former MCL 257.660a, which pertained to operation of bicycle with motor, was repealed by Act 439 of 1976, Imd. Eff. Jan. 13, 1997.

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Sec. 660b. Two or more individuals operating bicycles upon a highway or street shall not ride more than 2 abreast except upon a path or portion of the highway or street set aside for the use of bicycles. History:Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006

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Sec. 660c. (1) An individual operating a bicycle upon a sidewalk or a pedestrian crosswalk shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian. (2) An individual shall not operate a bicycle upon a sidewalk or a pedestrian crosswalk if that operation is prohibited by an official traffic control device. (3) An individual lawfully operating a bicycle upon a sidewalk or a pedestrian crosswalk has all of the rights and responsibilities applicable to a pedestrian using that sidewalk or crosswalk. History:Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006

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Sec. 660d. (1) An individual may park a bicycle or an electric skateboard equipped with handlebars on a sidewalk except as prohibited by an official traffic control device. (2) An individual shall not park a bicycle or an electric skateboard equipped with handlebars on a sidewalk in such a manner that the bicycle or electric skateboard equipped with handlebars impedes the lawful movement of pedestrians or other traffic. (3) An individual may park a bicycle or an electric skateboard equipped with handlebars on a highway or street at any location where parking is allowed for motor vehicles, may park at any angle to the curb or the edge of the highway, and may park abreast of another bicycle or electric skateboard equipped with handlebars. (4) An individual shall not park a bicycle or an electric skateboard equipped with handlebars on a highway or street in such a manner as to obstruct the movement of a legally parked motor vehicle or as to block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track. (5) Except as otherwise provided in this section, an individual parking a bicycle or an electric skateboard equipped with handlebars on a highway or street shall do so in compliance with this act and any local ordinance. History:Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006 ;-- Am. 2018, Act 394, Eff. Mar. 19, 2019 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

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Bicycles, Motorcycles and Toy Vehicles (257.656...257.662a)Section 257.661 - Carrying Package, Bundle, or Article on Bicycle, Electric Personal Assistive Mobility Device, Moped, or Motorcycle.

Sec. 661. A person operating a bicycle, electric personal assistive mobility device, moped, or motorcycle shall not carry any package, bundle, or article that prevents the driver from keeping both hands upon the handlebars of the vehicle. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 207, Eff. Mar. 10, 1967 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 2002, Act 494, Imd. Eff. July 3, 2002

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Sec. 661a. A person shall not operate on a public highway of this state a motorcycle or moped equipped with handlebars that are higher than 30 inches from the lowest point of the undepressed saddle to the highest point of the handle grip of the operator. History:Add. 1969, Act 134, Eff. June 1, 1970 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 2018, Act 160, Imd. Eff. May 23, 2018

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Sec. 662. (1) A bicycle, electric personal assistive mobility device, electric skateboard, or commercial quadricycle being operated on a roadway between 1/2 hour after sunset and 1/2 hour before sunrise shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. (2) A bicycle shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement. (3) An electric personal assistive mobility device, electric skateboard, or commercial quadricycle shall enable the operator to bring it to a controlled stop. (4) A person shall not sell, offer for sale, or deliver for sale in this state a bicycle or a pedal for use on a bicycle, either of which was manufactured after January 1, 1976, unless it is equipped with a type of reflex reflector located on the front and rear surfaces of the pedal. The reflector elements may be either integral with the construction of the pedal or mechanically attached, but shall be sufficiently recessed from the edge of the pedal, or of the reflector housing, to prevent contact of the reflector element with a flat surface placed in contact with the edge of the pedal. The pedal reflectors shall be visible from the front and rear of the bicycle during the nighttime from a distance of 200 feet when directly exposed to the lower beam head lamps of a motor vehicle. (5) A person shall not sell, offer for sale, or deliver for sale in this state a bicycle manufactured after January 1, 1976 or an electric personal assistive mobility device unless it is equipped with either tires that have reflective sidewalls or with wide-angle prismatic spoke reflectors. If the bicycle or the electric personal assistive mobility device is manufactured with reflective sidewalls, the reflective portion of the sidewall shall form a continuous circle on the sidewall, and may not be removed from the tire without removal of tire material. If the bicycle is equipped with wide-angle prismatic spoke reflectors, the reflectors of the front wheel shall be essentially colorless or amber, and the reflectors on the rear wheel shall be essentially colorless or red. Reflective sidewalls or spoke reflectors shall cause the bicycle to be visible from all distances from 100 feet to 600 feet when viewed under lawful low beam motor vehicle head lamps under normal atmospheric conditions. (6) A person who violates subsection (1) or (2) is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2000, Act 131, Imd. Eff. June 1, 2000 ;-- Am. 2002, Act 494, Imd. Eff. July 3, 2002 ;-- Am. 2015, Act 126, Imd. Eff. July 15, 2015 ;-- Am. 2018, Act 204, Eff. Sept. 18, 2018

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Sec. 662a. (1) Except as otherwise provided in this section, an individual riding an electric bicycle is subject to the same requirements under this act as an individual riding a bicycle. (2) Beginning on January 1, 2018, a manufacturer or distributor of electric bicycles offered for sale or distribution in this state shall permanently affix in a prominent location on the electric bicycle a

label that contains the classification number, top assisted speed, and motor wattage of the electric bicycle. The label required under this subsection shall be printed in Arial font and shall be at least 9-point type. (3) A person shall not tamper with or modify an electric bicycle so as to change the manufactured motor-powered speed capability or motor engagement of the electric bicycle without replacing the label required under subsection (2) with an appropriate label printed in Arial font and in at least 9-point type. For purposes of this act, a device shall not be considered an electric bicycle if the motor is modified in a manner that no longer meets the criteria described in section 13e, or if the motor exceeds 750 watts. (4) All of the following apply to a class 3 electric bicycle: (a) A class 3 electric bicycle shall not be operated by an individual less than 14 years of age. An individual less than 14 years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers. (b) An individual less than 18 years of age who operates or rides as a passenger on a class 3 electric bicycle shall wear a properly fitted and fastened bicycle helmet that meets federal standards established by the United States Consumer Product Safety Commission or the American Society for Testing and Materials. (5) An electric bicycle shall comply with applicable equipment and manufacturing requirements for electric bicycles established under federal law, including standards adopted by the United States Consumer Product Safety Commission and compiled in 16 CFR part 1512. (6) Except as otherwise provided in subsection (7), an individual may operate an electric bicycle on any part of a highway that is open to a bicycle, including, but not limited to, a lane designated for the exclusive use of bicycles and the shoulder. (7) An individual shall not operate an electric bicycle within a city that prohibits the use of nonemergency motor vehicles, unless the city council of that city, by majority vote, adopts a resolution allowing the operation of electric bicycles within city limits. An individual shall not operate an electric bicycle within the Mackinac Island State Park, unless he or she has obtained the required permit from the Mackinac Island State Park Commission created in part 767 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.76701 to 324.76709, or unless the Mackinac Island State Park Commission authorizes the operation of electric bicycles within its jurisdiction. If a city described in this subsection or the Mackinac Island State Park Commission authorizes the operation of electric bicycles within its jurisdiction, the city or the Mackinac Island State Park Commission may regulate the operation of electric bicycles within its jurisdiction. (8) An individual may operate a class 1 electric bicycle on a linear trail that has an asphalt, crushed limestone, or similar surface, or a rail trail. A local authority or agency of this state having jurisdiction over a trail described in this subsection may regulate or prohibit the operation of a class 1 electric bicycle on that trail. (9) An individual may operate a class 2 or class 3 electric bicycle on a linear trail that has an asphalt, crushed limestone, or similar surface, or a rail trail if authorized by the local authority or agency of this state having jurisdiction over the trail. (10) Except as otherwise provided in this subsection, an individual shall not operate an electric bicycle on a trail that is designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or agency of this state having jurisdiction over a trail described in this subsection may allow and regulate the operation of an electric bicycle on that trail. (11) This state or a local authority or agency of this state shall administer the provisions of this section in a manner that complies with the Americans with disabilities act of 1990, Public Law 101-336, and the persons with disabilities civil rights act, 1976 PA 220, MCL 37.1101 to 37.1607. (12) Before an entity described in subsections (7) to (10) may prohibit, authorize, or regulate the use of electric bicycles within its jurisdiction, that entity shall hold a public hearing on the matter. (13) Subsections (6) to (10) do not apply to the use of electric bicycles on a congressionally authorized public trail system. History:Add. 2017, Act 139, Eff. Jan. 28, 2018

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Sec. 649. (1) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle that has entered the intersection from a different highway. (2) When 2 vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right. (3) The right of way rules in subsections (1) and (2) are modified at through highways and otherwise as provided in subsection (4) and in this chapter. (4) The driver of a vehicle approaching an intersection that is controlled by a traffic control signal shall do all of the following, if the signal facing the driver exhibits no colored lights or colored lighted arrows, exhibits a combination of colored lights or colored lighted arrows that fails to clearly indicate the assignment of right of way, or the signals are otherwise malfunctioning: (a) Stop at a clearly marked stop line, or, if there is no clearly marked stop line, stop before entering the crosswalk on the near side of the intersection, or, if there is no crosswalk, stop before entering the intersection. (b) Yield the right of way to all vehicles in the intersection or approaching on an intersecting road, if those vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection. (c) Exercise ordinary care while proceeding through the intersection. (5) Subsection (4) does not apply to either of the following: (a) An intersection that is controlled by a traffic control signal that is flashing yellow unless certain events occur, including, but not limited to, activation by an emergency vehicle. (b) A traffic control signal that is located in a school zone and is flashing yellow only during prescribed periods of time. (6) The driver of a vehicle approaching a yield sign, in obedience to the sign, shall slow down to a speed reasonable for the existing conditions and shall yield the right of way to a vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the driver would be moving across or within the intersection. However, if required for safety to stop, the driver shall stop before entering the crosswalk on the near side of the intersection or, if there is not a crosswalk, at a clearly marked stop line; but if there is not a crosswalk or a clearly marked stop line, then at the point nearest the intersecting roadway where the driver has a view of

approaching traffic on the intersecting roadway. (7) The driver of a vehicle traveling at an unlawful speed forfeits a right of way that the driver might otherwise have under this section. (8) Except when directed to proceed by a police officer, the driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or if there is not a crosswalk shall stop at a clearly marked stop line; or if there is not a crosswalk or a clearly marked stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After having stopped, the driver shall yield the right of way to a vehicle that has entered the intersection from another highway or that is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver would be moving across or within the intersection. (9) When a vehicle approaches the intersection of a highway from an intersecting highway or street that is intended to be, and is constructed as, a merging highway or street, and is plainly marked at the intersection with appropriate merge signs, the vehicle shall yield right of way to a vehicle so close as to constitute an immediate hazard on the highway about to be entered and shall adjust its speed so as to enable it to merge safely with the through traffic. (10) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1955, Act 165, Imd. Eff. June 13, 1955 ;-- Am. 1959, Act 234, Eff. Mar. 19, 1960 ;-- Am. 1966, Act 237, Eff. Mar. 10, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2018, Act 109, Eff. July 23, 2018

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Sec. 649a. (1) The driver of a vehicle at a location other than an intersection intending to turn to the left across a lane of traffic traveling in the opposite direction shall yield the right-of-way to all vehicles approaching from the opposite direction that are so close to the driver as to constitute an immediate hazard. (2) An individual who violates this section is responsible for a civil infraction. History:Add. 2022, Act 92, Imd. Eff. June 6, 2022

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Sec. 650. (1) The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to a vehicle approaching from the opposite direction which is within the intersection or so close to the intersection as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this chapter, may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn. At an intersection at which a traffic signal is located, a driver intending to make a left turn shall permit vehicles bound straight through in the opposite direction which are waiting a go signal to pass through the intersection before making the turn. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 651. (a) Except where approved traffic signals are used to control traffic, the state highway commissioner shall erect stop, yield or merge signs at every entrance to a state trunk line highway from intersecting highways or streets. However, after a traffic engineering investigation the state highway commission acting jointly with the commissioner of the Michigan state police may give preference to a city street or a county road over a state trunk line highway, and shall erect appropriate signs. (b) Where 2 or more state trunk line highways intersect or cross, the state highway commissioner and the commissioner of the Michigan state police, acting jointly, shall determine which traffic, if any, shall be given preference and appropriate stop, yield or merge signs shall be erected. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1959, Act 151, Imd. Eff. July 16, 1959 ;-- Am. 1966, Act 237, Eff. Mar. 10, 1967

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Sec. 652. (1) The driver of a vehicle about to enter or cross a highway from an alley, private road, or driveway shall come to a full stop before entering the highway and shall yield right of way to vehicles approaching on the highway. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1959, Act 234, Eff. Mar. 19, 1960 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 653. (1) Upon the immediate approach of an authorized emergency vehicle equipped with not less than 1 lighted flashing, rotating, or oscillating lamp exhibiting a red or blue light visible under normal atmospheric condition from a distance of 500 feet to the front of the vehicle and when the driver is giving audible signal by siren, exhaust whistle, or bell: (a) The driver of another vehicle shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway, clear of an intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (b) The operator of a streetcar shall immediately stop the car, clear of an intersection, and shall keep it in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (2) This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the highway. (3) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1964, Act 7, Imd. Eff. Mar. 20, 1964 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 653a. (1) Upon approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, white, or amber lights as permitted by section 698, the driver of an approaching vehicle shall exhibit due care and caution, as required under the following: (a) On any public roadway with at least 2 adjacent lanes proceeding in the same direction of the stationary authorized emergency vehicle, the driver of the approaching vehicle shall proceed with caution, reduce his or her speed by at least 10 miles per hour below the posted speed limit, and yield the right-of-way by moving into a lane at least 1 moving lane or 2 vehicle widths apart from the stationary authorized emergency vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or 2 vehicle widths apart is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver of the approaching vehicle shall proceed as required in subdivision (b). (b) On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision (a), the approaching vehicle shall proceed with due care and caution and reduce his or her speed by at least 10 miles per hour below the posted speed limit, or as directed by a police officer. (2) Except as provided in this subsection and subsections (3) and (4), a person who violates this section is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 90 days, or both. Beginning 60 days after the effective date of the amendatory act that amended this subsection, except as provided in subsections (3) and (4), a person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of $400.00. (3) A person who violates this section and causes injury to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than $1,000.00 or imprisonment for not more than 2 years, or both. (4) A person who violates this section and causes death to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than $7,500.00 or by imprisonment for not more than 15 years, or both. (5) The operator of a vehicle upon a highway that has been divided into 2 roadways by leaving an intervening space, or by a physical barrier or clearly indicated dividing sections so constructed as to impede vehicular traffic, is not required to proceed with caution, reduce his or her speed, or yield the right-of-way for an authorized emergency vehicle that is stopped across the dividing space, barrier, or section. History:Add. 2000, Act 458, Eff. Mar. 28, 2001 ;-- Am. 2018, Act 349, Eff. Feb. 13, 2019

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Sec. 653b. (1) Upon approaching and passing a stationary solid waste collection vehicle, a utility service vehicle, or a road maintenance vehicle that is giving a visual signal by means of flashing, rotating, or oscillating amber lights as permitted by section 698, the driver of an approaching vehicle shall exhibit due care and caution, as required under the following: (a) On any public roadway with at least 2 adjacent lanes proceeding in the same direction of the stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle, the driver of the approaching vehicle shall proceed with caution, reduce his or her

speed by at least 10 miles per hour below the posted speed limit, and yield the right-of-way by moving into a lane at least 1 moving lane or 2 vehicle widths apart from the stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or 2 vehicle widths apart is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver of the approaching vehicle shall proceed as required in subdivision (b). (b) On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision (a), the approaching vehicle shall proceed with due care and caution and reduce his or her speed by 10 miles per hour. (2) The operator of a vehicle upon a highway that has been divided into 2 roadways by leaving an intervening space, or by a physical barrier or clearly indicated dividing sections so constructed as to impede vehicular traffic, is not required to proceed with caution, reduce his or her speed, or yield the right-of-way for a stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle that is stopped across the dividing space, barrier, or section. (3) As used in this section: (a) "Road maintenance authority" means any of the following: (i) The state department of transportation. (ii) A local authority. (iii) An entity operating under contract with the state department of transportation or a local authority to provide road construction or road maintenance services. (b) "Road maintenance vehicle" means a vehicle owned or operated by a road maintenance authority. (c) "Solid waste" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506. (d) "Solid waste collection vehicle" means a solid waste transporting unit that is used for the curbside collection of municipal solid waste. (e) "Solid waste hauler" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506. (f) "Solid waste transporting unit" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506. (g) "Utility provider" means an entity that does any of the following and that is regulated as a utility under the laws of this state or of the United States: (i) Generates or distributes electrical power to the public. (ii) Generates or distributes natural gas to the public. (iii) Provides sewage collection services to the public. (iv) Provides water distribution services to the public. (v) Provides telephone services to the public. (vi) Provides cable or video services to the public. (h) "Utility service vehicle" means a vehicle owned or operated by a utility provider. History:Add. 2008, Act 464, Imd. Eff. Jan. 9, 2009 ;-- Am. 2018, Act 349, Eff. Feb. 13, 2019

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Sec. 654. (1) A motor vehicle forming part of a funeral procession, when going to a place of burial, shall have the right of way over all other vehicles except fire apparatus, ambulances, and police patrol vehicles at a street or highway intersection within this state if the vehicle in the funeral procession displays a flag which shall be fluorescent orange in color, and upon which shall be printed, stamped, or stained a black cross, the star of David, or the crescent and star. The lead vehicle and the last vehicle in the funeral procession may carry an additional flag. The flags shall not contain a name embossed or printed on the flag, except the word "funeral". (2) A person passing through a funeral procession of motor vehicles, designated pursuant to subsection (1), with a vehicle of any kind, is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1952, Act 9, Eff. Sept. 18, 1952 ;-- Am. 1960, Act 105, Eff. Aug. 17, 1960 ;-- Am. 1975, Act 49, Imd. Eff. May 20, 1975 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 148, Eff. Jan. 1, 1980

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Sec. 655. (1) Where sidewalks are provided, a pedestrian shall not walk upon the main traveled portion of the highway. Where sidewalks are not provided, pedestrians shall, when practicable, walk on the left side of the highway facing traffic which passes nearest. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 716. (1) Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight specified in this chapter are lawful throughout this state, and local authorities shall not alter those size and weight limitations except as express authority is granted in this chapter. (2) The provision of this chapter governing size, weight, and load do not apply to a fire apparatus, to an implement of

husbandry, a boat lift or oversized hydraulic boat trailer owned and operated by a marina or watercraft dealer used exclusively in a commercial boat storage operation and incidentally moved upon a highway, a combination of vehicles described in, and under the conditions provided by, subsection (4), or to a vehicle operated under the terms of a special permit issued as provided in this chapter. (3) The state transportation department, under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may promulgate rules permitting and regulating the operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations in this chapter. The rules may restrict or proscribe the conditions of operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations in this chapter, if the restriction or proscription is necessary to protect the public safety or to prevent undue damage to a road foundation or surface, a structure, or an installation. The rules may provide for a reasonable inspection fee for an inspection of a vehicle or vehicles to determine whether their sizes and weights are in conformance with this act, and may require other security necessary to compensate for damage caused by the vehicle or vehicles described in this subsection. (4) A wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and 1 trailer, that exceeds the size and weight limitations in this chapter may be operated upon the highways of this state under the following conditions: (a) The wrecker is specifically designed for such towing operations, is equipped with flashing, oscillating, or rotating amber or red lights as permitted under section 698, and is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems are operational. (b) For a combination of disabled vehicles, the wrecker is issued a special permit under section 725 by the state transportation department. The special permit is valid for the entire towing distance, and the operator of the wrecker may remove the disabled vehicles from the roadway at any lawful point of his or her choosing within that distance. (c) For a single disabled vehicle, the wrecker is issued a special permit under section 725 by the state transportation department for the transport of the disabled vehicle. A wrecker operator is not subject to mileage limitations for a special permit issued for purposes of this subdivision. (d) The wrecker does not operate on any highway, road, street, or structure included on a list provided by the state transportation department unless the disabled vehicle or combination of vehicles is located on 1 of those roads or structures. (5) The owner or operator of a wrecker that does not comply with subsection (4)(d) is responsible for a civil infraction and shall pay a civil fine of not less than $250.00 or more than $500.00. The civil fine imposed under this subsection is in addition to any fine that may be imposed under section 724 or 725. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1970, Act 177, Imd. Eff. Aug. 3, 1970 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 311, Imd. Eff. Dec. 4, 1980 ;-- Am. 1998, Act 427, Eff. Mar. 1, 1999 ;-- Am. 2006, Act 509, Imd. Eff. Dec. 29, 2006 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009 ;-- Am. 2016, Act 453, Eff. Apr. 5, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.717 - Maximum Permissible Width of Vehicle or Load; Extension Beyond Center Line of Highway; Permit; Designation of Highway for Operation of Vehicle or Vehicle Combination; Special Permit; Boat Lift or Trailer; Snowplow Blade; Violation as Civil Infraction; Charging Owner.

Sec. 717. (1) The total outside width of a vehicle or the load on a vehicle shall not exceed 96 inches, except as otherwise provided in this section. (2) A person may operate or move an implement of husbandry of any width on a highway as required, designed, and intended for farming operations, including the movement of implements of husbandry being driven or towed and not hauled on a trailer, without obtaining a special permit for an excessively wide vehicle or load under section 725. The operation or movement of the implement of husbandry shall be in a manner so as to minimize the interruption of traffic flow. A person shall not operate or move an implement of husbandry to the left of the center of the roadway from a half hour after sunset to a half hour before sunrise, under the conditions specified in section 639, or at any time visibility is substantially diminished due to weather conditions. A person operating or moving an implement of husbandry shall follow all traffic regulations. (3) The total outside width of the load of a vehicle hauling concrete pipe, ferrous pipe, agricultural products, or unprocessed logs, pulpwood, or wood bolts shall not exceed 108 inches. (4) Except as provided in subsections (2) and (5) and this subsection, if a vehicle that is equipped with pneumatic tires is operated on a highway, the maximum width from the outside of 1 wheel and tire to the outside of the opposite wheel and tire shall not exceed 102 inches, and the outside width of the body of the vehicle or the load on the vehicle shall not exceed 96 inches. However, a truck and trailer or a tractor and semitrailer combination hauling pulpwood or unprocessed logs may be operated with a maximum width of not to exceed 108 inches in accordance with a special permit issued under section 725. (5) The total outside body width of a school bus, a bus, a trailer coach, a trailer, a semitrailer, a truck camper, or a motor home shall not exceed 102 inches. However, an appurtenance of a school bus, a trailer coach, a truck camper, or a motor home that extends not more than 6 inches beyond the total outside body width does not violate this section. (6) A vehicle shall not extend beyond the center line of a state trunk line highway except when authorized by law. Except as provided in subsection (2), if the width of the vehicle makes it impossible to stay away from the center line, a permit shall be obtained under section 725. (7) The director of the state transportation department, a county road commission, or a local authority may designate a highway under the agency's jurisdiction as a highway on which a person may operate a vehicle or vehicle combination that is not more than 102 inches in width, including load, the operation of which would otherwise be prohibited by this section. The agency making the designation may require that the owner or lessee of the vehicle or of each vehicle in the vehicle combination secure a permit before operating the vehicle or vehicle combination. This subsection does not restrict the issuance of a special permit under section 725 for the operation of a vehicle or vehicle combination. This subsection does not permit the operation of a vehicle or vehicle combination described in section 722a carrying a load described in that section if the operation would otherwise result in a violation of that section. (8) The director of the state

transportation department, a county road commission, or a local authority may issue a special permit under section 725 to a person operating a vehicle or vehicle combination if all of the following are met: (a) The vehicle or vehicle combination, including load, is not more than 106 inches in width. (b) The vehicle or vehicle combination is used solely to move new motor vehicles or parts or components of new motor vehicles between facilities that meet all of the following: (i) New motor vehicles or parts or components of new motor vehicles are manufactured or assembled in the facilities. (ii) The facilities are located within 10 miles of each other. (iii) The facilities are located within the city limits of the same city and the city is located in a county that has a population of more than 400,000 and less than 500,000 according to the most recent federal decennial census. (c) The special permit and any renewals are each issued for a term of 1 year or less. (9) A person may move or operate a boat lift of any width or an oversized hydraulic boat trailer owned and operated by a marina or watercraft dealer in a commercial boat storage operation on a highway under a multiple trip permit issued on an annual basis as specified under section 725. The operation or movement of the boat lift or trailer shall minimize the interruption of traffic flow. It shall be used exclusively to transport a boat between a place of storage and a marina or in and around a marina. A boat lift or oversized hydraulic boat trailer may be operated, drawn, or towed on a street or highway only when transporting a vessel between a body of water and a place of storage or when traveling empty to or from transporting a vessel. A boat lift shall not be operated on limited access highways. A person moving or operating a boat lift or oversized hydraulic boat trailer shall follow all traffic regulations and shall ensure the route selected has adequate power and utility wire height clearance. (10) A person may operate or move a truck to which a snowplow blade that is wider than 96 inches but no more than 132 inches wide is mounted without obtaining a special permit for an excessively wide vehicle or load under section 725. This subsection only applies between October 1 and May 1 of each year. A person operating a truck described in this subsection shall minimize the overwidth condition of the snowplow blade when not engaged in snow removal by angling the plow blade or any other method. This subsection does not apply to a person operating construction equipment for snow removal. (11) A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 68, Eff. Sept. 28, 1951 ;-- Am. 1952, Act 69, Imd. Eff. Apr. 8, 1952 ;-- Am. 1953, Act 206, Imd. Eff. June 10, 1953 ;-- Am. 1954, Act 92, Eff. Aug. 13, 1954 ;-- Am. 1964, Act 222, Eff. Aug. 28, 1964 ;-- Am. 1966, Act 237, Eff. Mar. 10, 1967 ;-- Am. 1976, Act 320, Imd. Eff. Dec. 7, 1976 ;-- Am. 1978, Act 391, Eff. Jan. 15, 1979 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 16, Eff. Aug. 1, 1979 ;-- Am. 1982, Act 533, Eff. Mar. 30, 1983 ;-- Am. 1987, Act 90, Imd. Eff. July 1, 1987 ;-- Am. 1992, Act 257, Imd. Eff. Dec. 7, 1992 ;-- Am. 1999, Act 63, Imd. Eff. June 17, 1999 ;-- Am. 2000, Act 7, Imd. Eff. Feb. 25, 2000 ;-- Am. 2002, Act 453, Imd. Eff. June 21, 2002 ;-- Am. 2002, Act 552, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 511, Imd. Eff. Jan. 3, 2005 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009 ;-- Am. 2014, Act 391, Imd. Eff. Dec. 22, 2014 ;-- Am. 2018, Act 273, Eff. Sept. 27, 2018 ;-- Am. 2018, Act 342, Eff. Jan. 14, 2019

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Sec. 718. (1) A passenger type vehicle shall not be operated on a highway with a load carried on the vehicle extending beyond the line of the fenders on the left side of the vehicle nor extending more than 6 inches beyond the line of the fenders on the right side of the vehicle. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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***** 257.719 SUBSECTIONS (2)(a) AND (3)(b) MAY NOT APPLY: See subsection (9) ***** Sec. 719. (1) A vehicle unloaded or with load shall not exceed a height of 13 feet 6 inches. The owner of a vehicle that collides with a lawfully established bridge or viaduct is liable for all damage and injury resulting from a collision caused by the height of the vehicle, whether the clearance of the bridge or viaduct is posted or not. (2) Lengths described in this subsection shall be known as the normal length maximum. Except as provided in subsection (3), the following vehicles and combinations of vehicles shall not be operated on a highway in this state in excess of these lengths: (a) Subject to subsection (9), any single vehicle: 40 feet; a crib vehicle on which logs are loaded lengthwise of the vehicle: 42.5 feet; any single bus or motor home: 45 feet. (b) Articulated buses: 65 feet. (c) Notwithstanding any other provision of this section, a combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or truck tractor and semitrailer or trailer, designed and used exclusively to transport assembled motor vehicles or bodies, recreational vehicles, or boats: 65 feet. A combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or a truck tractor and semitrailer or trailer designed and used to transport boats from the manufacturer: 75 feet. A stinger-steered combination: 80 feet. The load on the combinations of vehicles described in this subdivision may extend an additional 3 feet beyond the front and 4 feet beyond the rear of the combinations of vehicles, except that the load on a stinger-steered combination may extend an additional 4

feet beyond the front and 6 feet beyond the rear. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination. (d) Truck tractor and semitrailer combinations: no overall length, the semitrailer: 50 feet. (e) Except as provided in subdivision (j), truck and semitrailer or trailer: 59 feet. (f) Except as provided in subdivisions (g) and (k), truck tractor, semitrailer, and trailer, or truck tractor and 2 semitrailers: 59 feet. (g) A truck tractor, semitrailer, and trailer, or a truck tractor and 2 semitrailers, in which no semitrailer or trailer is more than 28-1/2 feet long: 65 feet. This subdivision only applies while the vehicle is being used for a business purpose reasonably related to picking up or delivering a load and only if each semitrailer or trailer is equipped with a device or system capable of mechanically dumping construction materials or dumping construction materials by force of gravity. (h) More than 1 motor vehicle, wholly or partially assembled, in combination, utilizing 1 tow bar or 3 saddle mounts with full mount mechanisms and utilizing the motive power of 1 of the vehicles in combination: 55 feet. (i) A recreational vehicle that has its own motive power, in combination with a trailer: 65 feet or, if the operator of the recreational vehicle has a group commercial motor vehicle designation on his or her operator's or chauffeur's license, 75 feet. (j) Truck and trailer combinations designed and used to transport agricultural drainage tubing: 75 feet. (k) A towaway trailer transporter combination: 82 feet. As used in this subdivision, "towaway trailer transportation combination" means that term as defined in 49 USC 31111. (3) Notwithstanding subsection (2), the following vehicles and combinations of vehicles shall not be operated on a designated highway of this state in excess of these lengths: (a) Truck tractor and semitrailer combinations: no overall length limit, the semitrailer 53 feet. City, village, or county authorities may prohibit stops of vehicles with a semitrailer longer than 50 feet within their jurisdiction unless the stop occurs along appropriately designated routes, or is necessary for emergency purposes or to reach shippers, receivers, warehouses, and terminals along designated routes. (b) Except as provided in subsection (2)(k), truck and semitrailer or trailer combinations: 65 feet, except that a person may operate a truck and semitrailer or trailer designed and used to transport saw logs, pulpwood, and tree length poles that does not exceed an overall length of 70 feet or a crib vehicle and semitrailer or trailer designed and used to transport saw logs that does not exceed an overall length of 75 feet. A crib vehicle and semitrailer or trailer designed to and used to transport saw logs shall not exceed a gross vehicle weight of 164,000 pounds. A person may operate a truck tractor and semitrailer designed and used to transport saw logs, pulpwood, and tree length wooden poles with a load overhang to the rear of the semitrailer which does not exceed 6 feet if the semitrailer does not exceed 50 feet in length. (c) Notwithstanding subsection (5)(d), a truck tractor with a log slasher unit and a log saw unit: no overall limit if the length of each unit does not exceed 28-1/2 feet, or the overall length of the log slasher unit and the log saw unit, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet. The coupling devices of the truck tractor and units set forth in this subdivision shall meet the requirements established under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25. (d) Except as provided in subsection (2)(k), truck tractor and 2 semitrailers, or truck tractor, semitrailer, and trailer combinations: no overall length limit, if the length of each semitrailer or trailer does not exceed 28-1/2 feet each, or the overall length of the semitrailer and trailer, or 2 semitrailers as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together does not exceed 58 feet. (e) More than 1 motor vehicle, wholly or partially assembled, in combination, utilizing 1 tow bar or 3 saddle mounts with full mount mechanisms and utilizing the motive power of 1 of the vehicles in combination: 97 feet. (f) Truck tractor and lowboy semitrailer combinations: no maximum overall length, if the lowboy semitrailer does not exceed 59 feet, except as otherwise permitted under this subdivision. A lowboy semitrailer more than 59 feet in length shall not operate with more than any combination of 4 axles on the lowboy unless an oversized load permit is issued by the state transportation department or a local authority with respect to highways under its jurisdiction. As used in this subdivision, "lowboy semitrailer" means a flatbed semitrailer with a depressed section that has the specific purpose of being lowered and raised for loading and unloading. (4) Notwithstanding any other provision of this section, a combination of a truck and semitrailer, or truck tractor and semitrailer, used exclusively to transport assembled motor vehicles or bodies that have a trailer length of 53 feet may have a load that extends an additional 3 feet beyond the front of the trailer and 4 feet beyond the rear of the trailer. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination. The total overall length loaded of the combination of vehicles described in this subsection shall not exceed 79 feet. (5) The following combinations and movements are prohibited: (a) A truck shall not haul more than 1 trailer or semitrailer, and a truck tractor shall not haul more than 2 semitrailers or 1 semitrailer and 1 trailer in combination at any 1 time, except that a farm tractor may haul 2 wagons or trailers, or garbage and refuse haulers may, during daylight hours, haul up to 4 trailers for garbage and refuse collection purposes, not exceeding in any combination a total length of 55 feet and at a speed limit not to exceed 15 miles per hour. (b) A combination of vehicles or a vehicle shall not have more than 11 axles, except when operating under a valid permit issued by the state transportation department or a local authority with respect to a highway under its jurisdiction. (c) Any combination of vehicles not specifically authorized under this section is prohibited. (d) Except as provided in subsection (3)(c), a combination of 2 semitrailers pulled by a truck tractor, unless each semitrailer uses a fifth wheel connecting assembly that conforms to the requirements of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25. (e) Except as provided in subsection (2)(c), a vehicle or a combination of vehicles shall not carry a load extending more than 3 feet beyond the front of the lead vehicle. (f) A vehicle described in subsections (2)(e) and (3)(e) employing triple saddle mounts unless all wheels that are in contact with the roadway have operating brakes. (6) All combinations of vehicles under this section shall employ connecting assemblies and lighting devices that are in compliance with the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25. (7) The total gross weight of a truck tractor, semitrailer, and trailer combination or a truck tractor and 2 semitrailers combination that exceeds 59 feet in length shall not exceed a ratio of 400 pounds per engine net horsepower delivered to

clutch or its equivalent specified in the handbook published by the Society of Automotive Engineers, Inc. (SAE), 1977 edition. (8) A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section. (9) The provisions in subsections (2)(a) and (3)(b) prescribing the length of a crib vehicle on which logs are loaded lengthwise do not apply unless 23 USC 127(d) is amended to allow crib vehicles carrying logs to be loaded as described in this section. (10) As used in this section: (a) "Designated highway" means a highway approved by the state transportation department or a local authority with respect to a highway under its jurisdiction. (b) "Length" means the total length of a vehicle, or combination of vehicles, including any load the vehicle is carrying. Length does not include devices described in 23 CFR 658.16 and 23 CFR part 658, appendix D, 23 CFR 658.16 and 23 CFR part 658, appendix D, as on file with the secretary of state are adopted by reference. A safety or energy conservation device shall be excluded from a determination of length only if it is not designed or used for the carrying of cargo, freight, or equipment. Semitrailers and trailers shall be measured from the front vertical plane of the foremost transverse load supporting structure to the rearmost transverse load supporting structure. Vehicle components not excluded by law shall be included in the measurement of the length, height, and width of the vehicle. (c) "Stinger-steered combination" means a truck tractor and semitrailer combination in which the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 43, Eff. Sept. 28, 1951 ;-- Am. 1954, Act 111, Imd. Eff. Apr. 15, 1954 ;-- Am. 1955, Act 208, Imd. Eff. June 17, 1955 ;-- Am. 1956, Act 141, Imd. Eff. Apr. 16, 1956 ;-- Am. 1957, Act 291, Eff. Sept. 27, 1957 ;-- Am. 1958, Act 88, Imd. Eff. Apr. 11, 1958 ;-- Am. 1964, Act 94, Eff. Aug. 28, 1964 ;-- Am. 1966, Act 79, Imd. Eff. June 14, 1966 ;-- Am. 1968, Act 43, Imd. Eff. May 21, 1968 ;-- Am. 1969, Act 59, Imd. Eff. July 21, 1969 ;-- Am. 1970, Act 70, Imd. Eff. July 12, 1970 ;-- Am. 1973, Act 207, Imd. Eff. Jan. 11, 1974 ;-- Am. 1974, Act 95, Imd. Eff. Apr. 25, 1974 ;-- Am. 1976, Act 201, Imd. Eff. July 23, 1976 ;-- Am. 1978, Act 225, Eff. Mar. 30, 1979 ;-- Am. 1978, Act 386, Imd. Eff. July 27, 1978 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1978, Act 565, Imd. Eff. Dec. 29, 1978 ;-- Am. 1980, Act 487, Imd. Eff. Jan. 21, 1981 ;-- Am. 1981, Act 147, Imd. Eff. Nov. 10, 1981 ;-- Am. 1982, Act 350, Imd. Eff. Dec. 21, 1982 ;-- Am. 1982, Act 533, Eff. Mar. 30, 1983 ;-- Am. 1984, Act 1, Imd. Eff. Jan. 24, 1984 ;-- Am. 1985, Act 174, Imd. Eff. Dec. 2, 1985 ;-- Am. 1986, Act 187, Imd. Eff. July 8, 1986 ;-- Am. 1988, Act 88, Eff. Apr. 15, 1988 ;-- Am. 1988, Act 356, Imd. Eff. Dec. 7, 1988 ;-- Am. 1990, Act 78, Imd. Eff. May 24, 1990 ;-- Am. 1992, Act 127, Imd. Eff. June 30, 1992 ;-- Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995 ;-- Am. 1996, Act 136, Imd. Eff. Mar. 21, 1996 ;-- Am. 2000, Act 306, Imd. Eff. Oct. 16, 2000 ;-- Am. 2002, Act 78, Imd. Eff. Mar. 25, 2002 ;-- Am. 2002, Act 453, Imd. Eff. June 21, 2002 ;-- Am. 2003, Act 142, Imd. Eff. Aug. 5, 2003 ;-- Am. 2004, Act 420, Eff. Jan. 1, 2006 ;-- Am. 2009, Act 37, Imd. Eff. June 4, 2009 ;-- Am. 2012, Act 80, Imd. Eff. Apr. 11, 2012 ;-- Am. 2012, Act 282, Imd. Eff. July 5, 2012 ;-- Am. 2015, Act 208, Eff. Feb. 28, 2016 ;-- Am. 2017, Act 35, Eff. Aug. 21, 2017 ;-- Am. 2017, Act 170, Eff. Feb. 19, 2018 ;-- Am. 2018, Act 35, Eff. May 22, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.719a - Operation of Towing Vehicle to Which Mobile Home or Park Model Trailer Attached.

Sec. 719a. (1) Notwithstanding any other provisions of this act, a person shall not operate a towing vehicle to which a mobile home or park model trailer is attached on a street or highway if that mobile home or park model trailer is more than 45 feet in length or more than 60 feet in length when combined with the towing vehicle, is more than 12-1/2 feet in height, and has an actual body width of more than 102 inches at base rail, unless that person possesses either of the following: (a) A permit issued by the jurisdictional authority under this section. (b) A special permit issued by the jurisdictional authority under section 725. (2) A jurisdictional authority may issue to a mobile home or park model trailer transport company, a mobile home or park model trailer manufacturer, or a mobile home or park model trailer dealer an annual permit to move on a street or highway, in the ordinary course of that company's, manufacturer's, or dealer's business, a mobile home or park model trailer that conforms to each of the following: (a) The mobile home or park model trailer is not more than 12 feet wide. (b) The actual body length of the mobile home or park model trailer is not more than 80 feet and the combined length of the mobile home or park model trailer and towing vehicle is not more than 105 feet or the total length of a combination of mobile homes or park model trailers is not more than 80 feet and the total length of a combination of mobile homes or park model trailers and towing vehicle is not more than 105 feet. (3) A jurisdictional authority under section 725 may issue a special permit for the movement of a mobile home or park model trailer on a street or highway within its jurisdiction if the width of that mobile home or park model trailer conforms to both of the following: (a) The mobile home or park model trailer is not more than 16 feet wide plus normal appurtenances or eaves that extend not more than 6 inches from any side of the mobile home or park model trailer. (b) The length of the mobile home or park model trailer complies with subsection (2)(b). (4) A person operating a towing vehicle under subsection (3) shall transport a mobile home or park model trailer only on the lane farthest to the right of that person. A person shall not move a mobile home or park model trailer that is 14 or more feet in width including an eave of 2 feet when the wind velocity exceeds 25 miles per hour. (5) A jurisdictional authority shall not issue a permit described in subsection (2) or (3) for the transport of a mobile home or park model trailer on a Saturday, Sunday, legal holiday, from the noon before until the noon after a holiday, or during the hours between sunset and sunrise. (6) A jurisdictional authority shall provide and a person operating a towing vehicle shall comply with all of the following in a permit issued under this section: (a) The date, day, and time period during which a mobile home or park model trailer subject to the permit may be moved on a highway. (b) Notice that the permit is conditioned upon its holder's compliance with the permit's terms and with the law. (c) Notice that the operator of a towing vehicle transporting the mobile home or park model trailer shall operate the towing vehicle on a highway as

follows: (i) At a safe speed and in a safe manner that will not impede motor traffic. (ii) Only when the surface condition of the highway is not slippery. (iii) In compliance with seasonal load restrictions. (d) For a mobile home or park model trailer and towing vehicle that, when combined, are more than 80 feet in length or more than 12 feet wide, all of the following: (i) Notice that the mobile home or park model trailer shall be equipped with 2 flashing amber lights on the rear of the mobile home or park model trailer and 1 flashing amber light on the top of the towing vehicle. (ii) Notice that the mobile home or park model trailer shall be equipped with stop lights and directional lights on the rear of the mobile home or park model trailer. (iii) Notice that signs with the words "oversize load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer or, in the case of mobile homes or park model trailers that are 16 feet wide, notice that signs with the words "16-ft wide load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer. (iv) Notice that the signs identified in subparagraph (iii) shall be of durable material, in good condition, with black lettering on interstate yellow background, and that each letter shall be of block lettering not less than 12 inches high at the front and not less than 16 inches high at the rear of the unit. (v) Notice that a vehicle escort is required on those roads where the state police consider escort vehicles necessary for highway safety. (7) Signs and other special identification for escort vehicles shall conform to state transportation department requirements for all escort vehicles for oversized loads. (8) For a mobile home or park model trailer being moved pursuant to this section or section 725, the distance between mobile home or park model trailer axle centers shall not be less than 34 inches. The axles and tires shall meet standards established by the state transportation department. (9) This section does not grant or give authority to the state transportation department that did not exist on May 1, 1982, in accordance with 23 USC 127. (10) A person that violates this section is responsible for a civil infraction and may be assessed a civil fine of not more than $500.00. The owner of the towing vehicle may be charged with a violation of this section. (11) The state transportation commission may order the state transportation department to immediately cease issuing all special permits to move on the highways of the lower peninsula of this state a mobile home or park model trailer that is more than 14-1/3 feet wide plus normal appurtenances that extend no more than 6 inches, and an eave that extends no more than 2 feet from the width of that mobile home or park model trailer if the state transportation commission makes a determination that those permits create an unreasonable safety hazard or hazards. The state transportation commission shall notify all other jurisdictional authorities of a determination made under this subsection. The order shall not prohibit the issuance of a special permit for the movement of a mobile home or park model trailer if a binding contract for the movement of that mobile home or park model trailer was executed before the commission determination of an unreasonable safety hazard or hazards. (12) As used in this section: (a) "Jurisdictional authority" means the state transportation department, a county road commission, or a local authority that has jurisdiction over a street or highway on which a mobile home is proposed to be moved. (b) "Mobile home" means any of the following: (i) A prebuilt housing module. (ii) That term as defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302. (iii) A section of a mobile home as that term is defined in subparagraph (ii). History:Add. 1954, Act 111, Imd. Eff. Apr. 15, 1954 ;-- Am. 1963, Act 84, Imd. Eff. May 8, 1963 ;-- Am. 1969, Act 156, Eff. Mar. 20, 1970 ;-- Am. 1971, Act 58, Imd. Eff. July 20, 1971 ;-- Am. 1972, Act 163, Imd. Eff. June 13, 1972 ;-- Am. 1973, Act 207, Imd. Eff. Jan. 11, 1974 ;-- Am. 1975, Act 336, Imd. Eff. Jan. 12, 1976 ;-- Am. 1980, Act 175, Imd. Eff. June 26, 1980 ;-- Am. 1982, Act 533, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 224, Imd. Eff. Nov. 28, 1983 ;-- Am. 1986, Act 284, Imd. Eff. Dec. 22, 1986 ;-- Am. 1991, Act 19, Imd. Eff. May 8, 1991 ;-- Am. 1992, Act 128, Imd. Eff. June 30, 1992 ;-- Am. 1992, Act 257, Imd. Eff. Dec. 7, 1992 ;-- Am. 1993, Act 243, Imd. Eff. Nov. 22, 1993 ;-- Am. 1996, Act 136, Imd. Eff. Mar. 21, 1996 ;-- Am. 2009, Act 32, Eff. Dec. 1, 2009

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Sec. 719b. All mobile homes transported on the highways of the Lower Peninsula of this state that are more than 14-1/3 feet wide, plus normal appurtenances that extend no more than 6 inches, and an eave that extends no more than 2 feet from the width of the mobile home, are subject to the following requirements in addition to the requirements of section 719a: (a) Two escort vehicles shall escort the towing vehicle and mobile home on all 2-lane roads and on those roads where the state police consider 2 escort vehicles necessary for highway safety. (b) Each towing vehicle shall be equipped with a radio or other device that allows for continuous communication between the towing vehicle and each escort vehicle. (c) The person transporting the mobile home shall have in effect a liability insurance policy covering personal injury and property damage and having policy limits of not less than $1,000,000.00. (d) The towing vehicle and mobile home shall not exceed a speed of 45 miles per hour or 10 miles per hour below the posted speed limit, whichever is lower. History:Add. 1991, Act 19, Imd. Eff. May 8, 1991 ;-- Am. 1992, Act 128, Imd. Eff. June 30, 1992 ;-- Am. 1992, Act 257, Imd. Eff. Dec. 7, 1992 ;-- Am. 1993, Act 243, Imd. Eff. Nov. 22, 1993

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Sec. 719c. (1) Notwithstanding section 719, a truck may be used to haul not more than 4 semitrailers for the purpose of transporting passengers for sightseeing purposes with the approval of the local unit of government in which the truck is to be operated not to

exceed 3 miles beyond the boundaries of the local unit and if the truck does not exceed a speed of 25 miles per hour. (2) A truck and semitrailers described in this section shall meet the following requirements: (a) Be equipped with hazard warning lights, and slow-moving vehicle emblems as described in section 688. (b) Be equipped with safety belts as described in section 710e for each individual seat within 1 year after the effective date of this section. (c) Any applicable federal safety standards. (3) A driver of a truck regulated by this section shall secure the proper group vehicle designation and any endorsement required on his or her operator's or chauffeur's license before operating a truck regulated by this section. (4) A truck and semitrailers used as described in this section shall be inspected annually by the department of state police. History:Add. 1995, Act 105, Imd. Eff. June 23, 1995

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Sec. 720. (1) A person shall not drive or move a vehicle on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle. This requirement does not apply to a vehicle transporting agricultural or horticultural products when hay, straw, silage, or residue from a product, but not including the product itself, or when materials such as water used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway. The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this section. (2) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this section. (3) Except as provided in this section, a vehicle carrying a load, other than logs or tubular products, which is not completely enclosed shall meet either of the following requirements: (a) Have the load covered with firmly secured canvas or a similar type of covering. A device used to comply with the requirement of this subdivision shall not exceed a width of 108 inches nor by design or use have the capability to carry cargo by itself. (b) Have the load securely fastened to the body or the frame of the vehicle with binders of adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load. (4) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with knowledge that it is to be driven on a public highway, in a manner so as to cause a violation of subsection (1) shall be prima facie liable for a violation of this section. (5) Subsection (3) does not apply to a person operating a vehicle to transport agricultural commodities or to a person operating a farm truck or implement of husbandry transporting sand, gravel, and dirt necessary in the normal operation of a farm. However, a person operating a vehicle to transport agricultural commodities or sand, gravel, and dirt in the normal operation of the farm who violates subsection (1) or (4) is guilty of a misdemeanor and is subject to the penalties prescribed in subsection (9). (6) Subsection (3)(a) does not apply to a motor vehicle transporting items of a load that because of their weight will not fall off the moving vehicle and that have their centers of gravity located at least 6 inches below the top of the enclosure nor to a motor vehicle carrying metal that because of its weight and density is so loaded as to prevent it from dropping or falling off the moving vehicle. (7) Subsection (3)(a) does not apply to motor vehicles and other equipment engaged in work upon the surface of a highway or street in a designated work area. (8) A person shall not drive or move on a highway a vehicle equipped with a front end loading device with a tine protruding parallel to the highway beyond the front bumper of the vehicle unless the tine is carrying a load designed to be carried by the front end loading device. This subsection does not apply to a vehicle designed to be used or being used to transport agricultural commodities, to a vehicle en route to a repair facility, or to a vehicle engaged in construction activity. As used in this subsection, "agricultural commodities" means that term as defined in section 722. (9) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 90 days, or both. (10) As used in this section, "logs" means sawlogs, pulpwood, or tree length poles. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1959, Act 215, Imd. Eff. July 30, 1959 ;-- Am. 1976, Act 301, Eff. Mar. 31, 1977 ;-- Am. 1977, Act 111, Imd. Eff. Oct. 6, 1977 ;-- Am. 1987, Act 41, Eff. July 1, 1987 ;-- Am. 1988, Act 354, Eff. Apr. 1, 1989 ;-- Am. 1989, Act 37, Imd. Eff. June 5, 1989 ;-- Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990 ;-- Am. 1994, Act 50, Imd. Eff. Mar. 25, 1994 ;-- Am. 1996, Act 136, Imd. Eff. Mar. 21, 1996 ;-- Am. 2002, Act 535, Imd. Eff. July 26, 2002 ;-- Am. 2003, Act 142, Imd. Eff. Aug. 5, 2003 ;-- Am. 2008, Act 131, Imd. Eff. May 21, 2008

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Sec. 721. (1) Except as otherwise provided in subsection (5), a passenger vehicle or a pickup truck shall not be driven upon a highway drawing or having attached to the passenger vehicle or pickup truck more than 1 vehicle or trailer. (2) The drawbar or other connection between 2 vehicles, 1 of which is towing or drawing the other on a highway, shall not exceed 15 feet in length from 1

vehicle to the other. If the connection consists of a chain, rope, or cable, there shall be displayed upon the connection a red flag or other signal or cloth not less than 12 inches both in length and width. (3) A vehicle or trailer towed or drawn by a vehicle shall be attached to the vehicle with forms of coupling devices in a manner so that when the combination is operated in a linear alignment on a level, smooth, paved surface, the movement of the towed or drawn vehicle or trailer does not deviate more than 3 inches to either side of the path of the towing vehicle that tows or draws it. The vehicle or trailer shall also be connected to the towing vehicle by suitable safety chains or devices, 1 on each side of the coupling and at the extreme outer edge of the vehicle or trailer. Each chain or device and connection used shall be of sufficient strength to haul the vehicle or trailer when loaded. In the case of an implement of husbandry with a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or less, the safety chains or devices required under this subsection shall conform to the federal motor carrier safety regulations requirements contained in 49 CFR 393.70(d)(5). (4) A pickup truck with a fifth wheel assembly shall not tow a semitrailer unless the fifth wheel assembly conforms to the standards prescribed in the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25. (5) Notwithstanding subsection (1), a pickup truck with a towing rating equal to, or greater than, the weight being towed, equipped with a fifth wheel assembly that conforms with the standards prescribed in the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25, towing attached with a semitrailer designed for recreational living purposes may tow an additional trailer or semitrailer under the following conditions: (a) The additional trailer or semitrailer shall be attached as provided in subsection (3). The safety chains described in subsection (3) shall be securely attached at the extreme outer edge of the attached trailer or semitrailer with a locking mechanism. The towing vehicle hitch shall be of substantial material and shall be attached in a proper and skillful manner to the frame of the towing vehicle. (b) The total length of the pickup truck, semitrailer designed for recreational living purposes, and additional trailer or semitrailer, and load, shall not exceed 75 feet on any highways in this state. (c) The gross weight of the additional trailer or semitrailer towed or drawn shall not exceed the empty weight of the pickup truck or the empty weight of the semitrailer. (6) For the purposes of this section, a pickup truck towing a semitrailer and additional trailer shall be considered a passenger vehicle and shall comply with the speed limit requirements of section 627(5). (7) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1990, Act 75, Imd. Eff. May 17, 1990 ;-- Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995 ;-- Am. 1999, Act 24, Imd. Eff. May 13, 1999 ;-- Am. 2000, Act 154, Imd. Eff. June 14, 2000 ;-- Am. 2012, Act 80, Imd. Eff. Apr. 11, 2012

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***** 257.722.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 722. (1) Except as otherwise provided in this section, the maximum axle load must not exceed the number of pounds designated in the following provisions that prescribe the distance between axles: (a) If the axle spacing is 9 feet or more between axles, the maximum axle load must not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires. (b) If the axle spacing is less than 9 feet between 2 axles but more than 3-1/2 feet, the maximum axle load must not exceed 13,000 pounds for high pressure pneumatic or balloon tires. (c) If the axles are spaced less than 3-1/2 feet apart, the maximum axle load must not exceed 9,000 pounds per axle. (d) Subdivisions (a), (b), and (c) shall be known as the normal loading maximum. (2) When normal loading is in effect, the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate certain highways, or sections of those highways, where bridges and road surfaces are adequate for heavier loading, and revise a designation as needed, on which the maximum tandem axle assembly loading must not exceed 16,000 pounds for any axle of the assembly, if there is no other axle within 9 feet of any axle of the assembly. (3) A combination of vehicles may operate on designated highways with not more than 1 tandem axle assembly having a gross weight of 16,000 pounds per axle, if there is no other axle within 9 feet of the assembly. On a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive tandem axle assemblies may operate on designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of either assembly. (4) Notwithstanding subsection (3), on a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive sets of tandem axles may carry a gross permissible weight of not to exceed 17,000 pounds on any axle of the tandem axles if there is no other axle within 9 feet of any axle of the tandem axles and if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart and the gross vehicle weight does not exceed 80,000 pounds to pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. This subsection is not subject to the maximum axle loads of subsections (1), (2), and (3). For purposes of this subsection, a "tandem axle" means 2 axles spaced more than 40 inches but not more than 96 inches apart or 2 axles spaced more than 3-1/2 feet but less than 9 feet apart. This subsection does not apply during that period when reduced maximum loads are in effect under subsection (8). (5) The seasonal reductions described under subsection (8) to the loading maximums and gross vehicle weight requirement of subsection (12) do not apply to a person hauling agricultural

commodities if the person who picks up or delivers the agricultural commodity either from a farm or to a farm notifies the county road commission for roads under its authority not less than 48 hours before the pickup or delivery of the time and location of the pickup or delivery. The county road commission shall issue a permit to the person and charge a fee that does not exceed the administrative costs incurred. The permit must contain all of the following: (a) The designated route or routes of travel for the load. (b) The date and time period requested by the person who picks up or delivers the agricultural commodities during which the load may be delivered or picked up. (c) A maximum speed limit of travel, if necessary. (d) Any other specific conditions agreed to between the parties. (6) The seasonal reductions described under subsection (8) to the loading maximums and gross vehicle weight requirements of subsection (12) do not apply to public utility vehicles under the following circumstances: (a) For emergency public utility work on restricted roads, as follows: (i) If required by the county road commission, the public utility or its subcontractor shall notify the county road commission, as soon as practical, of the location of the emergency public utility work and provide a statement that the vehicles that were used to perform the emergency utility work may have exceeded the loading maximums and gross vehicle weight requirements of subsection (12) as reduced under subsection (8). The notification may be made via facsimile or electronically. (ii) The public utility vehicle travels to and from the site of the emergency public utility work while on a restricted road at a speed not greater than 35 miles per hour. (b) For nonemergency public utility work on restricted roads, as follows: (i) If the county road commission requires, the public utility or its subcontractor shall apply to the county road commission annually for a seasonal truck permit for roads under its authority before seasonal weight restrictions are effective. The county road commission shall issue a seasonal truck permit for each public utility vehicle or vehicle configuration the public utility or subcontractor anticipates will be utilized for nonemergency public utility work. The county road commission may charge a fee for a seasonal truck permit that does not exceed the administrative costs incurred for the permit. The seasonal truck permit must contain all of the following: (A) The seasonal period requested by the public utility or subcontractor during which the permit is valid. (B) A unique identification number for the vehicle and any vehicle configuration to be covered on the seasonal truck permit requested by the public utility or subcontractor. (C) A requirement that travel on restricted roads during weight restrictions will be minimized and only utilized when necessary to perform public utility work using the public utility vehicle or vehicle configuration and that nonrestricted roads must be used for travel when available and for routine travel. (D) A requirement that in the case of a subcontractor the permit is only valid while the subcontractor vehicle is being operated in the performance of public utility work. (E) A requirement that a subcontractor vehicle or vehicle configuration must display signage on the outside of the vehicle to identify the vehicle as operating on behalf of the public utility. (ii) If the county road commission requires notification, the county road commission shall provide a notification application for the public utility or its subcontractor to use when requesting access to operate on restricted roads and the public utility or its subcontractor shall provide notification to the county road commission, via facsimile or electronically, not later than 24 hours before the time of the intended travel. A subcontractor using a vehicle on a restricted road shall have a copy of any notification provided to a county road commission in the subcontractor's possession while performing the relevant nonemergency work. Notwithstanding this subsection or an agreement under this subsection, if the county road commission determines that the condition of a particular road under its jurisdiction makes it unusable, the county road commission may deny access to all or any part of that road. The denial must be made and communicated via facsimile or electronically to the public utility or its subcontractor within 24 hours after receiving notification that the public utility or subcontractors intends to perform nonemergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the county road commission is considered approved. The notification application required under this subparagraph may include all of the following information: (A) The address or location of the nonemergency work. (B) The date or dates of the nonemergency work. (C) The route to be taken to the nonemergency work site. (D) The restricted road or roads intended to be traveled upon to the nonemergency work site or sites. (E) In the case of a subcontractor, the utility on whose behalf the subcontractor is performing services. (7) The normal size of tires must be the rated size as published by the manufacturers, and the maximum wheel load permissible for any wheel must not exceed 700 pounds per inch of width of tire. (8) Except as provided in this subsection and subsection (9), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this chapter, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load must not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period the seasonal road restrictions are in effect. Subject to subsection (5), this subsection does not apply to vehicles transporting agricultural commodities or, subject to subsection (6), public utility vehicles on a highway, road, or street under the jurisdiction of a local road agency, or a school bus. In addition, this subsection does not apply to a vehicle delivering propane fuel to a residence if the vehicle's propane tank is filled to not more than 50% of its capacity and the vehicle is traveling at not more than 35 miles per hour. The state transportation department and each local authority with highways and streets under its jurisdiction to which the seasonal restrictions prescribed under this subsection apply shall post all of the following information on the homepage of its website or, if a local authority does not have a website, then on the website of a statewide road association of which it is a member: (a) The dates when the seasonal restrictions are in effect. (b) The names of the highways and streets and portions of highways and streets to which the seasonal restrictions apply. (9) The state transportation department for roads under its jurisdiction and a county road commission for roads under its jurisdiction may grant exemptions from seasonal weight restrictions for milk on specified routes when requested in writing. Approval or denial of a request for an exemption must be given by written notice to the applicant within 30 days after the date of submission of the application. If a request is denied, the written notice must state the reason for denial and alternate routes for which

the permit may be issued. The applicant may appeal to the state transportation commission or the county road commission. These exemptions do not apply on county roads in counties that have negotiated agreements with milk haulers or haulers of other commodities during periods of seasonal load limits before April 14, 1993. This subsection does not limit the ability of these counties to continue to negotiate such agreements. (10) The state transportation department, or a local authority with respect to highways under its jurisdiction, may suspend the restrictions imposed by this section when and where conditions of the highways or the public health, safety, and welfare warrant suspension, and impose the restricted loading requirements of this section on designated highways at any other time that the conditions of the highway require. (11) For the purpose of enforcing this act, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads must be determined by weighing individual axles or groups of axles, and the total weight on all the axles is the gross vehicle weight. In addition, the gross axle weight must be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. For purposes of subsection (12), the overall gross weight on a group of 2 or more axles must be determined by weighing individual axles or several axles, and the total weight of all the axles in the group is the overall gross weight of the group. (12) The loading maximum in this subsection applies to interstate highways, and the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate a highway, or a section of a highway, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds that are subject to the following load maximums: (a) Twenty thousand pounds on any 1 axle, including all enforcement tolerances. (b) A tandem axle weight of 34,000 pounds, including all enforcement tolerances. (c) An overall gross weight on a group of 2 or more consecutive axles equaling:W=500[(LN)/(N-1)+12N+36]where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight must not exceed 80,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of subsections (1), (2), and (3). As used in this subsection, "tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities have the weight load maximums under this subsection. (13) The axle loading maximums under subsections (1), (2), (3), and (4) are increased by 10% for vehicles transporting agricultural commodities or raw timber, excluding farm equipment and fuel, from the place of harvest or farm storage to the first point of delivery on a road in this state. However, the axle loading maximums as increased under this subsection do not alter the gross vehicle weight restrictions under this act. This subsection does not apply to either of the following: (a) A vehicle utilizing an interstate highway. (b) A vehicle utilizing a road that is subject to seasonal weight restrictions under subsection (8) during the time that the seasonal weight restrictions are in effect. (14) Notwithstanding any other provision of this section, a vehicle or combination of vehicles that have a gross weight of 82,000 pounds or less and that is operated by an engine that is fueled wholly or partially by compressed or liquefied natural gas may exceed the axle loading maximums under subsections (1), (2), (3), and (4) and the weight load maximums under subsection (12) by an amount equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. A vehicle or combination of vehicles described in this subsection may exceed the axle loading maximums under subsections (1), (2), (3), and (4) and the weight load maximums under subsection (12) by a total of not more than 2,000 pounds for all axles of the truck, truck tractor, or power unit. (15) Notwithstanding any other provision of this section, a vehicle or combination of vehicles that have a gross weight of 82,000 pounds or less and that are powered wholly or partially by electric batteries may exceed the axle loading maximums under subsections (1), (2), (3), and (4) and the weight load maximums under subsection (12) by a total of not more than 2,000 pounds for all axles of the truck, truck tractor, or power unit. (16) As used in this section: (a) "Agricultural commodities" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, fuel for agricultural use, and maple sap. Agricultural commodities do not include trees or lumber. (b) "Emergency public utility work" means work performed to restore public utility service or to eliminate a danger to the public due to a natural disaster, an act of God, or an emergency situation, whether or not a public official has declared an emergency. (c) "Farm storage" means any of the following: (i) An edifice, silo, tank, bin, crib, interstice, or protected enclosed structure, or more than 1 edifice, silo, tank, bin, crib, interstice, or protected enclosed structure located contiguous to each other. (ii) An open environment used for the purpose of temporarily storing a crop. (d) "Public utility" means a public utility under the jurisdiction of the public service commission or a transmission company. (e) "Public utility vehicle" means a vehicle owned or operated by a public utility or operated by a subcontractor on behalf of a public utility. (f) "Transmission company" means either an affiliated transmission company or an independent transmission company as those terms are defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1965, Act 36, Imd. Eff. May 19, 1965 ;-- Am. 1967, Act 277, Eff. Nov. 2, 1967 ;-- Am. 1974, Act 348, Imd. Eff. Dec. 21, 1974 ;-- Am. 1975, Act 270, Imd. Eff. Nov. 10, 1975 ;-- Am. 1978, Act 385, Imd. Eff. July 27, 1978 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 217, Imd.

Eff. July 18, 1980 ;-- Am. 1980, Act 487, Imd. Eff. Jan. 21, 1981 ;-- Am. 1982, Act 206, Imd. Eff. July 1, 1982 ;-- Am. 1984, Act 74, Imd. Eff. Apr. 18, 1984 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1989 ;-- Am. 1993, Act 22, Imd. Eff. Apr. 14, 1993 ;-- Am. 2000, Act 6, Imd. Eff. Feb. 24, 2000 ;-- Am. 2002, Act 41, Imd. Eff. Mar. 12, 2002 ;-- Am. 2006, Act 83, Imd. Eff. Mar. 29, 2006 ;-- Am. 2006, Act 658, Imd. Eff. Jan. 10, 2007 ;-- Am. 2008, Act 579, Imd. Eff. Jan. 16, 2009 ;-- Am. 2009, Act 146, Imd. Eff. Nov. 19, 2009 ;-- Am. 2012, Act 252, Imd. Eff. July 2, 2012 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2012, Act 522, Imd. Eff. Dec. 28, 2012 ;-- Am. 2016, Act 72, Eff. July 4, 2016 ;-- Am. 2017, Act 80, Eff. Oct. 9, 2017 ;-- Am. 2018, Act 273, Eff. Sept. 27, 2018 ;-- Am. 2018, Act 274, Eff. Sept. 27, 2018 ;-- Am. 2024, Act 106, Eff. (sine die)Compiler's Notes:Enacting section 1 of Act 522 of 2012 provides:"Enacting section 1. It is the intent of the legislature that the exception to the seasonal weight reductions in subsection (8) of section 722 of the Michigan vehicle code, 1949 PA 300, MCL 257.722, as added by this amendatory act, applies only to emergency deliveries of propane. As used in this enacting section, "emergency delivery" means a delivery to a customer whose residential fuel tank is estimated to contain no more than 25% of its heating fuel capacity on the date of delivery."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.722 - Maximum Axle Load; Normal Loading Maximum; Designating Highways as Adequate for Heavier Loading; Restrictions as to Tandem Axle Assemblies; Exceptions; Public Utility Vehicles; Normal Size of Tires; Maximum Wheel Load; Reduction of Maximum Axle Load on Concrete Pavements During March, April, and May; Exemptions; Suspension of Restrictions; Determination of Gross Vehicle Weight and Axle Weights; Designation of Highways for Operation of Certain Vehicles; Increase in Axle Loading Maximums; Engine Fueled by Compressed or Liquefied Natural Gas; Definitions.

***** 257.722 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.722.amended ***** Sec. 722. (1) Except as otherwise provided in this section, the maximum axle load shall not exceed the number of pounds designated in the following provisions that prescribe the distance between axles: (a) If the axle spacing is 9 feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires. (b) If the axle spacing is less than 9 feet between 2 axles but more than 3-1/2 feet, the maximum axle load shall not exceed 13,000 pounds for high pressure pneumatic or balloon tires. (c) If the axles are spaced less than 3-1/2 feet apart, the maximum axle load shall not exceed 9,000 pounds per axle. (d) Subdivisions (a), (b), and (c) shall be known as the normal loading maximum. (2) When normal loading is in effect, the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate certain highways, or sections of those highways, where bridges and road surfaces are adequate for heavier loading, and revise a designation as needed, on which the maximum tandem axle assembly loading shall not exceed 16,000 pounds for any axle of the assembly, if there is no other axle within 9 feet of any axle of the assembly. (3) A combination of vehicles may operate on designated highways with not more than 1 tandem axle assembly having a gross weight of 16,000 pounds per axle, if there is no other axle within 9 feet of the assembly. On a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive tandem axle assemblies may operate on designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of either assembly. (4) Notwithstanding subsection (3), on a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive sets of tandem axles may carry a gross permissible weight of not to exceed 17,000 pounds on any axle of the tandem axles if there is no other axle within 9 feet of any axle of the tandem axles and if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart and the gross vehicle weight does not exceed 80,000 pounds to pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. This subsection is not subject to the maximum axle loads of subsections (1), (2), and (3). For purposes of this subsection, a "tandem axle" means 2 axles spaced more than 40 inches but not more than 96 inches apart or 2 axles spaced more than 3-1/2 feet but less than 9 feet apart. This subsection does not apply during that period when reduced maximum loads are in effect under subsection (8). (5) The seasonal reductions described under subsection (8) to the loading maximums and gross vehicle weight requirement of subsection (12) do not apply to a person hauling agricultural commodities if the person who picks up or delivers the agricultural commodity either from a farm or to a farm notifies the county road commission for roads under its authority not less than 48 hours before the pickup or delivery of the time and location of the pickup or delivery. The county road commission shall issue a permit to the person and charge a fee that does not exceed the administrative costs incurred. The permit shall contain all of the following: (a) The designated route or routes of travel for the load. (b) The date and time period requested by the person who picks up or delivers the agricultural commodities during which the load may be delivered or picked up. (c) A maximum speed limit of travel, if necessary. (d) Any other specific conditions agreed to between the parties. (6) The seasonal reductions described under subsection (8) to the loading maximums and gross vehicle weight requirements of subsection (12) do not apply to public utility vehicles under the following circumstances: (a) For emergency public utility work on restricted roads, as follows: (i) If required by the county road commission, the public utility or its subcontractor shall notify the county road commission, as soon as practical, of the location of the emergency public utility work and provide a statement that the vehicles that were used to perform the emergency utility work may have exceeded the loading maximums and gross vehicle weight requirements of subsection (12) as reduced under subsection (8). The notification may be made via facsimile or electronically. (ii) The public utility vehicle travels to and from the site of the emergency public utility work while on a restricted road at a speed not greater than 35 miles per hour. (b) For nonemergency public utility work on restricted roads, as follows: (i) If the county road commission requires, the public utility or its subcontractor shall apply to the county road commission annually for a

seasonal truck permit for roads under its authority before seasonal weight restrictions are effective. The county road commission shall issue a seasonal truck permit for each public utility vehicle or vehicle configuration the public utility or subcontractor anticipates will be utilized for nonemergency public utility work. The county road commission may charge a fee for a seasonal truck permit that does not exceed the administrative costs incurred for the permit. The seasonal truck permit shall contain all of the following: (A) The seasonal period requested by the public utility or subcontractor during which the permit is valid. (B) A unique identification number for the vehicle and any vehicle configuration to be covered on the seasonal truck permit requested by the public utility or subcontractor. (C) A requirement that travel on restricted roads during weight restrictions will be minimized and only utilized when necessary to perform public utility work using the public utility vehicle or vehicle configuration and that nonrestricted roads shall be used for travel when available and for routine travel. (D) A requirement that in the case of a subcontractor the permit is only valid while the subcontractor vehicle is being operated in the performance of public utility work. (E) A requirement that a subcontractor vehicle or vehicle configuration shall display signage on the outside of the vehicle to identify the vehicle as operating on behalf of the public utility. (ii) If the county road commission requires notification, the county road commission shall provide a notification application for the public utility or its subcontractor to use when requesting access to operate on restricted roads and the public utility or its subcontractor shall provide notification to the county road commission, via facsimile or electronically, not later than 24 hours before the time of the intended travel. A subcontractor using a vehicle on a restricted road shall have a copy of any notification provided to a county road commission in the subcontractor's possession while performing the relevant nonemergency work. Notwithstanding this subsection or an agreement under this subsection, if the county road commission determines that the condition of a particular road under its jurisdiction makes it unusable, the county road commission may deny access to all or any part of that road. The denial shall be made and communicated via facsimile or electronically to the public utility or its subcontractor within 24 hours after receiving notification that the public utility or subcontractors intends to perform nonemergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the county road commission is considered approved. The notification application required under this subparagraph may include all of the following information: (A) The address or location of the nonemergency work. (B) The date or dates of the nonemergency work. (C) The route to be taken to the nonemergency work site. (D) The restricted road or roads intended to be traveled upon to the nonemergency work site or sites. (E) In the case of a subcontractor, the utility on whose behalf the subcontractor is performing services. (7) The normal size of tires shall be the rated size as published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire. (8) Except as provided in this subsection and subsection (9), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this chapter, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period the seasonal road restrictions are in effect. Subject to subsection (5), this subsection does not apply to vehicles transporting agricultural commodities or, subject to subsection (6), public utility vehicles on a highway, road, or street under the jurisdiction of a local road agency, or a school bus. In addition, this subsection does not apply to a vehicle delivering propane fuel to a residence if the vehicle's propane tank is filled to not more than 50% of its capacity and the vehicle is traveling at not more than 35 miles per hour. The state transportation department and each local authority with highways and streets under its jurisdiction to which the seasonal restrictions prescribed under this subsection apply shall post all of the following information on the homepage of its website or, if a local authority does not have a website, then on the website of a statewide road association of which it is a member: (a) The dates when the seasonal restrictions are in effect. (b) The names of the highways and streets and portions of highways and streets to which the seasonal restrictions apply. (9) The state transportation department for roads under its jurisdiction and a county road commission for roads under its jurisdiction may grant exemptions from seasonal weight restrictions for milk on specified routes when requested in writing. Approval or denial of a request for an exemption shall be given by written notice to the applicant within 30 days after the date of submission of the application. If a request is denied, the written notice shall state the reason for denial and alternate routes for which the permit may be issued. The applicant may appeal to the state transportation commission or the county road commission. These exemptions do not apply on county roads in counties that have negotiated agreements with milk haulers or haulers of other commodities during periods of seasonal load limits before April 14, 1993. This subsection does not limit the ability of these counties to continue to negotiate such agreements. (10) The state transportation department, or a local authority with respect to highways under its jurisdiction, may suspend the restrictions imposed by this section when and where conditions of the highways or the public health, safety, and welfare warrant suspension, and impose the restricted loading requirements of this section on designated highways at any other time that the conditions of the highway require. (11) For the purpose of enforcing this act, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. For purposes of subsection (12), the overall gross weight on a group of 2 or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group. (12) The loading maximum in this subsection applies to interstate highways, and the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate a highway, or a section of a highway, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds that are subject to the following load

maximums: (a) Twenty thousand pounds on any 1 axle, including all enforcement tolerances. (b) A tandem axle weight of 34,000 pounds, including all enforcement tolerances. (c) An overall gross weight on a group of 2 or more consecutive axles equaling:W=500[(LN)/(N-1)+12N+36]where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of subsections (1), (2), and (3). As used in this subsection, "tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this subsection. (13) The axle loading maximums under subsections (1), (2), (3), and (4) are increased by 10% for vehicles transporting agricultural commodities or raw timber, excluding farm equipment and fuel, from the place of harvest or farm storage to the first point of delivery on a road in this state. However, the axle loading maximums as increased under this subsection do not alter the gross vehicle weight restrictions set forth in this act. This subsection does not apply to either of the following: (a) A vehicle utilizing an interstate highway. (b) A vehicle utilizing a road that is subject to seasonal weight restrictions under subsection (8) during the time that the seasonal weight restrictions are in effect. (14) Notwithstanding any other provision of this section, a vehicle that has a gross weight of 80,000 pounds or less and that is operated by an engine that is fueled wholly or partially by compressed or liquefied natural gas may exceed the axle loading maximums under subsections (1), (2), (3), and (4) and the weight load maximums under subsection (12) by an amount equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. The amount by which a vehicle described in this subsection may exceed the axle loading maximums under subsections (1), (2), (3), and (4) and the weight load maximums under subsection (12) shall not exceed 2,000 pounds. (15) As used in this section: (a) "Agricultural commodities" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, fuel for agricultural use, and maple sap. Agricultural commodities do not include trees or lumber. (b) "Emergency public utility work" means work performed to restore public utility service or to eliminate a danger to the public due to a natural disaster, an act of God, or an emergency situation, whether or not a public official has declared an emergency. (c) "Farm storage" means any of the following: (i) An edifice, silo, tank, bin, crib, interstice, or protected enclosed structure, or more than 1 edifice, silo, tank, bin, crib, interstice, or protected enclosed structure located contiguous to each other. (ii) An open environment used for the purpose of temporarily storing a crop. (d) "Public utility" means a public utility under the jurisdiction of the public service commission or a transmission company. (e) "Public utility vehicle" means a vehicle owned or operated by a public utility or operated by a subcontractor on behalf of a public utility. (f) "Transmission company" means either an affiliated transmission company or an independent transmission company as those terms are defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1965, Act 36, Imd. Eff. May 19, 1965 ;-- Am. 1967, Act 277, Eff. Nov. 2, 1967 ;-- Am. 1974, Act 348, Imd. Eff. Dec. 21, 1974 ;-- Am. 1975, Act 270, Imd. Eff. Nov. 10, 1975 ;-- Am. 1978, Act 385, Imd. Eff. July 27, 1978 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 217, Imd. Eff. July 18, 1980 ;-- Am. 1980, Act 487, Imd. Eff. Jan. 21, 1981 ;-- Am. 1982, Act 206, Imd. Eff. July 1, 1982 ;-- Am. 1984, Act 74, Imd. Eff. Apr. 18, 1984 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1989 ;-- Am. 1993, Act 22, Imd. Eff. Apr. 14, 1993 ;-- Am. 2000, Act 6, Imd. Eff. Feb. 24, 2000 ;-- Am. 2002, Act 41, Imd. Eff. Mar. 12, 2002 ;-- Am. 2006, Act 83, Imd. Eff. Mar. 29, 2006 ;-- Am. 2006, Act 658, Imd. Eff. Jan. 10, 2007 ;-- Am. 2008, Act 579, Imd. Eff. Jan. 16, 2009 ;-- Am. 2009, Act 146, Imd. Eff. Nov. 19, 2009 ;-- Am. 2012, Act 252, Imd. Eff. July 2, 2012 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2012, Act 522, Imd. Eff. Dec. 28, 2012 ;-- Am. 2016, Act 72, Eff. July 4, 2016 ;-- Am. 2017, Act 80, Eff. Oct. 9, 2017 ;-- Am. 2018, Act 273, Eff. Sept. 27, 2018 ;-- Am. 2018, Act 274, Eff. Sept. 27, 2018Compiler's Notes:Enacting section 1 of Act 522 of 2012 provides:"Enacting section 1. It is the intent of the legislature that the exception to the seasonal weight reductions in subsection (8) of section 722 of the Michigan vehicle code, 1949 PA 300, MCL 257.722, as added by this amendatory act, applies only to emergency deliveries of propane. As used in this enacting section, "emergency delivery" means a delivery to a customer whose residential fuel tank is estimated to contain no more than 25% of its heating fuel capacity on the date of delivery."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.722a - Transporting Flammable Liquid; Violation as Misdemeanor; Penalty; Enforcement; “In Bulk” Defined; Vehicles Transporting Hazardous Materials.

Sec. 722a. (1) A truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling 2 semitrailers shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit within this

state. (2) A truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling 2 semitrailers shall not transport a flammable gas or a compressed flammable gas, in bulk, as defined by 49 C.F.R. parts 100 to 180, within this state. (3) A truck or a truck tractor pulling a semitrailer shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in this state, unless the truck or the semitrailer has a water capacity of less than 13,800 gallons. This subsection does not apply to those vehicles registered with the motor carrier division of the department of state police on or before January 1, 1986. (4) A truck or truck tractor pulling a semitrailer shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in a quantity of more than 13,400 gallons. (5) The owner or driver of a vehicle that transports, or a shipper who loads a vehicle with a flammable liquid, flammable gas, or compressed flammable gas in violation of this section is guilty of a misdemeanor, punishable by a fine of not more than $3,000.00, or imprisonment for not more than 90 days, or both. (6) This section shall be enforced only by a police officer. (7) For the purposes of this section, "in bulk" means an amount of product or material of 3,500 water gallons or more in a single containment system. Commercial motor vehicles transporting hazardous materials shall comply with the motor carrier safety act, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws. History:Add. 1984, Act 74, Imd. Eff. Apr. 18, 1984 ;-- Am. 1985, Act 141, Imd. Eff. Oct. 31, 1985 ;-- Am. 1993, Act 249, Imd. Eff. Nov. 22, 1993 ;-- Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.723 - Towing or Platform Bed Wreckers or Road Service Vehicles; Compliance With Federal Identification Requirements; Violation as Civil Infraction.

Sec. 723. (1) All towing or platform bed wreckers or road service vehicles in operation upon the public highways of this state shall have the name, city, and state or the registered logo or emblem of the registered owner of the vehicle, and lessee of the vehicle if the vehicle is being operated under lease, painted or permanently attached on each side of the vehicle in letters of not less than 3 inches in height, not lower than the bottom edge of the door. This information shall be in sharp color contrast to the background. (2) A vehicle in compliance with the identification requirements of the federal motor carrier safety regulations, 49 CFR parts 390-399, is considered to be in compliance with this section. (3) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1963, Act 185, Eff. Sept. 6, 1963 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1989 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005 ;-- Am. 2014, Act 294, Eff. Mar. 31, 2015

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.724 - Stopping Vehicle for Weighing; Shifting or Removing Load; Civil Fine and Costs; Moving Vehicle to Place of Safekeeping; Impoundment; Lien; Foreclosure Sale; Powers of Authorized Agent; Unlawful Weight as Civil Infraction; Fine; Driving Duly Marked Vehicle; Failure to Stop as Misdemeanor.

Sec. 724. (1) A police officer, a peace officer, or an authorized agent of the state transportation department or a county road commission having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales approved and sealed as a legal weighing device by a qualified person using testing equipment certified or approved by the department of agriculture and rural development as a legal weighing device and may require that the vehicle be driven to the nearest weigh station of the state transportation department for the purpose of allowing a police officer, peace officer, or agent of the state transportation department or county road commission to determine whether the vehicle is loaded in conformity with this chapter. (2) When the officer or agent, upon weighing a vehicle and load, determines that the weight is unlawful, the officer or agent may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this chapter. All material unloaded as provided under this subsection shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this section that are not paid in full immediately or for which a bond is not immediately posted in the amount of the civil fine and costs shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer or agent who has determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the county. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under conditions set forth in this section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care, or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded are subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not

paid within 90 days after the seizure, the judge or magistrate must certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred, who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures. When the duly authorized agent of the state transportation department or county road commission is performing duties under this chapter, the agent has all the powers conferred upon peace officers by the general laws of this state. (3) Subject to subsection (4), an owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway when the weight of that vehicle violates section 722 is responsible for a civil infraction and must pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds. If a person operates a vehicle in violation of increased axle loading maximums provided for under section 722(13), the owner or lessee of the vehicle is responsible for a civil infraction and must pay the civil fine under this subsection that applies to the amount of weight by which the vehicle exceeds the original loading maximum. (4) If the court determines that the motor vehicle or the combination of vehicles was operated in violation of this section, the court must impose a fine as follows: (a) If the court determines that the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the vehicle or the combination of vehicles would not be lawful by a proper distribution of the load upon all the axles of the vehicle or the combination of vehicles, the court must impose a fine for the violation according to the schedule provided for in subsection (3). (b) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by more than 1,000 pounds but less than 4,000 pounds, the court must impose a misload fine of $200.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. This subdivision does not apply to a vehicle subject to the maximum loading provisions of section 722(12) or to a vehicle for which a fine as calculated under the schedule in subsection (3) would be less than the fine as calculated under this subsection. (c) If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by 1,000 pounds or less, the court must impose a misload fine of $200.00 per axle. If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by more than 1,000 pounds, the court must impose a fine for the violation according to the schedule provided in subsection (3) for the amount of pounds exceeding the permitted axle weight. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. If the court determines that the load was misloaded, the conditions of the special permit remain valid. The imposition of a fine does not void the special permit. (d) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by at least 4,000 pounds but no more than 8,000 pounds, the court must impose a misload fine of $400.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. (e) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by more than 8,000 pounds, the court must impose a fine for the violation according to the schedule provided in subsection (3). (5) A driver or owner of a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment who fails to stop at or bypasses any scales or weighing station is responsible for a civil infraction. (6) An agent or authorized representative of the state transportation department or a county road commission shall not stop a truck or vehicle in movement upon a road or highway within the state for any purpose, unless the agent or authorized representative is driving a duly marked vehicle, clearly showing and denoting the branch of government represented. (7) A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so and submit to a weighing by a police officer, a peace officer, or an authorized agent of the state transportation department, or a representative or agent of a county road commission, authorized to require the driver to stop and submit to a weighing of the vehicle and load by means of a portable scale, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. A driver or person who dumps his or her load when ordered to submit to a weigh or who otherwise attempts to commit or commits an act to avoid a vehicle weigh is in violation of this section. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 233, Eff. Sept. 28, 1951 ;-- Am. 1952, Act 13, Imd. Eff. Feb. 28, 1952 ;-- Am. 1955, Act 209, Imd. Eff. June 17, 1955 ;-- Am. 1964, Act 222, Eff. Aug. 28, 1964 ;-- Am. 1967, Act 277, Eff. Nov. 2, 1967 ;-- Am. 1968, Act 135, Imd. Eff. June 11, 1968 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1989 ;-- Am. 2004, Act 420, Eff. Jan. 1, 2006 ;-- Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005 ;-- Am. 2009, Act 169, Imd. Eff. Dec. 14, 2009 ;-- Am. 2012, Act 252, Imd. Eff. July 2, 2012 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2016, Act 450, Eff. Apr. 5, 2017 ;-- Am. 2018, Act 651, Eff. Mar. 29, 2019

257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.724a - Axle Weight Requirements; Exception; Weight After Lift Axles Lowered; "Lift Axle" Defined.

Sec. 724a. (1) The axle weight requirements of this chapter do not apply to a vehicle equipped with lift axles during the period in which axles are raised to negotiate an intersection, driveway, or other turn and until the lift axles are fully engaged after the period of time or the distance necessary to negotiate that intersection, driveway, or other turn. (2) If a vehicle is to be weighed to determine whether the vehicle is being operated in violation of this act or a rule promulgated under this act or of a local ordinance substantially corresponding to this act or a rule promulgated under this act and the vehicle is equipped with lift axles that have been raised to allow the vehicle to negotiate an intersection, driveway, or other turn, the vehicle shall be weighed only after the lift axles have been fully lowered and are under operational pressure as provided in subsection (1). (3) As used in this section, "lift axle" means an axle on a vehicle that can be raised or lowered by mechanical means. History:Add. 2004, Act 420, Eff. Jan. 1, 2006

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Sec. 725. (1) Upon receipt of a written application and good cause being shown, a jurisdictional authority may issue a written special permit authorizing an applicant to operate upon or remove from a highway maintained by that jurisdictional authority a vehicle or combination of vehicles that are any of the following: (a) Of a size, weight, or load exceeding the maximum specified in this chapter. (b) Otherwise not in conformity with this chapter. (2) The application for a special permit shall be on a form prescribed by the jurisdictional authority and shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the special permit to operate is requested. (3) A jurisdictional authority may issue a special permit and charge a fee that does not exceed the administrative costs incurred authorizing the operation of the following upon a highway: (a) Traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks on farm tractors. (b) Other farm machinery otherwise prohibited under this chapter. (c) A vehicle of a size or weight otherwise prohibited under this chapter that is hauling farm machinery to or from a farm. (4) A special permit shall specify the trip or trips and date or dates for which it is valid and the jurisdictional authority granting the special permit may restrict or prescribe conditions of operation of a vehicle or vehicles, if necessary, to protect the safety of the public or to ensure against undue damage to the road foundations, surfaces, structures, or installations, and may require a reasonable inspection fee and other security as that jurisdictional authority determines necessary to compensate for damages caused by the movement. A special permit may be issued on an annual basis. Except as otherwise provided in this section, the fee charged by the state transportation department for an intrastate or an out-of-state vehicle for a single trip shall be $50.00 and for multiple trips or on an annual basis shall be $100.00. Except as otherwise provided in this section, the fee charged by the state transportation department for an intrastate or an out-of-state vehicle for a permit issued under subsection (11) shall be $264.00. Except as otherwise provided in this section, the fee charged by a jurisdictional authority other than the state transportation department for an intrastate or an out-of-state vehicle for a single trip shall be not more than $50.00 and for multiple trips or on an annual basis shall be not more than $100.00. Effective October 1, 1998, the fee charged by a jurisdictional authority other than the state transportation department for a special permit under this subsection shall be the fee charged on September 30, 1997. The fee charged by a jurisdictional authority other than the state transportation department for a special permit under this subsection may be increased above the amount charged on September 30, 1997 subject to the maximums allowed by this subsection subject to a prior public hearing with reasonable notice. However, the fee charged by a jurisdictional authority other than the state transportation department for a special permit under this subsection that is more than $50.00 for a single trip or that is more than $100.00 for multiple trips or on an annual basis, or both, on September 30, 1997 shall not be increased. (5) The fee charged by the state transportation department for an intrastate or an out-of-state vehicle or combination of vehicles that exceed the maximum size specified in this chapter but do not exceed the maximum weight or load specified in this chapter or are otherwise not in conformity with this chapter shall be $15.00 for a single trip and $30.00 for multiple trips or on an annual basis. The fee charged by the state transportation department for an intrastate or out-of-state vehicle or combination of vehicles that exceed the maximum size specified in this chapter but do not exceed the maximum weight or load specified in this chapter or are otherwise not in conformity with this chapter for a permit issued under subsection (11) shall be $264.00. The fees charged under this subsection may be increased not more than once each year based on the percentage increase in the United States consumer price index for all urban consumers for the immediately preceding 12-month period rounded to the nearest whole dollar. This subsection takes effect October 1, 1998. (6) The fee charged by a jurisdictional authority other than the state transportation department for an intrastate or an out-of-state vehicle or combination of vehicles of a size exceeding the maximum specified in this chapter but not exceeding the maximum weight or load specified in this chapter shall not exceed the administrative costs incurred by that jurisdictional authority in issuing the permit. This subsection takes effect October 1, 1998. (7) A special permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer or authorized agent of a jurisdictional authority granting the special permit. A person shall not violate any of the terms or conditions of the special permit. (8) A person who violates this section is responsible for a civil infraction. (9) A jurisdictional authority issuing

a special permit to move a mobile home under this section and a person who is issued a special permit to move a mobile home under this section are subject to section 719a. (10) Nothing in this section shall be construed to allow a jurisdictional authority to impose fees upon or enact regulations regarding a vehicle or combination of vehicles engaged in silvicultural operations if the vehicle or combination of vehicles is not in excess of the size, weight, or load maximums specified in this chapter and is otherwise in conformity with this chapter. This subsection does not excuse a vehicle or combination of vehicles engaged in silvicultural operations from the seasonal weight reductions described in section 722. (11) Beginning no later than 2 years after the effective date of the 2018 amendatory act that added this subsection, the state transportation department shall allow an applicant to obtain an annual permit for the movement of construction equipment under this section to exceed the size, load, or size and load maximums specified in this chapter for a power unit without requiring a separate permit for each individual piece of equipment carried by that power unit. (12) Beginning no later than 2 years after the effective date of the 2018 amendatory act that added this subsection, all of the following apply to an annual permit for the movement of construction equipment issued by the state transportation department under subsection (11): (a) The permit may be stored and presented by the holder of the permit using a mobile device. (b) The permit shall not contain any restrictions on daily operating hours and shall only include Memorial Day weekend, the Fourth of July holiday, and Labor Day weekend as restricted holidays. Except as otherwise provided in this subdivision, the permit shall not restrict travel on weekends. The permit may contain restrictions on travel when the permit holder is traveling within a county that has a population greater than 150,000. The restricted holidays described in this subdivision do not apply to a permit issued for a vehicle used to transport an implement of husbandry. (c) The permit shall not require travel of more than 10 miles per hour below the posted speed limit. (13) As used in this section, "jurisdictional authority" means the state transportation department, a county road commission, or a local authority having jurisdiction over a highway upon which a vehicle is proposed to be moved pursuant to a permit required under this section. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1952, Act 69, Imd. Eff. Apr. 8, 1952 ;-- Am. 1966, Act 237, Eff. Mar. 10, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 16, Eff. Aug. 1, 1979 ;-- Am. 1991, Act 19, Imd. Eff. May 8, 1991 ;-- Am. 1997, Act 80, Eff. Oct. 1, 1997 ;-- Am. 1998, Act 247, Imd. Eff. July 8, 1998 ;-- Am. 2016, Act 454, Eff. Apr. 5, 2017 ;-- Am. 2018, Act 17, Eff. May 14, 2018

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Sec. 725a. Upon application, the state transportation department may issue an annual permit authorizing a farm implement dealer to transport by truck, truck tractor, semitrailer, or trailer upon a state highway during daylight hours, including Saturday, farm machinery or implements of a greater width or height than authorized by this act if the transportation is otherwise permitted under those rules promulgated pursuant to section 716 that do not conflict with this section. History:Add. 1958, Act 132, Imd. Eff. Apr. 18, 1958 ;-- Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959 ;-- Am. 1978, Act 581, Imd. Eff. Jan. 2, 1979 ;-- Am. 1980, Act 311, Imd. Eff. Dec. 4, 1980 ;-- Am. 2002, Act 653, Imd. Eff. Dec. 23, 2002

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Sec. 726. (1) Subject to subsection (4), local authorities and county road commissions with respect to highways under their jurisdiction, except state trunk line highways, by ordinance or resolution, may do any of the following: (a) Prohibit the operation of trucks or other commercial vehicles on designated highways or streets. (b) Impose limitations as to the weight of trucks or other commercial vehicles on designated highways or streets. (c) Provide that only certain highways or streets may be used by trucks or other commercial vehicles. (2) Any prohibitions, limitations, or truck route designations established under subsection (1) shall be designated by appropriate signs placed on the highways or streets. The design and placement of the signs shall be consistent with the requirements of section 608. (3) If a township has established a prohibition or limitation under subsection (1) on any county primary road that an adjoining township determines diverts traffic onto a border highway or street shared by the township and the adjoining township, the adjoining township may submit a written objection to the county road commission having jurisdiction over the county primary road, along with a copy to the township that established the prohibition or limitation, 60 days after the township approves the prohibition or limitation. The written objection shall explain how the prohibition or limitation diverts traffic onto the border highway or street shared by the township and the adjoining township. The county road commission shall then investigate the objection. The township and adjoining township shall cooperate with that investigation and negotiate in good faith to resolve the objection. If the objection is not resolved within 60 days after the township receives the copy of the written objection, the county road commission shall either approve or void the prohibition or limitation that is the subject of the objection within 60 days after the 60-day period described in this subsection, and the decision shall be final. As used in this subsection, "county primary road" means a highway or street designated as a county primary road under 1951 PA 51, MCL 247.671 to 247.675. (4) An ordinance or resolution described in subsection (1)(a) does not apply to a vehicle that is used to transport agricultural products, farm machinery, farm supplies, or a combination of these items, to or from a farm or as necessary for agricultural production. (5) A person who violates a

prohibition, limitation, or truck route designation established under subsection (1) is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1983, Act 107, Imd. Eff. June 30, 1983 ;-- Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009 ;-- Am. 2018, Act 533, Eff. Mar. 28, 2019Constitutionality:This section was held unconstitutional insofar as it deprives a municipality of the right to reasonable control over its streets, including state trunk lines within its limits, in violation of Const 1963, art VII, § 29. City of Dearborn v Sugden and Sivier, Inc, 343 Mich 257; 72 NW2d 185 (1955).Compiler's Notes:In the last sentence of subsection (3), the citation "1951 PA 51, MCL 247.671 to 247.675" evidently should read "1951 PA 51, MCL 247.651 to 247.675".

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Sec. 726a. A peace officer of any county, city, village or township of this state may exercise authority and powers outside his own county, city, village or township when he is enforcing this act on a street or highway which is on the boundary of the county, city, village or township the same as if he were in his own county, city, village or township. History:Add. 1968, Act 47, Imd. Eff. May 28, 1968 ;-- Am. 1972, Act 122, Imd. Eff. Apr. 27, 1972

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Sec. 726b. Any police officer having reason to believe that the load, weight, or height of a vehicle or load is in violation of section 719, 720, 722a, or 724 which violation is a misdemeanor, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, or height of a vehicle or load are in violation of the requirements of section 719, 720, 722a, or 724, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check, may make an arrest for the violation, and may proceed as otherwise provided in this act. History:Add. 1984, Act 74, Imd. Eff. Apr. 18, 1984

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Sec. 726c. (1) A duly authorized agent of a county road commission when enforcing sections 215, 255, 631(1), 717, 719, 719a, 720, 722, 724, 725, and 726 shall wear a shoulder patch that is clearly visible and identifies the branch of government represented. (2) A duly authorized agent of a county road commission shall not carry a firearm while enforcing sections 215, 255, 631(1), 717, 719, 719a, 720, 722, 724, 725, and 726 unless he or she is licensed or certified as a police officer under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615. History:Add. 1984, Act 74, Imd. Eff. Apr. 18, 1984 ;-- Am. 1989, Act 173, Imd. Eff. Aug. 22, 1989 ;-- Am. 2012, Act 529, Eff. Mar. 28, 2013 ;-- Am. 2016, Act 304, Eff. Jan. 2, 2017

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Sec. 727. If a person is arrested without a warrant in any of the following cases, the arrested person shall, without unreasonable delay, be arraigned by the magistrate who is nearest or most accessible within the judicial district as provided in section 13 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.13, or, if a minor, taken before the family division of circuit court within the county in which the offense charged is alleged to have been committed: (a) The person is arrested under section 601d. (b) The person is arrested under section 625(1), (3), (4), (5), (6), (7), or (8), or an ordinance substantially corresponding to section 625(1), (3), (6), or (8). (c) A person is arrested under section 626 or an ordinance substantially corresponding to that section. If under the existing circumstances it does not appear that releasing the person pending the issuance of a warrant will constitute a public menace, the arresting officer may proceed as provided by section 728. (d) A person arrested does not have in his or her immediate possession a valid operator's or chauffeur's license or the receipt described in section 311a. If the arresting officer otherwise satisfactorily determines the identity of the person and the practicability of subsequent apprehension if the person fails to voluntarily appear before a designated magistrate or the family division of circuit court as directed, the officer may release the person from custody with instructions to appear in court, given in the form of a citation as prescribed by section 728. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1965, Act 41, Imd. Eff. May 25, 1965 ;-- Am. 1983, Act 63, Eff. Mar. 29, 1984 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992 ;-- Am. 1993, Act 301, Eff. June 30, 1994 ;-- Am. 1998, Act 348, Eff. Oct. 1, 1999 ;-- Am. 2004, Act 62, Eff. May 3, 2004 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010

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Sec. 727b. Each police chief, including the state police, and each sheriff shall issue citation books to each police officer of the department whose duties may or will include traffic duty or traffic law enforcement. Each police chief shall obtain a receipt from the officer to whom a citation book has been issued upon a form created by the secretary of state, the attorney general, the state court administrator, and the director of the department of state police. History:Add. 1966, Act 235, Eff. July 1, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 727c. (1) As used in this act, "citation" means a complaint or notice upon which a police officer shall record an occurrence involving 1 or more vehicle law violations by the person cited. Each citation shall be numbered consecutively, be in a form as determined by the secretary of state, the attorney general, the state court administrator, and the director of the department of state police and shall consist of the following parts: (a) The original which shall be a complaint or notice to appear by the officer and shall be filed with the court in which the appearance is to be made. (b) The first copy which shall be retained by the local traffic enforcement agency. (c) The second copy which shall be delivered to the alleged violator if the violation is a misdemeanor. (d) The third copy which shall be delivered to the alleged violator if the violation is a civil infraction. (2) With the prior approval of the state officials enumerated in subsection (1), the citation may be appropriately modified as to content or number of copies to accommodate law enforcement and local court procedures and practices. Use of this citation for other than moving violations is optional. (3) For purposes of this act, a complaint signed by a police officer shall be treated as made under oath if the violation alleged in the complaint is either a civil infraction or a misdemeanor or ordinance violation for which the maximum permissible penalty does not exceed 93 days in jail or a fine, or both, and occurred or was committed in the signing officer's presence or under circumstances permitting the officer's issuance of a citation under section 625a or 728(8), and if the complaint contains the following statement immediately above the date and signature of the officer: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief." History:Add. 1967, Act 212, Eff. Nov. 2, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1983, Act 172, Eff. Mar. 29, 1984 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999

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Sec. 728. (1) When a person is arrested without a warrant for a violation of this act punishable as a misdemeanor, or an ordinance substantially corresponding to a provision of this act and punishable as a misdemeanor, under conditions not referred to in section 617, 619, or 727, the arresting officer shall prepare, as soon as possible and as completely as possible, an original and 3 copies of a written citation to appear in court containing the name and address of the person, the violation charged, and the time and place when and where the person shall appear in court. The officer shall inform the offender of the violation and shall give the second copy of the citation to the alleged offender. If the arrested person demands, he or she shall be arraigned by a magistrate or probate court as provided in section 727 in lieu of being given the citation. (2) The time specified in the citation to appear shall be within a reasonable time after the arrest. (3) The place specified in the citation to appear shall be before a magistrate or probate court within the county in which the violation charged is alleged to have been committed and who has jurisdiction of the violation. (4) Appearance may be made in person, by representation, or by mail. If appearance is made by representation or mail, the magistrate may accept the plea of guilty or not guilty for purposes of arraignment, with the same effect as though the person personally appeared before him or her. The magistrate, by giving 5 days' notice of the date of appearance, may require appearance in person at the time and place designated in the citation. (5) If a nonresident is arrested without warrant for a violation of this act that is punishable as a misdemeanor, or an ordinance substantially corresponding to a provision of this act and punishable as a misdemeanor, under conditions not referred to in section 727, the arresting officer, upon demand of the arrested person, immediately shall take the person for arraignment by a magistrate in the vicinity to answer to the complaint made against the person. If a magistrate is not available or an immediate trial cannot be had, the person arrested may recognize to the officer for his or her appearance by leaving with the officer a guaranteed appearance certificate or a sum of money not to exceed $100.00, in which case the following provisions apply: (a) The officer making the arrest shall give a receipt to the person arrested for the guaranteed

appearance certificate or the money deposited together with a written citation as provided in subsection (1). (b) If the alleged offender fails to appear as required in the citation, the guaranteed appearance certificate or deposit shall be forfeited as in other cases of default in bail in addition to any other penalty provided in this chapter. (c) At or before the completion of his or her tour of duty, a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money either to the magistrate named in the citation together with a report of the facts relating to the arrest, or to the police chief or person authorized by the police chief to receive certificates and deposits. The police chief or person authorized by the police chief shall deposit with the court the certificate or the money deposited and the citation in the same manner as prescribed for citations in section 728a. Failure to make a report and deliver the money deposited is embezzlement of public money. (d) "Guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of trial or sentencing or to pay any fines or costs imposed under this act, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed $200.00. (6) An officer making an arrest under this chapter for a misdemeanor without a warrant, except under section 727, is not entitled to any fees for making the arrest or the issuance of a citation under this section. (7) An officer or magistrate who violates this section is guilty of misconduct in office and subject to removal from office. (8) A police officer may issue a citation to a person who is an operator of a motor vehicle involved in an accident if, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a misdemeanor under this act in connection with the accident. The officer shall prepare an original and 3 copies of the citation, setting forth the name and address of the person, the violation that may be charged against the person, and the time and place of the appearance of the person in court. The citation shall inform the person of the office, bureau, or department to which requests for a change or adjournment of the court date may be made. (9) If the citation is issued to a person who is operating a commercial motor vehicle, the citation shall contain the vehicle group designation and indorsement description of the vehicle operated by the person at the time of the alleged violation. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1955, Act 121, Eff. Oct. 14, 1955 ;-- Am. 1957, Act 47, Eff. Sept. 27, 1957 ;-- Am. 1962, Act 160, Imd. Eff. May 10, 1962 ;-- Am. 1965, Act 41, Imd. Eff. May 25, 1965 ;-- Am. 1965, Act 273, Eff. Mar. 31, 1966 ;-- Am. 1966, Act 235, Eff. July 1, 1967 ;-- Am. 1975, Act 267, Imd. Eff. Nov. 7, 1975 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1984, Act 331, Imd. Eff. Dec. 26, 1984 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1993, Act 301, Eff. June 30, 1994 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

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Sec. 728a. (1) At or before the completion of his or her tour of duty a police officer to whom a citation book has been issued and who has recorded the occurrence of a vehicle law violation upon a citation shall deliver to his or her police chief or to a person duly authorized by the police chief to receive citations all copies of such citation duly signed. The police chief or a person duly authorized by the police chief shall deposit the original of the citation with the court having jurisdiction over the offense not later than 3 days after the date of the citation, excluding Saturdays, Sundays, and legal holidays. (2) The citation shall be considered to have been deposited with the court as required under subsection (1) if the original of the citation is mailed not later than 2 days after the date of the citation as specified under this subsection. Mailing shall be accomplished by enclosing the original of the citation in a sealed envelope with first class postage fully prepaid, addressed to the court, and depositing the envelope and contents in the United States government mail. (3) If a citation is spoiled, mutilated, or voided, it shall be endorsed with a full explanation thereof by the police officer voiding the citation, and shall be accounted for to the police officer's police chief or an authorized designee of the police chief. (4) Nothing in this act shall prevent a person other than a police officer from applying for a criminal complaint for a vehicle law violation which is not a civil infraction, and that person need not show that the alleged offender has been issued a citation in connection with the offense. History:Add. 1966, Act 235, Eff. July 1, 1967 ;-- Am. 1984, Act 331, Imd. Eff. Dec. 26, 1984

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Establishment of Procedures to Insure Accountability; Maintenance of Citation Records.

Sec. 728b. The state treasurer shall establish procedures to insure accountability which shall be maintained by all jurisdictions processing traffic violation citations. The record showing the issuance and subsequent disposition shall be maintained complete for at least the most recent 5-year period and such records and notices shall be available for public inspection. History:Add. 1966, Act 235, Eff. July 1, 1967

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Sec. 728c. A complete audit of such citation records shall be made at least annually by the appropriate fiscal officer of the governmental agency to which the traffic enforcement agency is responsible; and may be audited by the state treasurer if deemed by him to be necessary. History:Add. 1966, Act 235, Eff. July 1, 1967

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Sec. 728d. Whoever knowingly falsifies a citation or copies thereof or a record of the issuance of same, or disposes of such citation, copy or record, in a manner other than as required in this act, or attempts so to falsify or dispose, or attempts to incite or procure another so to falsify or dispose shall be fined not more than $500.00 or imprisoned in the county jail for a term not to exceed 1 year, or both. History:Add. 1966, Act 235, Eff. July 1, 1967

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Sec. 728e. When under section 728 an officer issues a citation for a misdemeanor punishable by imprisonment for not more than 90 days, a magistrate may accept a plea of guilty or not guilty upon the citation, without the necessity of a sworn complaint but the officer shall sign the complaint before the magistrate makes a docket return on the complaint. If the offender pleads not guilty, further proceedings may not be had until a sworn complaint is filed with the magistrate. A warrant for arrest shall not issue for an offense under this act until a sworn complaint is filed with the magistrate. History:Add. 1967, Act 211, Eff. Nov. 2, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 729. In addition to a fine assessed for the charge or civil infraction when found guilty or determined responsible, the magistrate may also add to any fine and costs levied additional costs incurred in compelling the appearance of the person, which additional costs shall be returned to the general fund of the unit of government incurring the costs. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1967, Act 129, Eff. Nov. 2, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981

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Sec. 730. This chapter shall govern all police officers in making arrests without a warrant and in issuing civil infraction citations for violations of this act, but this act shall not be construed as preventing the execution of a warrant for the arrest of a person for a misdemeanor as in other cases of misdemeanors when the same may be necessary. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 731. Evidence of the conviction or civil infraction determination of a person for a violation of this chapter or of a local

ordinance pertaining to the use of motor vehicles shall not be admissible in a court in a civil action. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 60, Eff. Oct. 2, 1953 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 732. (1) Each municipal judge and each clerk of a court of record shall keep a full record of every case in which an individual is charged with or cited for a violation of this act or a local ordinance substantially corresponding to this act regulating the operation of vehicles on highways and with those offenses pertaining to the operation of ORVs or snowmobiles for which points are assessed under section 320a(1)(c) or (i). Except as provided in subsection (16), the municipal judge or clerk of the court of record shall prepare and forward to the secretary of state an abstract of the court record as follows: (a) Not more than 5 days after a conviction, forfeiture of bail, or entry of a civil infraction determination or default judgment upon a charge of or citation for violating or attempting to violate this act or a local ordinance substantially corresponding to this act regulating the operation of vehicles on highways. (b) Immediately for each case charging a violation of section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m in which the charge is dismissed or the defendant is acquitted. (c) Immediately for each case charging a violation of section 82127(1) or (3) or 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82127 and 324.81134, or a local ordinance substantially corresponding to those sections. (2) If a city or village department, bureau, or person is authorized to accept a payment of money as a settlement for a violation of a local ordinance substantially corresponding to this act, the city or village department, bureau, or person shall send a full report of each case in which an individual pays any amount of money to the city or village department, bureau, or person to the secretary of state upon a form prescribed by the secretary of state. (3) The abstract or report required under this section must be made upon a form furnished by the secretary of state. An abstract must be certified by signature, stamp, or facsimile signature of the individual required to prepare the abstract as correct. An abstract or report must include all of the following: (a) The name, address, and date of birth of the individual charged or cited. (b) The number of the individual's operator's or chauffeur's license, if any. (c) The date and nature of the violation. (d) The type of vehicle driven at the time of the violation and, if the vehicle is a commercial motor vehicle, that vehicle's group designation. (e) The date of the conviction, finding, forfeiture, judgment, or civil infraction determination. (f) Whether bail was forfeited. (g) Any license restriction, suspension, or denial ordered by the court as provided by law. (h) The vehicle identification number and registration plate number of all vehicles that are ordered immobilized or forfeited. (i) Other information considered necessary to the secretary of state. (4) The clerk of the court also shall forward an abstract of the court record to the secretary of state upon an individual's conviction or, for the purposes of subdivision (d), a finding or admission of responsibility, involving any of the following: (a) A violation of section 413, 414, or 479a of the Michigan penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a. (b) A violation of section 1 of former 1931 PA 214. (c) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle. (d) A violation of sections 701(1) and 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701 and 436.1703, or a local ordinance substantially corresponding to those sections. (e) A violation of section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a. (f) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11 as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a. (g) A violation of section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857. (h) An attempt to violate, a conspiracy to violate, or a violation of part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, or a local ordinance that prohibits conduct prohibited under part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, unless the convicted individual is sentenced to life imprisonment or a minimum term of imprisonment that exceeds 1 year for the offense. (i) An attempt to commit an offense described in subdivisions (a) to (g). (j) A violation of chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z. (k) A violation of section 3101, 3102(1), or 3103 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103. (l) A violation listed as a disqualifying offense under 49 CFR 383.51. (5) The clerk of the court shall also forward an abstract of the court record to the secretary of state if an individual has pled guilty to, or offered a plea of admission in a juvenile proceeding for, a violation of section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to that section, and has had further proceedings deferred under that section. If the individual is sentenced to a term of probation and terms and conditions of probation are fulfilled and the court discharges the individual and dismisses the proceedings, the court shall also report the dismissal to the secretary of state. (6) As used in subsections (7) to (9), "felony in which a motor vehicle was used" means a felony during the commission of which the individual operated a motor vehicle and while operating the vehicle presented real or potential harm to individuals or property and 1 or more of the following circumstances existed: (a) The vehicle was used as an instrument of the felony. (b) The vehicle was used to transport a victim of the felony. (c) The vehicle was used to flee the scene of the felony. (d) The vehicle was necessary for the commission of the felony. (7) If an individual is charged with a felony in which a

motor vehicle was used, other than a felony specified in subsection (4) or section 319, the prosecuting attorney shall include the following statement on the complaint and information filed in district or circuit court: "You are charged with the commission of a felony in which a motor vehicle was used. If you are convicted and the judge finds that the conviction is for a felony in which a motor vehicle was used, as defined in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319, your driver's license shall be suspended by the secretary of state.". (8) If a juvenile is accused of an act, the nature of which constitutes a felony in which a motor vehicle was used, other than a felony specified in subsection (4) or section 319, the prosecuting attorney or family division of circuit court shall include the following statement on the petition filed in the court: "You are accused of an act the nature of which constitutes a felony in which a motor vehicle was used. If the accusation is found to be true and the judge or referee finds that the nature of the act constitutes a felony in which a motor vehicle was used, as defined in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319, your driver's license shall be suspended by the secretary of state.". (9) If the court determines as part of the sentence or disposition that the felony for which the individual was convicted or adjudicated and with respect to which notice was given under subsection (7) or (8) is a felony in which a motor vehicle was used, the clerk of the court shall forward an abstract of the court record of that conviction to the secretary of state. (10) As used in subsections (11) and (12), "felony in which a commercial motor vehicle was used" means a felony during the commission of which the individual operated a commercial motor vehicle and while the individual was operating the vehicle 1 or more of the following circumstances existed: (a) The vehicle was used as an instrument of the felony. (b) The vehicle was used to transport a victim of the felony. (c) The vehicle was used to flee the scene of the felony. (d) The vehicle was necessary for the commission of the felony. (11) If an individual is charged with a felony in which a commercial motor vehicle was used and for which a vehicle group designation on a license is subject to suspension or revocation under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or 319b(1)(f)(i), the prosecuting attorney shall include the following statement on the complaint and information filed in district or circuit court: "You are charged with the commission of a felony in which a commercial motor vehicle was used. If you are convicted and the judge finds that the conviction is for a felony in which a commercial motor vehicle was used, as defined in section 319b of the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle group designations on your driver's license shall be suspended or revoked by the secretary of state.". (12) If the judge determines as part of the sentence that the felony for which the defendant was convicted and with respect to which notice was given under subsection (11) is a felony in which a commercial motor vehicle was used, the clerk of the court shall forward an abstract of the court record of that conviction to the secretary of state. (13) Every individual required to forward abstracts to the secretary of state under this section shall certify for the period from January 1 through June 30 and for the period from July 1 through December 31 that all abstracts required to be forwarded during the period have been forwarded. The certification must be filed with the secretary of state not later than 28 days after the end of the period covered by the certification. The certification must be made upon a form furnished by the secretary of state and must include all of the following: (a) The name and title of the individual required to forward abstracts. (b) The court for which the certification is filed. (c) The time period covered by the certification. (d) The following statement: "I certify that all abstracts required by section 732 of the Michigan vehicle code, 1949 PA 300, MCL 257.732, for the period _____ through _____ have been forwarded to the secretary of state.". (e) Other information the secretary of state considers necessary. (f) The signature of the individual required to forward abstracts. (14) The failure, refusal, or neglect of an individual to comply with this section constitutes misconduct in office and is grounds for removal from office. (15) Except as provided in subsection (16), the secretary of state shall keep all abstracts received under this section at the secretary of state's main office and the abstracts must be open for public inspection during the office's usual business hours. Each abstract must be entered upon the master driving record of the individual to whom it pertains. (16) Except for controlled substance offenses described in subsection (4), the court shall not submit, and the secretary of state shall discard and not enter on the master driving record, an abstract for a conviction or civil infraction determination for any of the following violations: (a) The parking or standing of a vehicle. (b) A nonmoving violation that is not the basis for the secretary of state's suspension, revocation, or denial of an operator's or chauffeur's license. (c) A violation of chapter II that is not the basis for the secretary of state's suspension, revocation, or denial of an operator's or chauffeur's license. (d) A pedestrian, passenger, or bicycle violation, other than a violation of section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b. (e) A violation of section 710e or a local ordinance substantially corresponding to section 710e. (f) A violation of section 328(1) if, before the appearance date on the citation, the individual submits proof to the court that the motor vehicle had insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, at the time the citation was issued. Insurance obtained subsequent to the time of the violation does not make the violation an exception under this subsection. (g) A violation described in section 319b(10)(b)(vii) if, before the court appearance date or date fines are to be paid, the individual submits proof to the court that the individual held a valid commercial driver license on the date the citation was issued. (h) A violation of section 311 if the individual was driving a noncommercial vehicle and, before the court appearance date or the date fines are to be paid, the individual submits proof to the court that the individual held a valid driver license on the date the citation was issued. (17) Except as otherwise provided in this subsection, the secretary of state shall discard and not enter on the master driving record an abstract for a bond forfeiture that occurred outside this state. The secretary of state shall enter on the master driving record an abstract for a conviction as defined in section 8a(b) that occurred outside this state in connection with the operation of a commercial motor vehicle or for a conviction of an individual licensed as a commercial motor vehicle driver. (18) The secretary of state shall inform the courts of this state of the nonmoving violations and violations of chapter II that are used by the secretary of state as the basis for the suspension,

restriction, revocation, or denial of an operator's or chauffeur's license. (19) If a conviction or civil infraction determination is reversed upon appeal, the individual whose conviction or determination has been reversed may serve on the secretary of state a certified copy of the order of reversal. The secretary of state shall enter the order in the proper book or index in connection with the record of the conviction or civil infraction determination. (20) The secretary of state may permit a city or village department, bureau, person, or court to modify the requirement as to the time and manner of reporting a conviction, civil infraction determination, or settlement to the secretary of state if the modification will increase the economy and efficiency of collecting and utilizing the records. If the permitted abstract of court record reporting a conviction, civil infraction determination, or settlement originates as a part of the written notice to appear, authorized in section 728(1) or 742(1), the form of the written notice and report must be as prescribed by the secretary of state. (21) Notwithstanding any other law of this state, a court shall not take under advisement an offense committed by an individual while operating a motor vehicle for which this act requires a conviction or civil infraction determination to be reported to the secretary of state. A conviction or civil infraction determination that is the subject of this subsection must not be masked, delayed, diverted, suspended, or suppressed by a court. Upon a conviction or civil infraction determination, the conviction or civil infraction determination must immediately be reported to the secretary of state in accordance with this section. (22) Except as provided in this act and notwithstanding any other provision of law, a court shall not order expunction of any violation reportable to the secretary of state under this section. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1965, Act 41, Imd. Eff. May 25, 1965 ;-- Am. 1965, Act 309, Eff. Mar. 31, 1966 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1985, Act 1, Eff. July 1, 1985 ;-- Am. 1988, Act 205, Eff. July 1, 1988 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1991, Act 99, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1993, Act 359, Eff. Sept. 1, 1994 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 1996, Act 493, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 348, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 21, Eff . Oct. 1, 2000 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2000, Act 460, Eff. Mar. 28, 2001 ;-- Am. 2001, Act 103, Eff. Oct. 1, 2001 ;-- Am. 2001, Act 134, Eff. Feb. 1, 2002 ;-- Am. 2002, Act 259, Imd. Eff. May 1, 2002 ;-- Am. 2002, Act 422, Eff. Oct. 1, 2002 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 52, Eff. May 1, 2004 ;-- Am. 2004, Act 62, Eff. May 3, 2004 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2004, Act 495, Imd. Eff. Dec. 29, 2004 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2010, Act 59, Eff. July 1, 2010 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2012, Act 592, Eff. Mar. 28, 2013 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2017, Act 160, Eff. Jan. 1, 2018 ;-- Am. 2023, Act 40, Eff. June 30, 2023Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”Section 2 of Act 205 of 1988 provides: “This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date.”Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989. “(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.732a.amended - Fire Protection Fund; Creation; Disposition of Funds; Transmission of Fees to State Treasurer.

***** 257.732a.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 732a. (1) The fire protection fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year must remain in the fund and must not lapse to the general fund. The department of licensing and regulatory affairs shall expend money from the fund, upon appropriation, only for fire protection grants to cities, villages, and townships with state-owned facilities for fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956. (2) The secretary of state shall transmit the fees collected under this section to the state treasurer. The state treasurer shall credit fee money received under this section in each fiscal year as follows: (a) The first $8,500,000.00 must be credited to the fire protection fund created in subsection (1). (b) For fiscal year 2017 and for each fiscal year thereafter, after the amount specified in subdivision (a) is credited to the fire protection fund created under subsection (1), the next $1,000,000.00 must be credited to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q. Funds appropriated under this subdivision must be based upon an established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of state during the fiscal year. However, except as otherwise provided in this subdivision,

funds appropriated under this subdivision must not exceed $1,000,000.00 during any fiscal year. (c) Any amount collected after crediting the amounts under subdivisions (a) and (b) must be credited to the general fund. (3) It is the intent of the legislature that beginning with the fiscal year ending September 30, 2018, and each fiscal year after that, $8,500,000.00 must be appropriated to the fire protection fund created under subsection (2). History:Add. 2003, Act 165, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 52, Eff. May 1, 2004 ;-- Am. 2008, Act 460, Eff. Apr. 1, 2009 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2010, Act 155, Eff. Jan. 1, 2011 ;-- Am. 2011, Act 255, Eff. Oct. 1, 2012 ;-- Am. 2012, Act 203, Imd. Eff. June 27, 2012 ;-- Am. 2014, Act 250, Eff. Sept. 23, 2014 ;-- Am. 2016, Act 32, Eff. June 6, 2016 ;-- Am. 2018, Act 43, Imd. Eff. Mar. 1, 2018 ;-- Am. 2018, Act 45, Imd. Eff. Mar. 1, 2018 ;-- Am. 2018, Act 46, Imd. Eff. Mar. 1, 2018 ;-- Am. 2018, Act 50, Eff. Mar. 31, 2018 ;-- Am. 2024, Act 113, Eff. (sine die)Compiler's Notes:Enacting section 1 of Act 32 of 2016 provides:"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.732a - Driver Responsibility Fee; Assessment; Notice; Payment by Installment; Failure to Pay Fee; Suspension of Driving Privileges; Fire Protection Fund; Creation; Disposition of Funds; Transmission of Fees to State Treasurer; Collection of Assessments Subject to MCL 257.304; Assessment and Collection; Provisions Applicable Beginning September 30, 2018; Reinstatement; Appropriation.

***** 257.732a THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.732a.amended ***** Sec. 732a. (1) Subject to subsection (10), an individual, whether licensed or not, who accumulates 7 or more points on his or her driving record under sections 320a and 629c within a 2-year period for any violation not listed under subsection (2) shall be assessed a $100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of $50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more. This subsection is subject to subsection (11). (2) An individual, whether licensed or not, who violates any of the following sections or another law or local ordinance that substantially corresponds to those sections shall be assessed a driver responsibility fee as follows: (a) Subject to subsections (10) and (11), upon posting an abstract indicating that an individual has been found guilty for a violation of law listed or described in this subdivision, the secretary of state shall assess a $1,000.00 driver responsibility fee each year for 2 consecutive years: (i) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile. (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or (4), or 653a(3) or (4). (iii) Section 625(1), (4), or (5), section 625m, or section 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, or a law or ordinance substantially corresponding to section 625(1), (4), or (5), section 625m, or section 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134. (iv) Failing to stop and disclose identity at the scene of an accident when required by law. (v) Fleeing or eluding an officer. (b) Subject to subsections (10) and (11), upon posting an abstract indicating that an individual has been found guilty for a violation of law listed in this subdivision, the secretary of state shall assess a $500.00 driver responsibility fee each year for 2 consecutive years: (i) Section 625(3), (6), (7), or (8). (ii) Section 626(2). (iii) Section 904. (iv) Section 3101, 3102(1), or 3103 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103. (c) Through September 30, 2012, upon posting an abstract indicating that an individual has been found guilty for a violation of section 301, the secretary of state shall assess a $150.00 driver responsibility fee each year for 2 consecutive years. However, a driver responsibility fee shall not be assessed under this subdivision for a violation committed on or after October 1, 2012. (d) Through September 30, 2012, upon posting an abstract indicating that an individual has been found guilty or determined responsible for a violation listed in section 328, the secretary of state shall assess a $200.00 driver responsibility fee each year for 2 consecutive years. However, a driver responsibility fee shall not be assessed under this subdivision for a violation committed on or after October 1, 2012. (3) The secretary of state shall send a notice of the driver responsibility assessment, as prescribed under subsection (1) or (2), to the individual by regular mail to the address on the records of the secretary of state. If payment is not received within 30 days after the notice is mailed, the secretary of state shall send a second notice that indicates that if payment is not received within the next 30 days, the driver's driving privileges will be suspended. (4) The secretary of state may authorize payment by installment for a period not to exceed 24 months or, alternatively, the individual may engage in workforce training under section 732b. All of the following apply to an individual who, on or before February 1, 2018, has entered into an installment payment plan as provided in this subsection: (a) Any outstanding driver responsibility fee assessed under this section or outstanding installment payment shall not be collected. (b) An individual is not liable for any outstanding driver responsibility fee assessed under this section. (c) An individual whose driving privileges were suspended under this section is eligible to reinstate his or her operator's license if he or she is otherwise in compliance with this act. (5) Except as otherwise provided under this subsection and section 732b, if payment is not received or an installment plan is not established after the time limit required by the second notice prescribed under subsection (3) expires, the secretary of state shall suspend the driving privileges until the assessment and any other fees prescribed under this act are paid. However, if the individual's license to operate a motor vehicle is not otherwise required under this act to be denied, suspended, or revoked, the secretary of state shall reinstate the individual's operator's driving privileges if the individual requests an installment plan under subsection (4) and makes proper payment under that plan. Fees required to be paid for the reinstatement of an individual's operator's driving privileges as described under this subsection shall, at the individual's request,

be included in the amount to be paid under the installment plan. If the individual establishes a payment plan as described in this subsection and subsection (4) but the individual fails to make full or timely payments under that plan, or enters into workforce training under section 732b but fails to successfully complete that service within the 45-day period allowed, or withdraws from workforce training with or without good cause shown, the secretary of state shall suspend the individual's driving privileges. The secretary of state shall only reinstate a license under this subsection once. (6) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state. (7) The fire protection fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The department of licensing and regulatory affairs shall expend money from the fund, upon appropriation, only for fire protection grants to cities, villages, and townships with state-owned facilities for fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956. (8) The secretary of state shall transmit the fees collected under this section to the state treasurer. The state treasurer shall credit fee money received under this section in each fiscal year as follows: (a) The first $8,500,000.00 shall be credited to the fire protection fund created in subsection (7). (b) For fiscal year 2017 and for each fiscal year thereafter, after the amount specified in subdivision (a) is credited to the fire protection fund created under subsection (7), the next $1,000,000.00 shall be credited to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q, and, for fiscal year 2018 only, the next $250,000.00 shall be credited to the department of treasury to implement and administer the program created in section 732d. Funds appropriated under this subdivision shall be based upon an established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of state during the fiscal year. However, except as otherwise provided in this subdivision, funds appropriated under this subdivision shall not exceed $1,000,000.00 during any fiscal year. Funds appropriated under this subdivision shall not exceed $1,250,000.00 during fiscal year 2018. (c) Any amount collected after crediting the amounts under subdivisions (a) and (b) shall be credited to the general fund. (9) The collection of assessments under this section is subject to section 304. (10) Subject to subsections (4) and (11), a driver responsibility fee shall be assessed and collected under this section as follows: (a) For an individual who accumulates 7 or more points on his or her driving record beginning on the following dates, a fee assessed under subsection (1) shall be reduced as follows: (i) Beginning October 1, 2015, the assessment shall be 75% of the fee calculated under subsection (1). (ii) Beginning October 1, 2016, the assessment shall be 50% of the fee calculated under subsection (1). (iii) Beginning October 1, 2018, no fee shall be assessed under subsection (1). (b) A fee assessed under subsection (2)(a) or (b) shall be reduced as follows: (i) For a violation that occurs on or after October 1, 2015, 100% of the fee shall be assessed for the first year and 50% for the second year. (ii) For a violation that occurs on or after October 1, 2016, 100% of the fee shall be assessed for the first year and no fee shall be assessed for the second year. (iii) Beginning October 1, 2018, no fee shall be assessed under subsection (2)(a) or (b). (c) Beginning on the effective date of the amendatory act that added this subdivision, no fee shall be assessed under subsection (2)(b)(iii) or (iv). (11) Beginning September 30, 2018, all of the following apply: (a) Any outstanding driver responsibility fee assessed under this section shall not be collected. (b) An individual is not liable for any outstanding driver responsibility fee assessed under this section or responsible for completing workforce training under section 732b. (c) An individual whose driving privileges were suspended under this section or an individual whose driving privileges were suspended under section 904(10), if that suspension arose out of the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while his or her driving privileges were suspended under this section, is eligible to reinstate his or her operator's license if he or she is otherwise in compliance with this act. (12) Beginning on the effective date of the amendatory act that added this subsection and ending December 31, 2018, an individual whose driving privileges were suspended under this section may reinstate his or her operator's license without payment of a fee to the secretary of state for the reinstatement. Beginning January 1, 2019, an individual whose driving privileges were suspended under this section may reinstate his or her operator's license upon payment of any fee required by the secretary of state for the reinstatement. (13) It is the intent of the legislature that beginning with the fiscal year ending September 30, 2018, and each fiscal year after that, $8,500,000.00 shall be appropriated to the fire protection fund created under subsection (7). History:Add. 2003, Act 165, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 52, Eff. May 1, 2004 ;-- Am. 2008, Act 460, Eff. Apr. 1, 2009 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2010, Act 155, Eff. Jan. 1, 2011 ;-- Am. 2011, Act 255, Eff. Oct. 1, 2012 ;-- Am. 2012, Act 203, Imd. Eff. June 27, 2012 ;-- Am. 2014, Act 250, Eff. Sept. 23, 2014 ;-- Am. 2016, Act 32, Eff. June 6, 2016 ;-- Am. 2018, Act 43, Imd. Eff. Mar. 1, 2018 ;-- Am. 2018, Act 45, Imd. Eff. Mar. 1, 2018 ;-- Am. 2018, Act 46, Imd. Eff. Mar. 1, 2018 ;-- Am. 2018, Act 50, Eff. Mar. 31, 2018Compiler's Notes:Enacting section 1 of Act 32 of 2016 provides:"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.732b - Driver Responsibility Fee; Workforce Training; Participation as Alternative to Paying Fee.

***** 257.732b THIS SECTION IS REPEALED BY ACT 113 OF 2024 EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 732b. (1) If an individual was assessed a driver responsibility fee under section 732a(2)(b)(iii) or (iv), (c), or (d), the individual may engage in 10 hours of participation in a workforce training payment

program created under section 732c as an alternative to paying that fee or any unpaid portion of that fee. (2) An individual may engage in workforce training under subsection (1) by obtaining a workforce training form from the secretary of state or the department of treasury. The department of treasury shall mail to each individual who is required to pay a driver responsibility fee under section 732a(2)(b)(iii) or (iv), (c), or (d) a 1-time-only written notice of the option of completing workforce training as an alternative to paying that driver responsibility fee. The notice shall include a statement that workforce training forms for that purpose can be obtained from the department of state or from the department of treasury. The notice shall be sent to the last known address of the individual as shown in the records of the department of treasury. The secretary of state shall make workforce training forms available to the public at all branch offices and on the department's website for purposes of this section and shall provide workforce training forms to the department of treasury for purposes of this section. (3) If an individual chooses to engage in workforce training under this section, the individual shall complete the workforce training form obtained under subsection (2) and return the form to the department of treasury in the manner prescribed by the department of treasury. Upon receiving a properly completed workforce training form under this subsection, the department of treasury shall inform the department of state that the individual intends to complete workforce training under this section as an alternative to paying a driver responsibility fee or any portion of a driver responsibility fee. If the secretary of state is notified by the department of treasury that the individual has elected to complete workforce training under this section as an alternative to paying the fee, that fee shall be held in abeyance for a period of 45 days. If the individual's license is suspended for failing to pay the driver responsibility fee or portion of the driver responsibility fee, the department of state shall, upon payment of the reinstatement fee, reinstate the individual's driver license. (4) An individual who engages in workforce training under this section shall be allowed only 1 opportunity to complete the workforce training alternative for each driver responsibility fee owed. However, the department of treasury may allow an individual to withdraw from that workforce training before the expiration of the 45-day period for completing that workforce training for good cause shown. If the individual is allowed to withdraw from workforce training for good cause shown, that opportunity for completing workforce training shall not be considered in the number of opportunities to perform workforce training under this subsection, but the individual is subject to the suspension of his or her driving privileges under section 732a(5). (5) Upon completing workforce training under this section, the individual may request the person with whom he or she engaged in workforce training under this section to verify on the workforce training form in the manner designated by the secretary of state that he or she successfully completed that workforce training. Upon verification, the individual may return the workforce training form to the department of treasury for purposes of this section. Any person who falsely verifies workforce training under this subsection and any individual who falsely requests the verification of workforce training under this section or who returns a community service form to the department of treasury under this subsection knowing that his or her workforce training is falsely verified is responsible for a state civil infraction and may be fined not more than $200.00. (6) The department of treasury shall waive the driver responsibility fee or any portion of the driver responsibility fee otherwise required to be paid under section 732a(2)(b)(iii) or (iv), (c), or (d) upon receiving verification that the individual successfully completed the workforce training requirements of this section. The department of treasury shall notify the department of state when it has waived the fee under this section or, if the fee is not waived under this section, that the 45-day period has expired and the fee has not been waived. If the secretary of state is notified by the department of treasury that the fee has not been waived, the department of state shall enter that information into the records of the department and shall suspend the individual's driver license and proceed as provided by law for the individual's failure to pay the driver responsibility fee or to complete workforce training under this section. History:Add. 2014, Act 283, Eff. Dec. 31, 2014 ;-- Am. 2018, Act 50, Eff. Mar. 31, 2018

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Sec. 732c. (1) The department of treasury shall create a workforce training payment program. (2) The department of treasury may work with a local workforce development board, a Michigan works one-stop service center, or a training program offered by the department of corrections to develop the workforce training payment program described in subsection (1). (3) The department of treasury shall be the administrator of the workforce training payment program described in subsection (1). (4) As used in this section: (a) "Local workforce development board" means that term as defined in section 3 of the Michigan works one-stop service center system act, 2006 PA 491, MCL 408.113. (b) "Michigan works one-stop service center" means that term as defined in section 3 of the Michigan works one-stop service center system act, 2006 PA 491, MCL 408.113. History:Add. 2018, Act 49, Eff. Mar. 31, 2018

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***** 257.732d THIS SECTION IS REPEALED BY ACT 113 OF 2024 EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 732d. In consultation with the department, the department of health and human services, the unemployment insurance agency, Michigan works agencies, and the department of corrections, the department

of treasury shall educate individuals whose driver responsibility fee obligations are affected by changes made to state law on the effective date of the amendatory act that added this section. The education required by this subsection shall include informational materials and effective outreach. History:Add. 2018, Act 44, Imd. Eff. Mar. 1, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.733 - Release of Accident Information to Nongovernmental Agency; Exception.

Sec. 733. (1) The department shall not release information relating to an accident on the record of a driver to a nongovernmental agency unless the driver was subsequently convicted of or determined responsible for a violation of this act in connection with the accident. (2) Except as otherwise provided in subsection (4), the department shall not release information relating to an accident on the record of any of the following to a nongovernmental agency if the accident occurred while the person was operating the vehicle during the course of his or her employment: (a) A police officer. (b) A firefighter. (c) An employee of the state transportation department, a county road commission, or a local authority having jurisdiction over a highway who is authorized to operate a motor vehicle or equipment while working within the highway right-of-way. (d) A person authorized to operate an ambulance or other emergency vehicle. (3) The department shall not release information received under section 732(5) concerning a plea to and the discharge and dismissal of a violation of section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, except as provided in section 703(3) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703. (4) Subsection (2) does not apply to a person described in subsection (2) who was convicted of a crime under this act in connection with the accident. History:Add. 1974, Act 208, Imd. Eff. July 11, 1974 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1978, Act 545, Eff. Oct. 1, 1979 ;-- Am. 1994, Act 50, Imd. Eff. Mar. 25, 1994 ;-- Am. 2004, Act 62, Eff. Sept. 1, 2004 ;-- Am. 2006, Act 650, Eff. Oct. 1, 2010

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***** 257.741.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 741. (1) A civil infraction action is a civil action in which the defendant is alleged to be responsible for a civil infraction. A civil infraction action is commenced upon the issuance and service of a citation as provided in section 742. The plaintiff in a civil infraction action must be either this state if the alleged civil infraction is a violation of this act, or a political subdivision if the alleged civil infraction is a violation of a local ordinance of that subdivision that substantially corresponds to a provision of this act. (2) The following courts have jurisdiction over civil infraction actions: (a) The district court. (b) Any municipal court. (3) The time specified in a citation for appearance must be within a reasonable time after the citation is issued pursuant to section 682 or 742. (4) The place specified in the citation for appearance must be the court listed in subsection (2) that has territorial jurisdiction of the place where the civil infraction occurred. Venue in the district court is governed by section 8312 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8312. (5) If the individual cited is a minor, that individual may appear in court or admit responsibility for a civil infraction without the necessity of appointment of a guardian or next friend. The courts listed in subsection (2) have jurisdiction over the minor and may proceed in the same manner and in all respects as if that individual were an adult. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2024, Act 161, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.741 - Civil Infraction Action as Civil Action; Commencement; Plaintiff; Jurisdiction; Time and Place for Appearance; Venue.

***** 257.741 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.741.amended ***** Sec. 741. (1) A civil infraction action is a civil action in which the defendant is alleged to be responsible for a civil infraction. A civil infraction action is commenced upon the issuance and service of a citation as provided in section 742. The plaintiff in a civil infraction action shall be either the state if the alleged civil infraction is a violation of this act, or a political subdivision if the alleged civil infraction is a violation of a local ordinance of that subdivision which substantially corresponds to a provision of this act. (2) The following courts shall have jurisdiction over civil infraction actions: (a) The district court. (b) Any municipal court. (3) The time specified in a citation for appearance shall be within a reasonable time after the citation is issued pursuant to section 742. (4) The place specified in the citation for appearance shall be the court listed in subsection (2) which has territorial jurisdiction of the place where the civil infraction occurred. Venue in the district court shall be governed by section 8312 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8312. (5) If the person cited is a minor, that individual shall be permitted to appear in court or to admit responsibility for a civil infraction without the necessity of appointment

of a guardian or next friend. The courts listed in subsection (2) shall have jurisdiction over the minor and may proceed in the same manner and in all respects as if that individual were an adult. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.742.amended - Stopping, Detaining, and Issuing Citation for Civil Infraction; Pursuing, Stopping, and Detaining Person Outside Village, City, Township, or County; Purpose; Violation as to Load, Weight, Height, Length, or Width of Vehicle or Load; Powers of Police Officer; Issuing Citation to Driver of Motor Vehicle; Form of Citation; Informing Person of Alleged Civil Infraction; Delivering Copy of Citation to Alleged Offender; Issuing, Serving, and Processing Citations for Parking and Standing Violations; Filing Citation With Court; Camera-Based Violation Citation by Mail; “Parking Violation Notice” and "Parking Violations Bureau" Defined.

***** 257.742.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 742. (1) If a police officer witnesses an individual violating this act or a local ordinance substantially corresponding to this act and that violation is a civil infraction, that police officer may stop the individual, detain the individual temporarily for purposes of making a record of vehicle check, and prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a written citation, which must be a notice to appear in court for 1 or more civil infractions. If a police officer of a village, city, township, or county, or a police officer who is an authorized agent of a county road commission, witnesses an individual violating this act or a local ordinance substantially corresponding to this act within that village, city, township, or county and that violation is a civil infraction, that police officer may pursue, stop, and detain the individual outside the village, city, township, or county where the violation occurred for the purpose of exercising the authority and performing the duties prescribed in this section and section 749, as applicable. (2) If a police officer has reason to believe that the load, weight, height, length, or width of a vehicle or load are in violation of section 717, 719, 719a, 722, 724, 725, or 726 and that violation is a civil infraction, that police officer may require the driver of the vehicle to stop, and the police officer may investigate, weigh, or measure the vehicle or load. If, after personally investigating, weighing, or measuring the vehicle or load, the police officer determines that the load, weight, height, length, or width of the vehicle or load are in violation of section 717, 719, 719a, 722, 724, 725, or 726, the police officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check and issue a citation to the driver or owner of the vehicle as provided in those sections. (3) A police officer may issue a citation to an individual who is a driver of a motor vehicle involved in an accident when, based upon personal investigation, the officer has reasonable cause to believe that the individual is responsible for a civil infraction in connection with the accident. A police officer may issue a citation to an individual who is a driver of a motor vehicle when, based upon personal investigation by the police officer of a complaint by someone who witnessed the individual violating this act or a local ordinance substantially corresponding to this act and that violation is a civil infraction, the officer has reasonable cause to believe that the individual is responsible for a civil infraction and if the prosecuting attorney or attorney for the political subdivision approves in writing the issuance of the citation. (4) The form of a citation issued under subsection (1), (2), (3), or (9) shall be as prescribed in sections 727c and 743. (5) The officer shall inform the individual of the alleged civil infraction or infractions and shall deliver the third copy of the citation to the alleged offender. (6) In a civil infraction action involving the parking or standing of a motor vehicle, a copy of the citation is not required to be served personally upon the defendant but may be served upon the registered owner by attaching the copy to the vehicle. A city may authorize personnel other than a police officer to issue and serve a citation for a violation of its ordinance involving the parking or standing of a motor vehicle. A city may authorize a person other than personnel or a police officer to issue and serve a citation for parking violations described in section 675d if the city has complied with the requirements of section 675d. State security personnel receiving authorization under section 6c of 1935 PA 59, MCL 28.6c, may issue and serve citations for violations involving the parking or standing of vehicles on land owned by this state or land of which this state is the lessee when authorized to do so by the director of the department of state police. (7) If a parking violation notice other than a citation is attached to a motor vehicle, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the parking violations bureau, a citation may be filed with the court described in section 741(4) and a copy of the citation may be served by first-class mail upon the registered owner of the vehicle at the owner's last known address. A parking violation notice may be issued by a police officer, including a limited duty officer, or other personnel duly authorized by the city, village, township, college, or university to issue that parking violation notice under its ordinance. The citation filed with the court pursuant to this subsection need not comply in all particulars with sections 727c and 743 but must consist of a sworn complaint containing the allegations stated in the parking violation notice and must fairly inform the defendant how to respond to the citation. (8) A citation issued under subsection (6) or (7) for a parking or standing violation must be processed in the same manner as a citation issued personally to a defendant under subsection (1) or (3). (9) A citation may be issued by mail to the registered owner of a vehicle as provided in section 682 for a camera-based violation as defined in section 682. (10) As used in subsection (7): (a) "Parking violation notice" means a notice, other than a citation, directing a person to appear at a parking violations bureau in the city, village, or township in which, or of the college or university for which, the notice is issued and to pay the fine and costs, if any, prescribed by ordinance for the parking or standing of a motor vehicle in violation of the ordinance. (b) "Parking violations bureau" means a parking violations bureau established pursuant to section 8395 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8395,

or a comparable parking violations bureau established in a city or village served by a municipal court or established pursuant to law by the governing board of a state university or college. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 249, Imd. Eff. July 28, 1980 ;-- Am. 1980, Act 426, Imd. Eff. Jan. 13, 1981 ;-- Am. 1981, Act 104, Eff. Oct. 1, 1981 ;-- Am. 1984, Act 74, Imd. Eff. Apr. 18, 1984 ;-- Am. 1989, Act 89, Eff. Sept. 19, 1989 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2000, Act 268, Eff. Oct. 1, 2000 ;-- Am. 2008, Act 171, Imd. Eff. July 2, 2008 ;-- Am. 2024, Act 161, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.742 - Stopping, Detaining, and Issuing Citation for Civil Infraction; Pursuing, Stopping, and Detaining Person Outside Village, City, Township, or County; Purpose; Violation as to Load, Weight, Height, Length, or Width of Vehicle or Load; Powers of Police Officer; Issuing Citation to Driver of Motor Vehicle; Form of Citation; Informing Person of Alleged Civil Infraction; Delivering Copy of Citation to Alleged Offender; Issuing, Serving, and Processing Citations for Parking and Standing Violations; Filing Citation With Court; "Parking Violation Notice" and "Parking Violations Bureau" Defined.

***** 257.742 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.742.amended ***** Sec. 742. (1) A police officer who witnesses a person violating this act or a local ordinance substantially corresponding to this act, which violation is a civil infraction, may stop the person, detain the person temporarily for purposes of making a record of vehicle check, and prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a written citation, which shall be a notice to appear in court for 1 or more civil infractions. If a police officer of a village, city, township, or county, or a police officer who is an authorized agent of a county road commission, witnesses a person violating this act or a local ordinance substantially corresponding to this act within that village, city, township, or county and that violation is a civil infraction, that police officer may pursue, stop, and detain the person outside the village, city, township, or county where the violation occurred for the purpose of exercising the authority and performing the duties prescribed in this section and section 749, as applicable. (2) Any police officer, having reason to believe that the load, weight, height, length, or width of a vehicle or load are in violation of section 717, 719, 719a, 722, 724, 725, or 726 which violation is a civil infraction, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If, after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, height, length, or width of the vehicle or load are in violation of section 717, 719, 719a, 722, 724, 725, or 726, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check and issue a citation to the driver or owner of the vehicle as provided in those sections. (3) A police officer may issue a citation to a person who is a driver of a motor vehicle involved in an accident when, based upon personal investigation, the officer has reasonable cause to believe that the person is responsible for a civil infraction in connection with the accident. A police officer may issue a citation to a person who is a driver of a motor vehicle when, based upon personal investigation by the police officer of a complaint by someone who witnessed the person violating this act or a local ordinance substantially corresponding to this act, which violation is a civil infraction, the officer has reasonable cause to believe that the person is responsible for a civil infraction and if the prosecuting attorney or attorney for the political subdivision approves in writing the issuance of the citation. (4) The form of a citation issued under subsection (1), (2), or (3) shall be as prescribed in sections 727c and 743. (5) The officer shall inform the person of the alleged civil infraction or infractions and shall deliver the third copy of the citation to the alleged offender. (6) In a civil infraction action involving the parking or standing of a motor vehicle, a copy of the citation is not required to be served personally upon the defendant but may be served upon the registered owner by attaching the copy to the vehicle. A city may authorize personnel other than a police officer to issue and serve a citation for a violation of its ordinance involving the parking or standing of a motor vehicle. A city may authorize a person other than personnel or a police officer to issue and serve a citation for parking violations described in section 675d if the city has complied with the requirements of section 675d. State security personnel receiving authorization under section 6c of 1935 PA 59, MCL 28.6c, may issue and serve citations for violations involving the parking or standing of vehicles on land owned by the state or land of which the state is the lessee when authorized to do so by the director of the department of state police. (7) If a parking violation notice other than a citation is attached to a motor vehicle, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the parking violations bureau, a citation may be filed with the court described in section 741(4) and a copy of the citation may be served by first-class mail upon the registered owner of the vehicle at the owner's last known address. A parking violation notice may be issued by a police officer, including a limited duty officer, or other personnel duly authorized by the city, village, township, college, or university to issue such a notice under its ordinance. The citation filed with the court pursuant to this subsection need not comply in all particulars with sections 727c and 743 but shall consist of a sworn complaint containing the allegations stated in the parking violation notice and shall fairly inform the defendant how to respond to the citation. (8) A citation issued under subsection (6) or (7) for a parking or standing violation shall be processed in the same manner as a citation issued personally to a defendant under subsection (1) or (3). (9) As used in subsection (7): (a) "Parking violation notice" means a notice, other than a citation, directing a person to appear at a parking violations bureau in the city, village, or township in which, or of the college or university for which, the notice is issued and to pay the fine and costs, if any, prescribed by ordinance for the parking or standing of a motor vehicle in violation of the ordinance. (b) "Parking violations bureau" means a parking violations bureau established pursuant to section 8395 of the revised judicature act of 1961, 1961 PA 236, MCL

600.8395, or a comparable parking violations bureau established in a city or village served by a municipal court or established pursuant to law by the governing board of a state university or college. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 249, Imd. Eff. July 28, 1980 ;-- Am. 1980, Act 426, Imd. Eff. Jan. 13, 1981 ;-- Am. 1981, Act 104, Eff. Oct. 1, 1981 ;-- Am. 1984, Act 74, Imd. Eff. Apr. 18, 1984 ;-- Am. 1989, Act 89, Eff. Sept. 19, 1989 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2000, Act 268, Eff. Oct. 1, 2000 ;-- Am. 2008, Act 171, Imd. Eff. July 2, 2008

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.743 - Contents of Citation Issued Pursuant to MCL 257.742; Timely Appearance.

Sec. 743. (1) A citation issued pursuant to section 742 shall contain the name of the state or political subdivision acting as plaintiff, the name and address of the person to whom the citation is issued, the civil infraction alleged, the place where the person shall appear in court, the telephone number of the court, the time at or by which the appearance shall be made, and the additional information required by this section. (2) The citation shall inform the defendant to the effect that he or she, at or by the time specified for appearance, may: (a) Admit responsibility for the civil infraction in person, by representation, or by mail. (b) Admit responsibility for the civil infraction "with explanation" in person, by representation, or by mail. (c) Deny responsibility for the civil infraction by doing either of the following: (i) Appearing in person for an informal hearing before a district court magistrate or a judge without the opportunity of being represented by an attorney. (ii) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney. (3) The citation shall inform the defendant that if the person desires to admit responsibility "with explanation" other than by mail or to have an informal hearing or a formal hearing, the person must apply to the court in person, by mail, or by telephone, within the time specified for appearance and obtain a scheduled date and time to appear for a hearing. A hearing date may be specified on the citation. (4) The citation shall contain a notice in boldface type that the failure of a person to appear within the time specified in the citation or at the time scheduled for a hearing or appearance will result in entry of a default judgment against the person and in the immediate suspension of the person's operator's or chauffeur's license. Timely application to the court for a hearing or return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs constitute a timely appearance. (5) If the citation is issued to a person who is operating a commercial motor vehicle, the citation shall contain a vehicle group designation and indorsement description of the vehicle, which vehicle is operated by the person at the time of the alleged civil infraction. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006Compiler's Notes:Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

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Sec. 744. If an officer issues a citation under section 742 for a civil infraction or if a citation is issued under section 742 for a parking or standing violation, the court may accept an admission with explanation or an admission or denial of responsibility upon the citation without the necessity of a sworn complaint. If the person denies responsibility for the civil infraction, further proceedings shall not be had until a sworn complaint is filed with the court. A warrant for arrest under section 321a for failure to appear on the civil infraction citation shall not issue until a sworn complaint relative to the civil infraction is filed with the court. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979

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Sec. 744a. A police officer who, knowing the statement is false, makes a materially false statement in a citation issued under section 742 is guilty of perjury, a felony punishable by imprisonment for not more than 15 years, and in addition is in contempt of court. History:Add. 1983, Act 172, Eff. Mar. 29, 1984

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257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.745 - Responding to Allegations in Citation; Appearance in Person, by Representation, or by Mail; Admission of Responsibility; Acceptance of Admission; Denial of Responsibility; Scheduling of Informal or Formal Hearing.

Sec. 745. (1) A person to whom a citation is issued under section 742 shall appear by or at the time specified in the citation and may respond to the allegations in the citation as provided in this section. (2) If the person wishes to admit responsibility for the civil infraction, the person may do so by appearing in person, by representation, or by mail. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the person personally appeared in court. Upon acceptance of the admission, the court may order any of the sanctions permitted under section 907. (3) If the person wishes to admit responsibility for the civil infraction "with explanation", the person may do so in either of the following ways: (a) By appearing by mail. (b) By contacting the court in person, by mail, by telephone, or by representation to obtain from the court a scheduled date and time to appear, at which time the person shall appear in person or by representation. (4) If a person admits responsibility for a civil infraction "with explanation" under subsection (3), the court shall accept the admission as though the person has admitted responsibility under subsection (2) and may consider the person's explanation by way of mitigating any sanction which the court may order under section 907. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the person personally appeared in court, but the court may require the person to provide a further explanation or to appear in court. (5) If the person wishes to deny responsibility for a civil infraction, the person shall do so by appearing for an informal or formal hearing. Unless the hearing date is specified on the citation, the person shall contact the court in person, by representation, by mail, or by telephone, and obtain a scheduled date and time to appear for an informal or formal hearing. The court shall schedule an informal hearing, unless the person expressly requests a formal hearing. If the hearing date is specified on the citation, the person shall appear on that date for an informal hearing unless the person contacts the court at least 10 days before that date in person, by representation, by mail, or by telephone to request a formal hearing. If the person expressly requests a formal hearing, the court shall schedule a formal hearing. If a hearing is scheduled by telephone, the court shall mail the defendant a confirming notice of that hearing by regular mail to the address appearing on the citation or to an address which may be furnished by the defendant. An informal hearing shall be conducted pursuant to section 746 and a formal hearing shall be conducted pursuant to section 747. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.746 - Informal Hearing; Procedure.

Sec. 746. (1) An informal hearing shall be conducted by a district court magistrate when authorized by the judge or judges of the district court district or by a judge of a court listed in section 741(2). A district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law at an informal hearing. The judge or district court magistrate shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law but shall not be bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing shall not be required. (2) At an informal hearing the person cited may not be represented by an attorney nor may the plaintiff be represented by the prosecuting attorney or attorney for a political subdivision. (3) Notice of a scheduled informal hearing shall be given to the citing police agency, which agency may subpoena witnesses for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs, by the city or village when the hearing involves an ordinance violation in a district where the district court is not functioning, or by the county when the hearing involves a violation of this act in a district where the district court is not functioning. (4) If the judge or district court magistrate determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge or magistrate shall enter an order against the person as provided in section 907. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action. (5) The plaintiff and defendant shall be entitled to appeal an adverse judgment entered at an informal hearing. An appeal from a municipal judge shall be a trial de novo in the circuit court. In other instances an appeal shall be de novo in the form of a scheduled formal hearing as follows: (a) The appeal from a judge of the district court shall be heard by a different judge of the district. (b) The appeal from a district court magistrate shall be heard by a judge of the district. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 426, Imd. Eff. Jan. 13, 1981 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006

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Sec. 747. (1) A formal hearing shall be conducted only by a judge of a court having jurisdiction over civil infraction actions under section 741(2). (2) In a formal hearing the person cited may be represented by an attorney, but is not entitled to appointed counsel at

public expense. (3) Notice of a formal hearing shall be given to the prosecuting attorney or attorney for the political subdivision who represents the plaintiff. That attorney shall appear in court for a formal hearing and that attorney shall be responsible for the issuance of a subpoena to each witness for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs, by the city or village when the hearing involves an ordinance violation in a district where the district court is not functioning, or by the county when the hearing involves a violation of this act in a district where the district court is not functioning. (4) There shall not be a jury trial in a formal hearing. (5) If the judge determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge shall enter an order against the person as provided in section 907. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 426, Imd. Eff. Jan. 13, 1981

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Sec. 748. If the person to whom a citation is issued for a civil infraction fails to appear as directed by the citation or other notice, at a scheduled appearance under section 745(3)(b) or (4), at a scheduled informal hearing, or at a scheduled formal hearing, the court shall enter a default judgment against that person and the person's license shall be suspended pursuant to section 321a until that person appears in court and all matters pertaining to the violation are resolved or until the default judgment is set aside. History:Add. 1978, Act 510, Eff. Aug. 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SIZE-WEIGHT-AND-LOAD - Size, Weight and Load (257.716...257.750)Section 257.749 - Stopping Nonresident for Civil Infraction; Release Personal Recognizance; Immediate Hearing Before Magistrate; Failure to Appear; Default Judgment.

Sec. 749. (1) When a nonresident is stopped under section 742 for a civil infraction, the police officer making the stop shall issue to that person a citation as provided in sections 727c and 742. (2) The officer shall release the nonresident upon his or her personal recognizance. (3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. If the nonresident defendant requests a formal hearing, the hearing shall be scheduled as provided in section 747. . (4) If the person who is released upon his or her personal recognizance as provided in subsection (2) fails to appear as required in the citation or for a scheduled formal hearing, the court having jurisdiction and venue over the civil infraction shall enter a default judgment against the person. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1984, Act 331, Imd. Eff. Dec. 26, 1984 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008 ;-- Am. 2018, Act 566, Eff. Mar. 28, 2019

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Sec. 750. (1) A police officer shall not be required to issue a predetermined or specified number of citations for violations of this act or of local ordinances substantially corresponding to provisions of this act, including parking or standing violations. A police officer's performance evaluation system shall not require a predetermined or specified number of citations to be issued. Section 901 does not apply to a violation of this subsection. (2) A police officer shall not be entitled to any fees for issuing a citation. A police officer, judge, district court magistrate, or other person employed by the state or by a local governmental unit who violates section 749 or this subsection is guilty of misconduct in office and subject to removal from office. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1988, Act 446, Imd. Eff. Dec. 27, 1988 ;-- Am. 2010, Act 226, Imd. Eff. Dec. 10, 2010

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Sec. 667. (1) When a person driving a vehicle approaches a railroad grade crossing under any of the following circumstances, the driver shall stop the vehicle not more than 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until the driver can do so safely: (a) A clearly visible electric or mechanical signal device gives warning of the immediate approach

of a railroad train or other on-track equipment. (b) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment. (c) A railroad train or other on-track equipment approaching within approximately 1,500 feet of the highway crossing gives a signal audible from that distance, and the railroad train or on-track equipment by reason of its speed or nearness to the crossing is an immediate hazard. (d) An approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to the crossing. (2) A person shall not drive a vehicle through, around, or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed or against the direction of a police officer. (3) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 237, Eff. Mar. 10, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2018, Act 394, Eff. Mar. 19, 2019

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Sec. 667a. (1) The department of state police or the state transportation department; the county board of commissioners, board of county road commissioners, or county sheriff; or other local authority having jurisdiction over a highway or street may authorize the installation and use of unmanned traffic monitoring devices at a railroad grade crossing with flashing signals and gates on a highway or street under their respective jurisdictions. Each device shall be sufficiently marked or identified or a sign shall be placed at the approach to the crossing indicating that the crossing is monitored by an unmanned traffic monitoring device. (2) Beginning 31 days after the installation of an unmanned traffic monitoring device at a railroad grade crossing described in subsection (1), a person is responsible for a civil infraction as provided in section 667 if the person violates a provision of that section on the basis of evidence obtained from an unmanned traffic monitoring device. However, for the first 30 days after the installation of an unmanned traffic monitoring device, a person shall be issued a written warning only. It is an affirmative defense to a charge of violating section 667 that the mechanical warning devices at the crossing were malfunctioning. (3) A sworn statement of a police officer from the state or local authority having jurisdiction over the highway or street upon which the railroad grade crossing described in subsection (1) is located, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by an unmanned traffic monitoring device, is prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images indicating such a violation shall be available for inspection in any proceeding to adjudicate the responsibility for a violation of section 667. Any photographs, videotape, or digital images of the violation shall be destroyed 90 days after final disposition of the citation. (4) In a prosecution for a violation of section 667 established by an unmanned traffic monitoring device under this section, prima facie evidence that the vehicle described in the citation issued was operated in violation of section 667, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that the registered owner of the vehicle was the person who committed the violation. The presumption is rebutted if the registered owner of the vehicle files an affidavit by regular mail with the clerk of the court that he or she was not the operator of the vehicle at the time of the alleged violation or testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation. The presumption also is rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen before the time of the alleged violation of this section, is presented before the appearance date established on the citation. For purposes of this subsection, the owner of a leased or rental vehicle shall provide the name and address of the person to whom the vehicle was leased or rented at the time of the violation. (5) Notwithstanding section 742, a citation for a violation of section 667 on the basis of evidence obtained from an unmanned traffic monitoring device may be executed by mailing by first-class mail a copy to the address of the owner of the vehicle as shown on the records of the secretary of state. If the summoned person fails to appear on the date of return set out in the citation previously mailed by first-class mail under this subsection, a copy shall be sent by certified mail-return receipt requested. If the summoned person fails to appear on either of the dates of return set out in the copies of the citation mailed under this section, the citation shall be executed in the manner provided by law for personal service. The court may issue a warrant for the arrest of a person who fails to appear within the time limit established on the citation if a sworn complaint is filed with the court for that purpose. (6) If there is a fatality resulting from a train-vehicle crash at a public railroad grade crossing, the state transportation department shall convene a diagnostic study team review, if there has not been a diagnostic study team review at the crossing in the last 2 years. However, a diagnostic study team review is not required if the initial law enforcement investigation of the fatality indicates that the motorist's consumption of alcohol or a controlled substance or his or her disregard of an existing traffic control device conveying a "stop" message contributed to the fatality, or that the fatality was a suicide. The diagnostic study team review shall be conducted within 120 days after the state transportation department is made aware of the fatality. If the diagnostic study team review reaches consensus that warning device enhancements are needed, the state transportation department shall order those improvements. The cost for the improvements shall be financed consistent with the financing of similar projects by the state transportation department according to its annual prioritization of grade crossing safety improvements. History:Add. 2000, Act 367, Imd. Eff. Jan. 2, 2001 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2006, Act 600, Imd. Eff. Jan. 3, 2007

257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SPECIAL-STOPS-REQUIRED - Special Stops Required (257.667...257.671)Section 257.668 - Designating Certain Grade Crossings as "Stop" Crossings or "Yield" Crossings; Signs; Duties of Driver; Cost of Yield Sign Installations; Action for Negligence; Exception for On-Track Equipment; Failure to Stop or Yield as Civil Infraction.

Sec. 668. (1) The state transportation department with respect to highways under its jurisdiction and the county road commissions and local authorities with respect to highways under their jurisdiction may designate certain grade crossings of railways by highways as "stop" crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to come to a complete stop before crossing the railway tracks. When a crossing is designated and signposted as provided in this subsection, the driver of a vehicle shall stop not more than 50 feet but not less than 15 feet from the railway tracks. The driver shall then traverse the crossing when it may be done in safety. (2) The state transportation department with respect to highways under its jurisdiction and the county road commissions and local authorities with respect to highways under their jurisdiction may designate certain grade crossings of railways by highways as yield crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to yield. Yield signs may be mounted on the same post as the crossbuck sign. Drivers of vehicles approaching a yield sign at the grade crossing of a railway shall maintain a reasonable speed based upon existing conditions and shall yield the right-of-way. The cost of yield sign installations shall be borne equally by the railroad and the governmental authority under whose jurisdiction the highway rests. The erection of or failure to erect, replace, or maintain a stop or yield sign or other railroad warning device, unless the device or sign was ordered by public authority, is not a basis for an action of negligence against the state transportation department, county road commissions, the railroads, or local authorities. (3) If other on-track equipment does not trigger the activation of an electric or mechanical signal device, and employees of the railroad have followed all applicable railroad operating rules, there is no basis for a civil action against the railroad that operated the other on-track equipment, the state transportation department, a county road commission, or a local authority, or an employee or agent of the railroad that operated the other on-track equipment, the state transportation department, a county road commission, or a local authority. (4) A person who fails to stop or yield as required by this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 76, Eff. Oct. 2, 1953 ;-- Am. 1961, Act 179, Eff. Sept. 8, 1961 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 101, Imd. Eff. Apr. 27, 1980 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2018, Act 394, Eff. Mar. 19, 2019

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Sec. 669. (1) Except as provided in subsections (2), (3), and (4), the driver of a motor vehicle transporting 16 or more passengers including the driver, a motor vehicle carrying passengers for hire, or a motor vehicle that is required to be marked or placarded under 49 CFR parts 100 to 180, before crossing a railroad track at grade, shall activate the vehicle hazard warning lights and stop the vehicle within 50 feet but not less than 15 feet from the nearest rail. While stopped, the driver shall listen and look in both directions along the track for an approaching railroad train or other on-track equipment and for signals indicating the approach of a railroad train or other on-track equipment, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks. (2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed. (3) A stop need not be made at an inactive railroad track grade crossing. As used in this subsection, "inactive railroad track" means a railroad track that meets all of the following requirements: (a) The track has been covered or removed. (b) All signs, signals, and other warning devices are removed. (4) A stop shall not be made at a railroad grade crossing marked with a sign reading "exempt". Exempt signs may be erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by the primary railroad operating over that crossing. (5) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1965, Act 235, Imd. Eff. July 21, 1965 ;-- Am. 1967, Act 99, Eff. Sept. 1, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1978, Act 612, Imd. Eff. Jan. 6, 1979 ;-- Am. 1988, Act 383, Eff. Apr. 1, 1989 ;-- Am. 1990, Act 188, Eff. Aug. 15, 1990 ;-- Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2015, Act 128, Imd. Eff. July 15, 2015 ;-- Am. 2018, Act 394, Eff. Mar. 19, 2019

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Sec. 669a. (1) This state adopts motor carrier safety regulations 49 C.F.R. 392.10 and 392.11 on file with the office of the secretary of state, to provide for the safe transportation of persons and property over railroad-highway grade crossings with the intent of

following the policies and procedures of the United States department of transportation's federal motor carrier safety administration as they relate to title 49 of the code of federal regulations. For purposes of this subsection, "commercial motor vehicle" means that term as defined in section 7a. (2) The driver of a commercial motor vehicle shall comply with a lawful order or direction of a police officer guiding, directing, controlling, or regulating traffic at a railroad-highway grade crossing. (3) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle has sufficient undercarriage clearance. (4) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle can be driven completely through the crossing without stopping. (5) A person who violates this section is responsible for a civil infraction. History:Add. 2002, Act 534, Eff. Oct. 1, 2002

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Sec. 670. (1) A person shall not operate or move a caterpillar tractor, shovel, derrick, roller, boiler, machinery, or other structure or object upon rollers, or other equipment or structure, which, because of its limited power, or weight, character, or load, has a normal operating speed of 4 miles per hour or less, or which has a vertical load or body clearance of less than 9 inches above the level surface of the roadway, upon or across the tracks of a railroad at grade level without first complying with this section, except this section shall not apply to the movement of electrically propelled cars on fixed rails or to their loads. (2) Notice of the intended crossing described in subsection (1) shall be given to the nearest agent or officer of the railroad in time to afford protection to its locomotives, trains, or cars at the crossing. (3) Before making the crossing, the person operating or moving the vehicle or equipment shall first stop not less than 15 feet or more than 50 feet from the nearest rail of the track and while stopped shall listen and look in both directions along the track for an approaching railroad train or other on-track equipment and for signals indicating the approach of a railroad train or other on-track equipment, and shall not proceed until the crossing can be made safely. (4) A crossing shall not be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. (5) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2018, Act 392, Eff. Mar. 19, 2019

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Sec. 671. (1) The state highway commission with respect to highways under its jurisdiction, the county road commission, and local authorities with reference to other highways under their jurisdiction, subject to the approval of the state highway commission if a state trunk line highway, may designate through highways and erect stop, yield, or merge signs at specified entrances thereto or may designate any intersection as a stop, yield, or merge intersection and erect like signs at 1 or more entrances to the intersections. (2) Every stop, yield, or merge sign shall be reflectorized or illuminated at night. Every stop, yield, or merge sign shall be located as near as practicable at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway. (3) A person who fails to obey a stop, yield, or merge sign erected pursuant to this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1976, Act 75, Imd. Eff. Apr. 11, 1976 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 627. (1) An individual operating a vehicle on a highway shall operate that vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition existing at the time. An individual shall not operate a vehicle on a highway at a speed greater than that which will permit a stop within the assured, clear distance ahead. A violation of this subsection shall be known and may be referred to as a violation of the basic speed law or "VBSL". (2) Except as provided in subsection (1), it is lawful for the operator of a vehicle to operate that vehicle on a highway at a speed not exceeding the following: (a) Fifteen miles per hour on a highway segment within the boundaries of a mobile home park, as that term is defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302. (b) Twenty-five miles per hour on a highway segment within a business district. (c) Twenty-five miles per hour on a highway segment within the boundaries of a public park. A local authority may decrease the speed limit to not less than 15 miles per hour in a public park under its jurisdiction. (d) Twenty-five miles per hour on a highway segment within the boundaries of a residential subdivision, including a condominium subdivision, consisting of a system of interconnected highways with no through highways and a limited number of dedicated highways that serve as entrances to and exits from the subdivision. (e) Twenty-five miles per hour on a highway segment that is part of the local street system as designated by a local jurisdiction and approved by the state transportation

commission under 1951 PA 51, MCL 247.651 to 247.675, and that is within land that is zoned for residential use by the governing body of an incorporated city or village under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, unless another speed is fixed and posted. (f) Twenty-five miles per hour on a highway segment with 60 or more vehicular access points within 1/2 mile. (g) Thirty miles per hour on a highway segment with not less than 50 vehicular access points but no more than 59 vehicular access points within 1/2 mile. (h) Thirty-five miles per hour on a highway segment with not less than 45 vehicular access points but no more than 49 vehicular access points within 1/2 mile. (i) Forty miles per hour on a highway segment with not less than 40 vehicular access points but no more than 44 vehicular access points within 1/2 mile. (j) Forty-five miles per hour on a highway segment with not less than 30 vehicular access points but no more than 39 vehicular access points within 1/2 mile. (3) An individual operating a truck with a gross weight of 10,000 pounds or more, a truck-tractor, a truck-tractor with a semi-trailer or trailer, or a combination of these vehicles shall not exceed a speed of 35 miles per hour during the period when reduced loadings are being enforced in accordance with this chapter. (4) Where the posted speed limit is greater than 65 miles per hour, an individual operating a school bus, a truck with a gross weight of 10,000 pounds or more, a truck-tractor, or a truck-tractor with a semi-trailer or trailer or a combination of these vehicles shall not exceed a speed of 65 miles per hour on a limited access freeway or a state trunk line highway. (5) All of the following apply to the speed limits described in subsection (2): (a) A highway segment adjacent to or lying between 2 or more areas described in subsection (2)(a), (b), (c), or (d) is not considered to be within the boundaries of those areas. (b) A highway segment of more than 1/2 mile in length with a consistent density of vehicular access points equal to the number of vehicular access points described in subsection (2)(f), (g), (h), (i), or (j) must be posted at the speed limit specified in the adjoining segment. A separate determination must be made for each adjoining highway segment where vehicular access point density is different. (c) A speed limit may be posted on highways less than 1/2 mile in length by prorating in 1/10 mile segments the vehicular access point density described in subsection (2)(f), (g), (h), (i), or (j). (6) An individual operating a vehicle on a highway, when entering and passing through a work zone described in section 79d(a) where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities, shall not exceed a speed of 45 miles per hour unless a different speed limit is determined for that work zone by the state transportation department, a county road commission, or a local authority, based on accepted engineering practice. The state transportation department, a county road commission, or a local authority shall post speed limit signs in each work zone described in section 79d(a) that indicate the speed limit in that work zone and shall identify that work zone with any other traffic control devices necessary to conform to the Michigan manual on uniform traffic control devices. An individual operating a vehicle shall not exceed a speed limit established under this section or a speed limit established under section 628. For a work zone that has a speed limit in effect only where workers are present, the state transportation department, a county road commission, or a local authority is authorized to include 1 or more flashing lights and an illuminated changeable digital message displaying the speed limit on the speed limit sign required under this subsection. As used in this subsection: (a) "Illuminated changeable digital message" means an electronic message that displays the speed limit in a numerical format. (b) "Present" means located in proximity to a roadway that is not protected by a guardrail or barrier. (c) "Speed limit sign" includes, but is not limited to, a sign that displays illuminated changeable digital messages. (7) The state transportation department, a county road commission, or a local authority shall decrease the speed limit in a hospital highway zone by up to 10 miles per hour upon request of a hospital located within that hospital highway zone. The state transportation department, county road commission, or local authority may decrease the speed limit in a hospital highway zone by more than 10 miles per hour if the decrease is supported by an engineering and safety study. The state transportation department, county road commission, or local authority shall post speed limit signs in a hospital highway zone that indicate the speed limit in that hospital highway zone and shall identify that hospital highway zone with any other traffic control devices necessary to conform to the Michigan manual on uniform traffic control devices. If a change in a sign, signal, or device, is necessitated by a speed limit decrease described in this subsection, the hospital requesting the decrease shall pay the cost of doing so. As used in this subsection, "hospital highway zone" means a portion of state trunk line highway maintained by the state transportation department that has a posted speed limit of at least 50 miles per hour and has 2 or fewer lanes for travel in the same direction, traverses along property owned by a hospital, contains an ingress and egress point from hospital property, and extends not more than 1,000 feet beyond the boundary lines of hospital property in both directions in a municipality. (8) Subject to subsection (17), the maximum speed limit on all limited access freeways upon which a speed limit is not otherwise fixed under this act is 70 miles per hour, which shall be known as the "limited access freeway general speed limit". The minimum speed limit on all limited access freeways upon which a minimum speed limit is not otherwise fixed under this act is 55 miles per hour. (9) Subject to subsection (17), the speed limit on all trunk line highways and all county highways upon which a speed limit is not otherwise fixed under this act is 55 miles per hour, which shall be known as the "general speed limit". (10) Except as otherwise provided in this subsection, the speed limit on all county highways with a gravel or unimproved surface upon which a speed limit is not otherwise fixed under this act is 55 miles per hour, which shall be known as the "general gravel road speed limit". Upon request of a municipality located within a county with a population of 1,000,000 or more, the county road commission, in conjunction with the requesting municipality, may lower the speed limit to 45 miles per hour on the requested road segment and if a sign, signal, or device is erected or maintained, taken down, or regulated as a result of a request by a municipality for a speed limit of 45 miles per hour, the municipality shall pay the costs of doing so. If a municipality located within a county with a population of 1,000,000 or more requests a speed different than the speed described in this subsection, the county road commission, in conjunction with the department of state police and the requesting municipality, may conduct a speed study of free-flow traffic on the fastest portion of the road segment in question for the purpose of establishing a modified speed limit. A speed study conducted under this subsection must be completed between 3 and 14 days after a full gravel road maintenance protocol

has been performed on the road segment. A full gravel road maintenance protocol described in this subsection must include road grading and the application of a dust abatement chemical treatment. Following a speed study conducted under this subsection, the speed limit for the road segment must be established at the nearest multiple of 5 miles per hour to the eighty-fifth percentile of speed of free-flow traffic under ideal conditions for vehicular traffic, and must not be set below the fiftieth percentile speed of free-flow traffic under ideal conditions for vehicular traffic. A speed study conducted under this subsection is the responsibility of the department of state police, and if a sign, signal, or device is erected or maintained, taken down, or regulated as a result of a request by a municipality under this subsection, the municipality shall pay the costs of doing so. (11) A public record of all traffic control orders establishing statutory speed limits authorized under this section must be filed with the office of the clerk of the county in which the county highway is located or at the office of the city or village clerk or administrative office of the airport, college, or university in which the local highway is located, and a certified copy of the traffic control order is evidence in every court of this state of the authority for the issuance of that traffic control order. The public record filed with the county, city, or village clerk or administrative office of the airport, college, or university must not be required as evidence of authority for issuing a traffic control order in the case of signs temporarily erected or placed at points where construction, maintenance, or surveying activities is in progress. A traffic and engineering investigation is not required for a traffic control order for a speed limit established under subsection (2). A traffic control order must, at a minimum, contain all of the following information: (a) The name of the road. (b) The boundaries of the segment of the road on which the speed limit is in effect. (c) The basis on which the speed limit is in effect. (d) The section of law, including a reference to the subsection, under which the speed limit is established. (12) Except for speed limits described in subsections (1), (2)(d), (2)(e), and (9), speed limits established under this section are not valid unless properly posted. In the absence of a properly posted sign, the speed limit in effect is the basic speed law described in subsection (1). Speed limits established under subsection (2)(b), (f), (g), (h), (i), and (j) are not valid unless a traffic control order is filed as described in subsection (11). (13) Nothing in this section prevents the establishment of a modified speed limit after a speed study as described in section 628. A modified speed limit established under section 628 supersedes a speed limit established under this section. (14) All signs erected or placed under this section must conform to the Michigan manual on uniform traffic control devices. (15) If upon investigation the state transportation department or county road commission and the department of state police determine that it is in the interest of public safety, they may order city, village, airport, college, university, and township officials to erect and maintain, take down, or regulate speed limit signs, signals, and devices as directed. In default of an order, the state transportation department or county road commission may cause designated signs, signals, and devices to be erected and maintained, removed, or regulated in the manner previously directed and pay the costs for doing so out of the designated highway fund. An investigation, including a speed study, conducted under this subsection is the responsibility of the department of state police. (16) An individual who violates a speed limit established under this section is responsible for a civil infraction. (17) No later than January 5, 2018, the state transportation department and the department of state police shall increase the speed limits on at least 600 miles of limited access freeway to 75 miles per hour if an engineering and safety study and the eighty-fifth percentile speed of free-flowing traffic under ideal conditions of that section contain findings that the speed limit may be raised to that speed, and the department shall increase the speed limit of 900 miles of trunk line highway to 65 miles per hour if an engineering and safety study and the eighty-fifth percentile speed of free-flowing traffic under ideal conditions of that section contain findings that the speed limit may be raised to that speed. (18) As used in this section: (a) "Traffic control order" means a document filed with the proper authority that establishes the legal and enforceable speed limit for the highway segment described in the document. (b) "Vehicular access point" means a driveway or intersecting roadway. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1957, Act 190, Eff. Sept. 27, 1957 ;-- Am. 1959, Act 76, Eff. Mar. 19, 1960 ;-- Am. 1962, Act 120, Eff. Mar. 28, 1963 ;-- Am. 1966, Act 223, Imd. Eff. July 11, 1966 ;-- Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974 ;-- Am. 1976, Act 190, Imd. Eff. July 8, 1976 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1986, Act 92, Eff. June 5, 1986 ;-- Am. 1988, Act 460, Imd. Eff. Dec. 27, 1988 ;-- Am. 1990, Act 165, Imd. Eff. July 2, 1990 ;-- Am. 2003, Act 315, Eff. Apr. 8, 2004 ;-- Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004 ;-- Am. 2006, Act 19, Eff. Nov. 9, 2006 ;-- Am. 2006, Act 85, Eff. Nov. 9, 2006 ;-- Am. 2012, Act 252, Imd. Eff. July 2, 2012 ;-- Am. 2016, Act 445, Imd. Eff. Jan. 5, 2017 ;-- Am. 2019, Act 31, Imd. Eff. June 25, 2019 ;-- Am. 2022, Act 52, Imd. Eff. Mar. 29, 2022 ;-- Am. 2023, Act 212, Imd. Eff. Nov. 22, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SPEED-RESTRICTIONS - Speed Restrictions (257.627...257.633)Section 257.627a - "Regularly Scheduled School Session," "School," and "School Zone" Defined; Speed Limit on Highway Segment in School Zone; Time Period; Exception; State Trunk Line Highway or County Highway; School in Session Year-Round; Signs; Violation as Civil Infraction.

Sec. 627a. (1) As used in this section: (a) "Regularly scheduled school session" means that part of a day scheduled for student instruction until final dismissal of the student body for that day. (b) "School" means an educational institution operated by a local school district or by a private, denominational, or parochial organization. School does not include either of the following: (i) An educational institution that the department of education determines has its entire student population in residence at the institution. (ii) An educational institution to which all students are transported in motor vehicles. (c) "School zone" means school property on which a school building is located and the adjacent property. A school zone extends not more than 1,000 feet from the school property line in any direction. If 2 or more schools occupy the same property or adjacent properties, 1 of the following applies, as applicable: (i) If the hours of instruction at the schools are the same, then a single combined school zone shall be established. (ii) If

the hours of instruction at the schools are different, overlapping school zones shall be established. (2) A school zone speed limit on a highway segment in a school zone, which, except as otherwise provided in this subsection, shall be in force not more than 30 minutes before the first regularly scheduled school session, rounded to the nearest multiple of 5 minutes, until school commences, and from dismissal until not more than 30 minutes after the last regularly scheduled school session, rounded to the nearest multiple of 5 minutes, may be decreased by not more than 20 miles per hour less than the speed limit normally posted but shall be not less than 25 miles per hour. A school superintendent may begin the 30-minute period before the first regularly scheduled school session described in this subsection at a time that is less than 30 minutes before the first regularly scheduled school session and that extends beyond the time school commences, may begin the 30-minute period after dismissal at a time other than dismissal, and, if a school has an off-campus lunch period, may designate the period provided for off-campus lunch as a period during which the school zone speed limit described in this subsection applies. (3) School zone speed limits shall not apply to a limited access highway or a highway segment over which a pedestrian overhead walkway is erected, if the walkway is adjacent to school property. (4) Notwithstanding the requirements for a school zone as defined in subsection (1)(c), if a school is located in an area that requires school children to cross a state trunk line highway or county highway that has a speed limit of 35 miles per hour or more to attend that school, the school superintendent may submit a request to the state transportation commission, county road commission, or local authority having jurisdiction over the roadway, as applicable, for a school crossing as permitted under section 613a. If, based on the traffic engineering studies, the road authority determines the need for a lower speed limit, the road authority may designate the crossing as a school zone. Before submitting a request, the school superintendent shall have completed a school route plan as prescribed by section 7A-1 of the Michigan manual of uniform traffic control devices. (5) If a school is in session year-round, a sign reading "All Year School" shall be posted on the same signpost as and immediately below the school zone sign. (6) Louvered signs, digital message signs, and flashing lights may be installed to supplement or replace permanent signs required under this section. Signs erected and maintained as required under this section shall conform to the Michigan manual on uniform traffic control devices. (7) A person who violates a speed limit established under this section is responsible for a civil infraction. History:Add. 1978, Act 42, Imd. Eff. Mar. 7, 1978 ;-- Am. 1979, Act 21, Eff. Mar. 27, 1980 ;-- Am. 1980, Act 222, Imd. Eff. July 18, 1980 ;-- Am. 1996, Act 574, Imd. Eff. Jan. 16, 1997 ;-- Am. 2000, Act 110, Imd. Eff. May 22, 2000 ;-- Am. 2005, Act 88, Imd. Eff. July 20, 2005 ;-- Am. 2016, Act 446, Imd. Eff. Jan. 5, 2017

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***** 257.627c.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 627c. (1) Beginning 1 year after the effective date of the amendatory act that added section 2c, the state transportation department may install and use or authorize the installation and use of an automated speed enforcement system in a work zone that is not separated from traffic by concrete barriers on a street or highway under the jurisdiction of the state transportation department. The installation and use of automated speed enforcement systems is subject to all of the following: (a) A sign must be placed 1 mile before the start of a work zone where an automated speed enforcement system is installed and used under this section indicating that the work zone is monitored by an automated speed enforcement system. (b) A digital display must be placed on or near the automated speed enforcement system that shows the speed of an approaching vehicle as measured by the automated speed enforcement system. (c) Prioritization must be given to work zones that meet the following factors: (i) The work zone is active and located on a freeway with a speed limit of 45 miles per hour or more. (ii) Workers are exposed or there are traffic hazards, including, but not limited to, lane shifts, lane splits, lane width reductions, closed shoulders, and rough pavement. (iii) The work zone will be active for 30 days or more. (iv) There are no significant obstructions to line of sight for the automated speed enforcement system. (d) Automated speed enforcement systems must be used in an equitable manner to avoid causing a disparate impact on specific communities. (e) Not more than 4 automated speed enforcement systems may be installed and used at the same time within the jurisdiction of a state transportation department region office. (f) The state transportation department may install and use an automated speed enforcement system only by contracting with a third-party vendor. (g) An automated speed enforcement system must be activated and detecting vehicle speed for the purpose of enforcing this section only while workers are present in the work zone. (2) Except for an individual operating a police vehicle, a fire department or fire patrol vehicle, or a public or private ambulance as provided in section 632, if an individual violates an applicable speed limit described in section 627 by exceeding a posted speed limit by 10 miles per hour or more in a work zone while workers are present, on the basis of a recorded image produced by an automated speed enforcement system, all of the following apply: (a) An individual must be issued a written warning using a form that is created by the automated speed enforcement unit under subsection (7) for either of the following violations as described in this subsection: (i) A first violation. (ii) A violation that occurs more than 3 years after that individual's most recent violation. (b) For a second violation as described in this subsection that occurs less than 3 years after a written warning is issued under subdivision (a), the individual is responsible for a civil infraction and must be ordered to pay a civil fine of not more than $150.00. (c) For a third or subsequent violation as described in this subsection that occurs less than 3 years after a second or subsequent violation, the individual is responsible for a civil infraction and must be ordered to pay a civil fine of not more than $300.00. (3) A sworn statement of an automated speed enforcement system operator, based on inspecting a recorded image produced by an automated speed enforcement system, is prima facie evidence of the facts contained in the recorded image. A

recorded image indicating a violation must be available for inspection in any proceeding to adjudicate the responsibility for a violation of this section. A recorded image indicating a violation must be destroyed as soon as the period for contesting the violation has lapsed, including any period for appeals, or as soon as the individual pays the civil fine in full, whichever occurs first. (4) All of the following apply to a recorded image and any other data collected by an automated speed enforcement system: (a) The image and data may be used only for the purpose of adjudicating a violation of this section. (b) Except to the extent necessary to adjudicate a violation of this section, the image and data are confidential and exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (c) The image and data must not be shared with or sold to any private or public third party not involved with installing and using the automated speed enforcement system. (5) In a proceeding for a violation of this section, prima facie evidence that the vehicle described in the citation issued was operated in violation of this section, together with proof that the individual who was issued the citation was at the time of the violation the registered owner of the vehicle, creates a rebuttable presumption that the registered owner of the vehicle was the individual who committed the violation. The presumption is rebutted if the registered owner of the vehicle files an affidavit by regular mail with the clerk of the court stating that the registered owner was not the operator of the vehicle at the time of the alleged violation or testifies in open court under oath that the registered owner was not the operator of the vehicle at the time of the alleged violation. The presumption also is rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen before the time of the alleged violation of this section, is presented before the appearance date established on the citation. For purposes of this subsection, the owner of a leased or rented vehicle shall provide the name and address of the individual to whom the vehicle was leased or rented at the time of the violation. (6) Notwithstanding section 742, a citation for a violation of this section may be executed by the state transportation department or a person designated by the state transportation department by mailing by first-class mail a copy to the address of the registered owner of the vehicle as shown on the records of the secretary of state. The state transportation department shall also file the citation with the court having jurisdiction over the offense. If the summoned individual fails to appear on the date of return set out in the citation mailed under this subsection, the clerk of the court shall enter a default after certifying, on a form furnished by the court, that the defendant has not made a scheduled appearance or has not answered the citation within the time provided by law. (7) Subject to appropriation, an automated speed enforcement unit is created within the state transportation department composed of individuals appointed by the director of the state transportation department, to do all of the following: (a) Oversee the implementation and use of automated speed enforcement systems under this section. (b) Train and certify automated speed enforcement system operators to operate and monitor automated speed enforcement systems and provide sworn statements under subsection (3). (c) Create a form for the written warning described in subsection (2) and any other new written forms or notices necessary for enforcing this section. (8) The state transportation department shall develop guidelines for installing and using automated speed enforcement systems. In developing the guidelines, the state transportation department shall consider best practices for installing and using automated speed enforcement systems and recommendations from the manufacturers of automated speed enforcement systems. The guidelines must include, but are not limited to, procedures for each of the following: (a) Determining where to place an automated speed enforcement system. (b) Regular calibration and maintenance of an automated speed enforcement system. (9) By not later than March 1 of each year after the effective date of the amendatory act that added this section, the state transportation department shall submit to the members of the house of representatives and senate committees with jurisdiction over transportation, and make publicly available on the state transportation department website, a report on the use of automated speed enforcement systems in this state that includes, at a minimum, all of the following: (a) The number of citations given under this section. (b) The age and sex of the individuals given citations under this section. (c) The locations where automated speed enforcement systems are installed and used, and where citations have been given. (d) An accounting of both of the following relating to automated speed enforcement systems installed and used under this section: (i) The costs of installing and using. (ii) The revenue generated. (10) As used in this section, "present" means located in proximity to a roadway that is not protected by a guardrail or barrier. History:Add. 2024, Act 164, Eff. (sine die)

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Sec. 628. (1) If the county road commission, the township board, and the department of state police unanimously determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a county highway is greater or less than is reasonable or safe under the conditions found to exist upon any part of the highway, then acting unanimously they may establish a reasonable and safe maximum or minimum speed limit on that county highway that is effective at the times determined when appropriate signs giving notice of the speed limit are erected on the highway. A township board may petition the county road commission or the department of state police for a proposed change in the speed limit. A township board that does not wish to continue as part of the process provided by this subsection shall notify in writing the county road commission. A public record of a traffic control order establishing a modified speed limit authorized under this subsection must be filed at the office of the county clerk of the county in which the limited access freeway or state trunk line highway is located, and a certified copy of a traffic control order is evidence in every court of this state of the authority for the issuance of that traffic control order. As used in this subsection, "county road commission" means the board of county road commissioners elected or appointed under section 6 of chapter IV of

1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 1,500,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive. (2) In the case of a county highway, a township board may petition the county road commission, or in counties where there is no road commission but there is a county board of commissioners, the township board may petition the county board of commissioners for any of the following: (a) A proposed change in the speed limit without the necessity of a speed study consistent with the methods prescribed for establishing speed limits under section 627. (b) A proposed change in the speed limit consistent with the provisions for establishing speed limits under this section. (c) The posting of an advisory sign or device for the purpose of drawing the attention of vehicle operators to an unexpected condition on or near the roadway that is not readily apparent to road users. (3) The state transportation department and the department of state police shall jointly determine any modified maximum or minimum speed limits on limited access freeways or trunk line highways consistent with the requirements of this section. A public record of a traffic control order establishing a modified speed limit authorized under this subsection must be filed at the office of the county clerk of the county in which the limited access freeway or trunk line highway is located, and a certified copy of a traffic control order is evidence in every court of this state of the authority for the issuance of that traffic control order. (4) A local road authority shall determine any modified speed limits on local highways consistent with the requirements of this section. A public record of a traffic control order establishing a modified speed limit authorized under this subsection must be filed at the office of the city or village or administrative office of the airport, college, or university in which the local highway is located, and a certified copy of the traffic control order is evidence in every court of this state of the authority for the issuance of that traffic control order. (5) A speed limit established under this section must be determined in accordance with traffic engineering practices that provide an objective analysis of the characteristics of the highway and by the eighty-fifth percentile speed of free-flowing traffic under ideal conditions on the fastest portion of the highway segment for which the speed limit is being posted. The speed limit must be in multiples of 5 miles per hour and rounded to a multiple that is within 5 miles per hour of the eighty-fifth percentile speed. A speed limit established under this section may be set below the eighty-fifth percentile speed if an engineering and safety study demonstrates a situation with hazards to public safety that are not reflected by the eighty-fifth percentile speed, but must not be set below the fiftieth percentile speed. (6) If a highway segment includes 1 or more features with a design speed that is lower than the speed limit determined under subsection (5), the road authority may post advisory signs. (7) If upon investigation the state transportation department or county road commission and the department of state police find it in the interest of public safety, they may order township, city, or village officials to erect and maintain, take down, or regulate the speed limit signs, signals, or devices as directed, and in default of an order the state transportation department or county road commission may cause the designated signs, signals, and devices to be erected and maintained, taken down, regulated, or controlled, in the manner previously directed, and pay for the erecting and maintenance, removal, regulation, or control of the sign, signal, or device out of the highway fund designated. (8) Signs posted under this section must conform to the Michigan manual on uniform traffic control devices. (9) An individual who violates a speed limit established under this section is responsible for a civil infraction. (10) As used in subsections (2) to (9), "county road commission" means any of the following: (a) The board of county road commissioners elected or appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6. (b) In the case of the dissolution of the county road commission under section 6 of chapter IV of 1909 PA 283, MCL 224.6, the county board of commissioners. (c) In the case of a charter county with a population of 1,500,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive. (d) In the case of a charter county with a population of more than 750,000 but less than 1,000,000 with an elected county executive that does not have a board of county road commissioners, the department of roads. (11) As used in this section: (a) "Design speed" means that term as used and determined under "A Policy on Geometric Design of Highways and Streets", seventh ed., 2018, issued by the American Association of State Highway and Transportation Officials. (b) "Local road authority" means the governing body of a city, village, airport, college, or university. (c) "Traffic control order" means a document filed with the proper authority that establishes the legal and enforceable speed limit for the highway segment described in the document. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1955, 1st Ex. Sess., Act 10, Eff. Feb. 3, 1956 ;-- Am. 1956, Act 93, Imd. Eff. Apr. 5, 1956 ;-- Am. 1961, Act 164, Eff. Sept. 8, 1961 ;-- Am. 1963, Act 143, Eff. Sept. 6, 1963 ;-- Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974 ;-- Am. 1974, Act 162, Imd. Eff. June 23, 1974 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 143, Imd. Eff. Nov. 8, 1979 ;-- Am. 1987, Act 154, Eff. Dec. 1, 1987 ;-- Am. 1988, Act 368, Imd. Eff. Dec. 21, 1988 ;-- Am. 1996, Act 320, Imd. Eff. June 25, 1996 ;-- Am. 2000, Act 167, Imd. Eff. June 20, 2000 ;-- Am. 2003, Act 64, Imd. Eff. July 22, 2003 ;-- Am. 2003, Act 65, Imd. Eff. July 22, 2003 ;-- Am. 2006, Act 85, Eff. Nov. 9, 2006 ;-- Am. 2016, Act 447, Imd. Eff. Jan. 5, 2017 ;-- Am. 2024, Act 33, Imd. Eff. Apr. 2, 2024Compiler's Notes:In OAG 6480, issued November 23, 1987, the Attorney General stated: “It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987.”

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Sec. 628b. (1) Subsection (2) applies only in a political subdivision that prohibits by ordinance, regulation, or resolution the operation of nonemergency motor vehicles in the political subdivision. (2) Notwithstanding sections 627 and 628, an individual who operates a vehicle, a bicycle, or any other device on a state trunkline highway within a political subdivision described in subsection

(1) shall not exceed either of the following speed limits: (a) Except as otherwise provided in this subdivision and subdivision (b), 15 miles per hour. This subdivision does not apply to a snowmobile. (b) Within a business district of a political subdivision described in subsection (1), 10 miles per hour. (3) An individual who violates this section is responsible for a civil infraction. (4) As used in this section: (a) "Historic snowmobile" means that term as defined in section 82101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101. (b) "Snowmobile" means a vehicle that meets all of the following requirements: (i) Is engine-driven. (ii) Has an endless belt tread. (iii) Was originally manufactured solely for operation over snow. (iv) Is steered by 2 sled-type runners or skis that are in contact with the snow and the distance between the centers of the spindles of which is, except for a historic snowmobile, not more than 48 inches. History:Add. 2024, Act 76, Imd. Eff. July 8, 2024

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Sec. 629a. The board of supervisors of any county may create a county traffic safety organization to cooperate with governmental units and officials thereof in the solution of traffic safety problems in the county and to appropriate such sums as it shall deem necessary for the creation and support thereof and to prescribe rules and regulations relative to the duties of such organization and with respect to the expenditure of any such appropriation. History:Add. 1954, Act 181, Eff. Aug. 13, 1954

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Sec. 629b. (1) The governor may reduce the maximum speed limit on a street, highway, or freeway pursuant to an executive order issued during a state of energy emergency as provided by law. (2) A person who violates a speed limit established pursuant to this section is responsible for a civil infraction. History:Add. 1974, Act 28, Imd. Eff. Mar. 2, 1974 ;-- Am. 1975, Act 24, Imd. Eff. Apr. 15, 1975 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1987, Act 154, Eff. Dec. 1, 1987Compiler's Notes:In OAG 6480, issued November 23, 1987, the Attorney General stated: “It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987.”

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Sec. 629c. (1) Notwithstanding sections 320a and 907, a person who is determined responsible or responsible "with explanation" for a civil infraction for violating the maximum speed limit on a limited access freeway or part of a limited access freeway upon which the maximum speed limit is 55 miles per hour or more shall be ordered by the court to pay a minimum fine and shall have points entered on his or her driving record by the secretary of state only according to the following schedule, except as otherwise provided in subsections (2) and (3):Number of miles per hourthat the vehicle exceeded theapplicable speed limit at theMinimumtime of the violationPointsFine1 to 50$10.006 to 101$20.0011 to 152$30.0016 to 253$40.0026 or over4$50.00(2) Subsection (1) does not apply to a person operating a vehicle or vehicle combination for which the maximum rate of speed is established pursuant to section 627(5) to (7). (3) For a violation of a maximum speed limit on a limited access freeway by a person operating a vehicle or vehicle combination described in subsection (2), points shall be assessed under section 320a and fines shall be assessed under section 907. History:Add. 1987, Act 154, Eff. Dec. 1, 1987 ;-- Am. 1996, Act 320, Imd. Eff. June 25, 1996 ;-- Am. 2006, Act 85, Eff. Nov. 9, 2006Compiler's Notes:In OAG 6480, issued November 23, 1987, the Attorney General stated: “It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987.”

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Sec. 629e. (1) Before October 1, 2003, in addition to any fine or cost ordered to be paid under this act, and in addition to any assessment levied under section 907, the judge or district court magistrate shall levy a highway safety assessment of $5.00, a jail reimbursement program assessment of $5.00, and a secondary road patrol and training assessment of $10.00 for each civil infraction determination except for a parking violation or a violation for which the total fine and costs imposed are $10.00 or less. Upon payment of the assessments, the clerk of the court shall transmit the assessments levied to the department of treasury. Until October 1, 2003, the state treasurer shall deposit the revenue received pursuant to this subsection in the highway safety fund, in the jail reimbursement program fund, and in the secondary road patrol and training fund, and shall report annually to the legislature all

revenues received and disbursed under this section. An assessment levied under this subsection shall not be considered a civil fine for purposes of section 909. (2) A highway safety fund, a jail reimbursement program fund, and a secondary road patrol and training fund are created in the department of treasury. The highway safety fund and the secondary road patrol and training fund shall be administered by the department of state police. The jail reimbursement program fund shall be administered by the department of corrections. Until October 1, 2003, money collected under subsection (1) shall be deposited in the respective funds as provided in subsection (1). Beginning October 1, 2003, money collected under subsection (1) shall be deposited in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. Money remaining in the respective funds at the end of a fiscal year shall not lapse but shall remain in the respective funds for use for the purposes of the funds. The money deposited in the highway safety fund shall serve as a supplement to, and not as a replacement for, the funds budgeted for the department of state police. The money in the highway safety fund shall be used by the department of state police for the employment of additional state police enlisted personnel to enforce the traffic laws on the highways and freeways of this state. The money in the jail reimbursement program fund shall be used by the department of corrections to reimburse counties for housing and custody of convicted felons pursuant to the requirements of section 35 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.35. The money in the secondary road patrol and training fund shall be used for secondary road patrol and traffic accident grants pursuant to section 77 of 1846 RS 14, MCL 51.77, and for grants under section 14 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.614. The department of state police and the department of corrections shall report annually to the legislature all revenues received and disbursed under this section. History:Add. 1987, Act 154, Eff. Dec. 1, 1987 ;-- Am. 1991, Act 163, Imd. Eff. Dec. 16, 1991 ;-- Am. 2000, Act 268, Imd. Eff. July 5, 2000 ;-- Am. 2001, Act 213, Imd. Eff. Dec. 27, 2001 ;-- Am. 2003, Act 73, Eff. Oct. 1, 2003Compiler's Notes:In OAG 6480, issued November 23, 1987, the Attorney General stated: “It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SPEED-RESTRICTIONS - Speed Restrictions (257.627...257.633)Section 257.631 - Public Bridge, Causeway, or Viaduct; Maximum Speed, Load, or Gross Weight; Violation as Civil Infraction; Assessment of Civil Fine; Exceptions; Determination of Civil Fine; Determination of Gross Weight; Investigation; Signs; Evidence.

Sec. 631. (1) A person shall not drive a vehicle upon a public bridge, causeway, or viaduct at a speed or with a load which is greater than the maximum speed or load which can be maintained with safety to the structure, when the structure is signposted as provided in this section. A person who violates this subsection is responsible for a civil infraction. (2) A person who drives or moves a vehicle or combination of vehicles, or the owner or lessee of a vehicle who causes or allows such a vehicle or combination of vehicles to be loaded and driven or moved, upon a public bridge, causeway, or viaduct when the gross weight of the vehicle or combination of vehicles exceeds the limitations established and signposted pursuant to this section is responsible for a civil infraction and shall be assessed a civil fine as set forth in this subsection. This subsection shall not apply to either of the following: (a) implements of husbandry operated upon a public bridge, causeway, or viaduct. (b) The use of a public bridge, causeway, or viaduct by a vehicle or combination of vehicles for a function essential to a farm operation otherwise reasonably inaccessible to vehicles performing the essential agricultural function. (3) The civil fine assessed under subsection (2) shall be determined as follows: (a) In the amount equal to 4 cents per pound for each pound of excess load when the excess is more than 2,500 pounds but not more than 3,000 pounds. (b) In the amount equal to 6 cents per pound for each pound of excess load when the excess is more than 3,000 pounds but not more than 4,000 pounds. (c) In the amount equal to 8 cents per pound for each pound of excess load when the excess is more than 4,000 pounds but not more than 5,000 pounds. (d) In the amount equal to 10 cents per pound for each pound of excess load when the excess is more than 5,000 pounds. (4) For the purpose of this section, the gross weight of a vehicle or combination of vehicles shall be determined as prescribed in section 722(7). (5) The department of transportation, county road commission, or other authority having jurisdiction of a public bridge, causeway, or viaduct may conduct an investigation of that bridge, causeway, or viaduct. If it is found after investigation that the structure cannot with safety to itself withstand vehicles traveling at the speed or carrying a load otherwise permissible under this chapter, the department, commission, or other authority shall determine and declare the maximum speed of vehicles or load which the structure can withstand, and shall cause or permit suitable signs stating that maximum speed and load limitations to be erected and maintained not more than 50 feet from each end of the structure, and also at a suitable distance from each end of the bridge to enable vehicles to take a different route. (6) The findings and determination of the department of transportation, county road commission, or other local authority, shall be conclusive evidence of the maximum speed and load which can with safety be maintained on a public bridge, causeway, or viaduct. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1959, Act 151, Imd. Eff. July 16, 1959 ;-- Am. 1962, Act 112, Eff. Mar. 28, 1963 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1989, Act 173, Imd. Eff. Aug. 22, 1989Compiler's Notes:In subsection (4), the reference to "section 722(7)" evidently should read "section 722(11)."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-SPEED-RESTRICTIONS - Speed Restrictions (257.627...257.633)Section 257.632 - Exemption From Speed Limitations; Police Vehicles, Fire Department or Fire Patrol Vehicles, and Ambulances; Conditions.

Sec. 632. The speed limitation set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary or when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicles, unless the nature of the mission requires that a law enforcement officer travel without giving warning to suspected law violators. This exemption shall not however protect the driver of the vehicle from the consequences of a reckless disregard of the safety of others. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1976, Act 164, Imd. Eff. June 21, 1976

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Sec. 633. (1) In every charge of a violation of a speed limit in this chapter, the complaint or citation and the summons or notice to appear shall specify the speed at which the respondent is alleged to have driven and the speed limit applicable at the location. (2) The provisions of this chapter establishing speed limits shall not be construed to relieve the plaintiff in a civil action from the burden of proving negligence on the part of the defendant as the proximate cause of a traffic crash. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2016, Act 446, Imd. Eff. Jan. 5, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-STOPPING-STANDING-AND-PARKING - Stopping, Standing and Parking (257.672...257.675d)Section 257.672 - Stopping, Parking or Leaving Vehicle Upon Paved or Main Traveled Part of Highway or Upon Paved or Unpaved Part of Limited Access Highway; Violation as Civil Infraction.

Sec. 672. (1) Outside of the limits of a city or village, a vehicle shall not be stopped, parked, or left standing, attended or unattended, upon the paved or main traveled part of a highway, when it is possible to stop, park, or to leave the vehicle off the paved or main traveled part of the highway. Inside or outside of the limits of a city or village, a vehicle shall not be stopped, parked, or left standing, attended or unattended, upon the paved or unpaved part of a limited access highway, except in an emergency or mechanical difficulty. This section shall apply to the stopping of school buses pursuant to the pupil transportation act. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1959, Act 151, Imd. Eff. July 16, 1959 ;-- Am. 1963, Act 207, Eff. Sept. 6, 1963 ;-- Am. 1968, Act 123, Imd. Eff. June 11, 1968 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 1990, Act 188, Eff. Aug. 15, 1990

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Sec. 673. (a) If a police officer finds a bicycle or vehicle standing on a highway in violation of the provisions of this chapter or standing on a highway in a manner that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track, the police officer may remove the bicycle or vehicle, or require the driver or other person in charge of the bicycle or vehicle to move the bicycle or vehicle, to a position off the paved or improved or main traveled part of the highway, including any portion that includes streetcar tracks. (b) If a police officer finds a bicycle or vehicle unattended on any highway where the bicycle or vehicle is an obstruction to traffic or unattended on a highway in a manner that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track, the police officer may provide for the removal of that bicycle or vehicle to the nearest garage, storage facility, or other place of safety. (c) The necessary costs for removal under this section are a lien on the bicycle or vehicle and the person into whose custody the bicycle or vehicle is given may retain the bicycle or vehicle until the expenses involved are paid. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)300-1949-VI-STOPPING-STANDING-AND-PARKING - Stopping, Standing and Parking (257.672...257.675d)Section 257.674 - Prohibited Parking; Exceptions; Bus Loading Zone; Violation as Civil Infraction.

Sec. 674. (1) A vehicle must not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places: (a) On a sidewalk. (b) In front of a public or private driveway. (c) Within an intersection. (d) Within 15 feet of a fire hydrant. (e) On a crosswalk. (f) Within 20 feet of a

crosswalk, or if there is not a crosswalk, then within 15 feet of the intersection of property lines at an intersection of highways. (g) Within 30 feet of the approach to a flashing beacon, stop sign, or traffic-control signal located at the side of a highway. (h) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking. (i) Within 50 feet of the nearest rail of a railroad crossing. (j) Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance if properly marked by an official sign. (k) Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic. (l) On the roadway side of a vehicle stopped or parked at the edge or curb of a street. (m) Upon a bridge or other elevated highway structure or within a highway tunnel. (n) At a place where an official sign prohibits stopping or parking. (o) Within 500 feet of an accident at which a police officer is in attendance, if the scene of the accident is outside of a city or village. (p) In front of a theater. (q) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building. (r) In a place or in a manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building. (s) In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person as described in section 19a or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle must display 1 of the following: (i) A certificate of identification or windshield placard issued under section 675 to a disabled person. (ii) A special registration plate issued under section 803d to a disabled person. (iii) A similar certificate of identification or windshield placard issued by another state to a disabled person. (iv) A similar special registration plate issued by another state to a disabled person. (v) A special registration plate to which a tab for persons with disabilities is attached issued under this act. (t) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities. (u) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities. (v) Within 500 feet of a fire at which fire apparatus is in attendance, if the scene of the fire is outside a city or village. However, volunteer fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision. (w) In violation of an official sign restricting the period of time for or manner of parking. (x) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired, unless the vehicle properly displays 1 or more of the items listed in section 675(8). (y) On a street or highway in such a way as to obstruct the delivery of mail to a rural mailbox by a carrier of the United States Postal Service. (z) In a place or in a manner that blocks the use of an alley. (aa) In a place or in a manner that blocks access to a space clearly designated as a fire lane. (bb) On a streetcar track or in a manner that blocks, delays, or otherwise interferes with the movement of a streetcar on a streetcar track. (2) A person shall not move a vehicle not owned by the person into a prohibited area under subsection (1) or away from a curb a distance that makes the parking unlawful. (3) A bus, for the purpose of taking on or discharging passengers, may be stopped at a place described in subsection (1)(b), (d), or (f) or on the roadway side of a vehicle illegally parked in a legally designated bus loading zone. A bus, for the purpose of taking on or discharging a passenger, may be stopped at a place described in subsection (1)(n) if the place is posted by an appropriate bus stop sign, except that a bus shall not stop at such a place if the stopping is specifically prohibited by the responsible local authority, the state transportation department, or the director of the department of state police. (4) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1977, Act 19, Eff. Oct. 1, 1977 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1978, Act 546, Imd. Eff. Dec. 22, 1978 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 1985, Act 69, Imd. Eff. July 1, 1985 ;-- Am. 1986, Act 69, Eff. Mar. 31, 1987 ;-- Am. 1986, Act 222, Eff. Oct. 1, 1986 ;-- Am. 1988, Act 150, Eff. Nov. 11, 1988 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2000, Act 76, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 268, Eff. Oct. 1, 2000 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

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Sec. 674a. (1) A vehicle shall not be parked in an area purchased, acquired, or used as a clear vision area adjacent to or on a highway right of way. A person shall not conduct vending or other commercial enterprises in a clear vision area. (2) A person who violates this section is responsible for a civil infraction. History:Add. 1967, Act 277, Eff. Nov. 2, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981

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Cancellation, Revocation, or Suspension; Driver, Chauffeur's, or State Personal Identification Card Number; Signature of Physician, Physician Assistant, Certified Nurse Practitioner, or Physical Therapist; Third Party Reimbursement or Worker's Compensation; "Disabled Person" Defined.

Sec. 675. (1) Except as otherwise provided in this section and this chapter, a vehicle stopped or parked upon a highway or street shall be stopped or parked with the wheels of the vehicle parallel to the roadway and within 12 inches of any curb existing at the right of the vehicle. (2) A local authority may by ordinance permit parking of a vehicle on a 1-way roadway with the vehicle's left wheels adjacent to and within 12 inches of any curb existing at the left of the vehicle. (3) A local authority may by ordinance permit angle parking on a roadway, except that angle parking is not permitted on a state trunk line highway unless authorized by the state transportation department. (4) The state transportation commission with respect to state trunk line highways and a board of county road commissioners with respect to county roads, acting jointly with the director of the department of state police, may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where, in the opinion of the officials as determined by an engineering survey, the stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic on the highway or street. The signs shall be official signs and a person shall not stop, stand, or park a vehicle in violation of the restrictions stated on the signs. The signs shall be installed only after a proper traffic order is filed with the county clerk. Upon the application to the state transportation commission by a home rule city affected by an order, opportunity shall be given to the city for a hearing before the state transportation commission, under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, except when an ordinance of the home rule city prohibits or restricts the parking of vehicles on a state trunk line highway; when the home rule city, by lawfully authorized official action, requests the state transportation department to prohibit or restrict parking on a state trunk line highway; or when the home rule city enters into a construction agreement with the state transportation department providing for the prohibition or restriction of parking on a state trunk line highway during or after the period of construction. Traffic control orders, so long as they affect parking upon a state trunk line highway within the corporate limits of a home rule city, are considered "rules" within the meaning of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and upon application for a hearing by a home rule city, the proceedings before the state transportation commission shall be considered a "contested case" within the meaning of that act. (5) A disabled person may apply, on a form prescribed by the secretary of state, for a serially numbered nontransferable temporary or permanent windshield placard for the personal use of the disabled person. An individual who has a religious objection to having a medical examination may personally apply at a branch office of the secretary of state for a serially numbered nontransferable temporary or permanent windshield placard for the personal use of the disabled individual. If it appears obvious that the individual has a qualifying disability, the individual is not required to present a medical statement attesting to the disability. The application for and the issuance of the serially numbered nontransferable temporary or permanent windshield placard is subject to all of the following: (a) The secretary of state may issue to a disabled person with a temporary disability a temporary windshield placard that is valid for a period of not more than 6 months. (b) The secretary of state may issue to a disabled person with a permanent disability an original or renewal permanent windshield placard that is valid for a period of not more than 4 years. (c) An original or permanent windshield placard expires on the disabled person's fifth birthday after the date of issuance. (d) A renewal permanent windshield placard expires on the disabled person's fourth birthday after the date of renewal. (e) Except as otherwise provided in this subsection, not more than 45 days immediately preceding the expiration of his or her certificate or placard, a person holding a permanent windshield placard may apply for a new or renewal placard as provided in this section. However, if the person will be out of state during the 45 days immediately preceding expiration of the placard or for other good cause shown cannot apply for a placard within the 45-day period, the person may apply for a new or renewal placard not more than 6 months before the placard expires. A placard issued or renewed under this subdivision expires as provided in this subsection. (f) Upon application in the manner prescribed by the secretary of state for replacement of a lost, stolen, or destroyed placard described in this section, a disabled person or organization that provides specialized services to disabled persons may be issued a placard that in substance duplicates the original certificate or placard for a fee of $10.00. (g) A placard described in this section may be used by a person other than the disabled person for the sole purpose of transporting the disabled person. An organization that provides specialized services to disabled persons may apply for and receive a permanent windshield placard to be used in any motor vehicle actually transporting a disabled person. If the organization ceases to transport disabled persons, the placard shall be returned to the secretary of state for cancellation and destruction. (h) The secretary of state shall not issue a permanent placard to an individual under this section unless that individual has provided proof of Michigan residency. (6) A disabled person with a certificate of identification, windshield placard, special registration plates issued under section 803d, a special registration plate issued under section 803f that has a tab for persons with disabilities attached, a certificate of identification or windshield placard from another state, or special registration plates from another state issued for persons with disabilities is entitled to courtesy in the parking of a vehicle. The courtesy shall relieve the disabled person or the person transporting the disabled person from liability for a violation with respect to parking, other than in violation of this act. A local authority may by ordinance prohibit parking on a street or highway to create a fire lane or to provide for the accommodation of heavy traffic during morning and afternoon rush hours, and the privileges extending to veterans and physically disabled persons under this subsection do not supersede that ordinance. (7) Except as otherwise provided in subsection (20), an application for an initial free parking sticker shall contain a certification by a physician, physician assistant, certified nurse practitioner, or physical therapist licensed to practice in this state attesting to the nature and estimated duration of the applicant's disabling condition and verifying that the applicant qualifies for a free parking sticker. An individual who has a religious objection to having a medical examination may personally apply at a

branch office of the secretary of state for an initial free parking sticker. If it appears obvious that the individual is unable to do 1 or more of the acts listed in subdivisions (a) to (d), the individual is not required to present a certification by a physician, a physician assistant, a certified nurse practitioner, or a physical therapist attesting to the nature and estimated duration of the applicant's disabling condition or verifying that the applicant qualifies for a free parking sticker. The applicant qualifies for a free parking sticker if the applicant is a licensed driver and the physician, physician assistant, certified nurse practitioner, or physical therapist certifies or, if an individual is not required to have a certification by a physician, a physician assistant, a certified nurse practitioner, or a physical therapist, it is obvious that the applicant is unable to do 1 or more of the following: (a) Manage, manipulate, or insert coins, or obtain tickets or tokens in parking meters or ticket machines in parking lots or parking structures, due to the lack of fine motor control of both hands. (b) Reach above his or her head to a height of 42 inches from the ground, due to a lack of finger, hand, or upper extremity strength or mobility. (c) Approach a parking meter due to his or her use of a wheelchair or other device. (d) Walk more than 20 feet due to an orthopedic, neurological, cardiovascular, or lung condition in which the degree of debilitation is so severe that it almost completely impedes the ability to walk. (8) To be entitled to free parking in a metered space or in a publicly owned parking structure or area, a vehicle must properly display 1 of the following: (a) A windshield placard bearing a free parking sticker issued under this act. (b) A valid windshield placard issued by another state. (c) A certificate of identification issued by another state. (d) A license plate for persons with disabilities issued by another state. (e) A special registration plate with a tab for persons with disabilities attached issued by another state. (9) A vehicle that does not properly display 1 of the items listed in subsection (8) is not entitled to free parking in a metered parking space or in a publicly owned parking area or structure, and the disabled person or vehicle operator shall pay all parking fees and may be responsible for a civil infraction. (10) Blindness that is not accompanied by an incapacity described in subsection (7) does not entitle a person to a free parking sticker. (11) The secretary of state shall attach a free parking sticker, in contrasting colors, to the windshield placard of a person certified as having an incapacity described in subsection (7). (12) A windshield placard issued under this section shall be displayed on the interior rearview mirror of the vehicle or, if there is no interior rearview mirror, on the lower left corner of the dashboard while the vehicle is parked or being parked by or under the direction of a disabled person pursuant to this section. (13) Upon conviction of an offense involving a violation of the special privileges conferred upon a holder of a windshield placard or free parking sticker, a magistrate or judge trying the case, as a part of any penalty imposed, may confiscate the windshield placard or free parking sticker and return the confiscated item or items to the secretary of state together with a certified copy of the sentence imposed. Upon receipt of a windshield placard or free parking sticker from a judge or magistrate, the secretary of state shall cancel and destroy the placard or sticker, and the disabled person to whom it was issued shall not receive another placard or sticker until he or she submits a completed application and presents a current medical statement attesting to his or her condition. A law enforcement officer who observes a misuse of a windshield placard or free parking sticker may immediately confiscate the placard or sticker and forward it with a copy of his or her report to the secretary of state. (14) A person who intentionally makes a false statement of material fact or commits or attempts to commit a deception or fraud on a medical statement attesting to a disability, submitted in support of an application for a windshield placard, free parking sticker, special registration plate, or tab for persons with disabilities under this section, section 803d, or section 803f, is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 30 days, or both. (15) A person who commits or attempts to commit a deception or fraud by 1 or more of the following methods is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 30 days, or both: (a) Using a windshield placard or free parking sticker issued under this section or by another state to provide transportation to a disabled person, if the person is not providing transportation to a disabled person. (b) Altering, modifying, or selling a windshield placard or free parking sticker issued under this section or by another state. (c) Copying or forging a windshield placard or free parking sticker described in this section or selling a copied or forged placard or sticker described in this section. In the case of a violation of this subdivision, the fine described in this subsection shall be not less than $250.00. (d) Using a copied or forged windshield placard or free parking sticker described in this section. (e) Making a false statement of material fact to obtain or assist an individual in obtaining a placard or sticker described in this section, a special registration plate under section 803d, or a tab for persons with disabilities under section 803f. (f) Knowingly using or displaying a placard or sticker described in this section that has been canceled by the secretary of state. (16) Except as otherwise provided in this section, a person who violates this section is responsible for a civil infraction. (17) The secretary of state may cancel, revoke, or suspend a windshield placard or free parking sticker under any of the following circumstances: (a) The secretary of state determines that a windshield placard or free parking sticker was fraudulently or erroneously issued. (b) The secretary of state determines that a person has made or is making an unlawful use of his or her windshield placard or free parking sticker. (c) The secretary of state determines that a check or draft used to pay the required fee is not paid on its first presentation and is not paid upon reasonable notice or demand or that the required fee is paid by an invalid credit card. (d) The secretary of state determines that the person is no longer eligible to receive or use a windshield placard or free parking sticker. (e) The secretary of state determines that the owner has committed an offense under this act involving a windshield placard or free parking sticker. (f) A person has violated this act and the secretary of state is authorized under this act to cancel, revoke, or suspend a windshield placard or free parking sticker for that violation. (g) The secretary of state receives notice from another state or foreign country that a windshield placard or free parking sticker issued by the secretary of state has been surrendered by the owner or seized in conformity with the laws of that other state or foreign country or has been improperly used or displayed in violation of the laws of that other state or foreign country. (18) Before a cancellation, revocation, or suspension under subsection (17), the person affected by that action shall be given notice and an opportunity to be heard. (19) A windshield placard issued to a disabled person shall bear the first letter and the last 3 digits of the disabled person's driver or

chauffeur's license number or official state personal identification card number. (20) For purposes of this section only, the secretary of state may accept an application for a windshield placard, special registration plate, or free parking sticker from a disabled person that is signed by a physician, physician assistant, certified nurse practitioner, or physical therapist licensed or certified to practice in another state if the application is accompanied by a copy of that physician's, physician assistant's, certified nurse practitioner's, or physical therapist's current medical license or certification issued by that state. (21) This section does not require new or additional third party reimbursement or worker's compensation benefits for services rendered. (22) As used in this section, "disabled person" means a person who is determined by a physician, a physician assistant, a physical therapist, or an optometrist as specifically provided in this section licensed to practice in this state to have 1 or more of the following physical characteristics: (a) Blindness as determined by an optometrist, a physician, or a physician assistant. (b) Inability to walk more than 200 feet without having to stop and rest. (c) Inability to do both of the following: (i) Use 1 or both legs or feet. (ii) Walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, or without the assistance of another person. (d) A lung disease from which the person's forced expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or from which the person's arterial oxygen tension is less than 60 mm/hg of room air at rest. (e) A cardiovascular condition that causes the person to measure between 3 and 4 on the New York heart classification scale, or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American Heart Association and approved by the department of public health. (f) An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk. (g) The persistent reliance upon an oxygen source other than ordinary air. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 47, Imd. Eff. May 14, 1951 ;-- Am. 1952, Act 90, Eff. Sept. 18, 1952 ;-- Am. 1956, Act 71, Eff. Aug. 11, 1956 ;-- Am. 1957, Act 28, Eff. Sept. 27, 1957 ;-- Am. 1959, Act 234, Eff. Mar. 19, 1960 ;-- Am. 1967, Act 277, Eff. Nov. 2, 1967 ;-- Am. 1974, Act 41, Imd. Eff. Mar. 13, 1974 ;-- Am. 1974, Act 138, Imd. Eff. June 5, 1974 ;-- Am. 1977, Act 19, Eff. Oct. 1, 1977 ;-- Am. 1978, Act 132, Imd. Eff. May 4, 1978 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 1982, Act 283, Imd. Eff. Oct. 7, 1982 ;-- Am. 1986, Act 222, Eff. Oct. 1, 1986 ;-- Am. 1987, Act 257, Eff. Apr. 1, 1988 ;-- Am. 1988, Act 150, Eff. Nov. 11, 1988 ;-- Am. 1989, Act 89, Eff. Sept. 19, 1989 ;-- Am. 1990, Act 272, Imd. Eff. Dec. 3, 1990 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 432, Imd. Eff. Jan. 6, 1995 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 1999, Act 34, Eff. Oct. 1, 1999 ;-- Am. 2001, Act 18, Imd. Eff. June 12, 2001 ;-- Am. 2002, Act 618, Imd. Eff. Dec. 23, 2002 ;-- Am. 2004, Act 151, Imd. Eff. June 15, 2004 ;-- Am. 2013, Act 247, Imd. Eff. Dec. 26, 2013 ;-- Am. 2018, Act 62, Eff. June 12, 2018 ;-- Am. 2018, Act 179, Eff. Sept. 9, 2018Admin Rule:R 257.801 et seq. of the Michigan Administrative Code.

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Sec. 675a. Except as provided in section 675b involving leased vehicles, in a proceeding for a violation of a local ordinance or state statute relating to a standing or parked vehicle, proof that the particular vehicle described in the citation, complaint, or warrant was parked in violation of the ordinance or state statute, together with proof from the secretary of state that the defendant named in the citation, complaint, or warrant was at the time of the violation the vehicle's registered owner, creates in evidence a presumption that the vehicle's registered owner was the person who parked or placed the vehicle at the point where and at the time that the violation occurred. History:Add. 1974, Act 78, Imd. Eff. Apr. 9, 1974 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 2000, Act 268, Eff. Oct. 1, 2000

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Sec. 675b. (1) The lessee or renter of a motor vehicle and not the leased vehicle owner is liable for a violation of a local ordinance or state statute relating to a standing or parked vehicle involving the motor vehicle if the leased vehicle owner furnishes proof that the vehicle described in the citation, complaint, warrant, or notice was in the possession of, custody of, or was being operated or used by the lessee or renter of the vehicle at the time of the violation. (2) If a leased vehicle is leased or rented for 30 days or less, the leased vehicle owner may avoid liability for a violation described in subsection (1) if the leased vehicle owner provides all of the following information to the clerk of the court or parking violations bureau issuing the violation not later than 30 days after the leased vehicle owner has received notice of the violation: (a) The lessee's or renter's name, address, and operator's or chauffeur's license number. (b) A copy of the signed rental or lease agreement or an expedited rental agreement without signature as part of a master rental agreement, including proof of the date and time the possession of the vehicle was given to the lessee or renter and the date and time the vehicle was returned to the leased vehicle owner or the leased vehicle owner's authorized agent under the agreement. (3) If a leased vehicle is leased or rented for 30 days or less, the leased vehicle owner is liable for a violation of a local ordinance or state statute relating to a standing or parked vehicle if 1 or more of the following occur: (a) The leased vehicle owner does not provide the information described in subsection (2) within the 30-day period specified in that subsection. (b) The court or parking violations bureau issuing the violation proceeds against the lessee or renter of the vehicle and the lessee or renter of the vehicle is not convicted

of or found responsible for the violation. (4) As used in this section: (a) "Affiliate" means a person that directly or indirectly through 1 or more intermediaries controls, is controlled by, or is under common control with another person. (b) "Leased vehicle owner" means a person in the business of renting or leasing leased vehicles or an affiliate of the person, if the person or the affiliate is the registered owner of a standing or parked leased vehicle involved in a violation of a local ordinance or state statute. History:Add. 1974, Act 78, Imd. Eff. Apr. 9, 1974 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 2000, Act 268, Eff. Oct. 1, 2000

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Sec. 675c. (1) Except as provided in section 675b, if a vehicle is stopped, standing, or parked in violation of section 672, 674, 674a, 675, or 676, or other state statute, or a local ordinance prohibiting or restricting the stopping, standing, or parking of a vehicle and the violation is a civil infraction, the person in whose name that vehicle is registered in this state or another state at the time of the violation is prima facie responsible for that violation and subject to section 907. (2) The owner of a vehicle cited for a stopping, standing, or parking violation pursuant to subsection (1) may assert as an affirmative defense that the vehicle in question, at the time of the violation, was in the possession of a person whom the owner had not knowingly permitted to operate the vehicle. (3) The registered owner of a vehicle who is found to be responsible for a civil infraction as the result of subsection (1) or a leased vehicle owner as defined in section 675b that is found to be responsible for a civil infraction described in section 675b has the right to recover in a civil action against the person who parked, stopped, or left standing the vehicle in question damages including, but not limited to, the amount of any civil fine or costs, or both, imposed pursuant to section 907. The registered owner of a vehicle or the leased vehicle owner may provide in a written agreement that the person who parked, stopped, or left standing the vehicle in violation of a state statute or local ordinance, when the violation is a civil infraction, shall indemnify the registered owner or the leased vehicle owner for the damages incurred including, but not limited to, any civil fine and costs imposed upon the registered owner for that civil infraction. With regard to a leased vehicle, this subsection does not apply if the court or parking violations bureau issuing the violation finds that the lessee or renter of the vehicle is not responsible for the violation and it is determined that the lessee or renter did not violate the terms of the rental contract or lease agreement. (4) A police officer who issues a citation for a vehicle that is stopped, standing, or parked in violation of a state statute or a local ordinance prohibiting or restricting the stopping, standing, or parking of a vehicle may issue the citation for the violation to the operator of the vehicle if the operator is present at the time of the violation. History:Add. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 2000, Act 268, Eff. Oct. 1, 2000

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Sec. 675d. (1) Except as provided in subsection (2), a law enforcement agency or a local unit of government may implement and administer a program to authorize and utilize persons other than police officers as volunteers to issue citations for the following violations: (a) Parking on a sidewalk in violation of section 674(1)(a) or a local ordinance substantially corresponding to section 674(1)(a). (b) Parking in front of a public or private driveway in violation of section 674(1)(b) or a local ordinance substantially corresponding to section 674(1)(b). (c) Parking within 15 feet of a fire hydrant in violation of section 674(1)(d) or a local ordinance substantially corresponding to section 674(1)(d). (d) Parking on a crosswalk in violation of section 674(1)(e) or a local ordinance substantially corresponding to section 674(1)(e). (e) Parking within 20 feet of a crosswalk or, if there is not a crosswalk, within 15 feet of the intersection of property lines at an intersection of highways, in violation of section 674(1)(f) or a local ordinance substantially corresponding to section 674(1)(f). (f) Parking at a place where an official sign prohibits stopping or parking in violation of section 674(1)(n) or a local ordinance substantially corresponding to section 674(1)(n). This subdivision does not authorize a volunteer to issue a citation for any other violation set forth in section 674 or a local ordinance substantially corresponding to section 674. (g) Parking in a space reserved for use by disabled persons in violation of section 674(1)(s) or a local ordinance substantially corresponding to section 674(1)(s). (h) Parking in an access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities in violation of section 674(1)(t) or a local ordinance substantially corresponding to section 674(1)(t). (i) Parking in violation of an official sign restricting the period of time for or manner of parking in violation of section 674(1)(w) or a local ordinance substantially corresponding to section 674(1)(w). This subdivision does not authorize a volunteer to issue a citation for any other violation set forth in section 674 or a local ordinance substantially corresponding to section 674. (j) Parking in a space or in a manner that blocks access to a fire lane in violation of section 674(1)(aa) or a local ordinance substantially corresponding to section 674(1)(aa). (k) Parking in a manner that blocks, delays, or otherwise interferes with the movement of a streetcar on a streetcar track in violation of section 674(1)(bb) or a local ordinance substantially corresponding to section 674(1)(bb). (2) Before authorizing and utilizing persons other than police officers to issue citations, the law enforcement agency or local unit of government shall implement a program to train the persons to properly issue citations as

provided in this section, of which not less than 8 hours must be in parking enforcement, conducted by that law enforcement agency or the law enforcement agency for that local unit of government or, if the local unit of government does not have a law enforcement agency, by the county sheriff. A person who successfully completes a program of training implemented under this section may issue citations as provided in this section as authorized by the law enforcement agency or local unit of government. A law enforcement agency of a local unit of government shall not implement or administer a program under this section without the specific authorization of the governing body of that local unit of government. A law enforcement agency shall not implement or administer a program under this section that would allow volunteers to issue citations under subsection (1)(a), (b), (c), (d), (e), (f), or (i) for any violations for which the use of volunteers is prohibited under a collective bargaining agreement between that local unit of government and any law enforcement officers of that local unit of government. (3) As used in this section: (a) "Law enforcement agency" means any of the following: (i) A police agency of a city, village, or township. (ii) A sheriff's department. (iii) The department of state police. (iv) Any other governmental law enforcement agency in this state, including, but not limited to, the transit police unit of a public body corporate established and maintained pursuant to an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, between a city that is authorized by the laws of this state to appoint or employ law enforcement officers and an authority under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426. (b) "Local unit of government" means a state university or college or a county, city, village, or township. History:Add. 1989, Act 89, Eff. Sept. 19, 1989 ;-- Am. 1992, Act 230, Imd. Eff. Oct. 16, 1992 ;-- Am. 2000, Act 268, Eff. Oct. 1, 2000 ;-- Am. 2004, Act 49, Imd. Eff. Apr. 1, 2004 ;-- Am. 2008, Act 171, Imd. Eff. July 2, 2008 ;-- Am. 2010, Act 211, Imd. Eff. Nov. 17, 2010 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021

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Sec. 608. The state transportation department and department of state police shall adopt a manual and specifications for a uniform system of traffic control devices consistent with the provisions of this chapter for use upon highways within this state. The manual shall correlate with and so far as possible conform to the federal manual then current as approved by the United States Department of Transportation, Federal Highway Administration, and may be revised whenever necessary to carry out the provisions of this act. It is the policy of this state to achieve, insofar as is practicable, uniformity in the design, shape, and color scheme of traffic signs, signals, and guide posts erected and maintained upon the streets and highways within this state with other states. Definitions and meanings found in the manual adopted under this section are supplemental to the definitions in chapter I. However, if a definition or meaning found in the manual adopted under this section conflicts with a definition in chapter I, the definition in chapter I prevails. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2016, Act 448, Eff. Jan. 5, 2018

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Sec. 609. (1) The state transportation department shall place or require to be placed, and maintain or require to be maintained, upon all state highways traffic control devices as it considers necessary to indicate and carry out the provisions of this chapter or to regulate, warn, or guide traffic. A traffic control device placed and maintained under this subsection shall conform to the most current Michigan manual on uniform traffic control devices. (2) A local authority shall not place or maintain a traffic control device upon a trunk line highway under the jurisdiction of the state transportation department, except by the latter's permission, or upon a county road without the permission of the county road commission having jurisdiction over that road. With the approval of the state transportation department, the board of county road commissioners of a county, at its option, may install and maintain traffic control devices conforming to the Michigan manual on uniform traffic control devices if the cost would be less than that estimated by the state transportation department and bill the state transportation department for its share of the cost of installation. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 76, Eff. Oct. 2, 1953 ;-- Am. 1968, Act 98, Imd. Eff. June 7, 1968 ;-- Am. 2016, Act 448, Eff. Jan. 5, 2018

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Sec. 610. (1) Local authorities and county road commissions in their respective jurisdictions shall place and maintain the traffic control devices upon highways under their jurisdiction that they consider necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn, or guide traffic. All traffic control devices shall conform to the Michigan

manual on uniform traffic control devices. (2) The state transportation department shall withhold from any incorporated village, city, or county that fails to comply with sections 606, 608, 609, 612, and 613, the share of fuel and vehicle tax revenue that would otherwise be due the incorporated village, city, or county under section 10 of 1951 PA 51, MCL 247.660. Notice of failure to comply, and 1 year's time to comply after notice, shall first be given. (3) A person, firm, or corporation shall not sell or offer for sale to local authorities and local authorities shall not purchase or manufacture any traffic control device that does not conform to the Michigan manual on uniform traffic control devices, except with the permission of the director of the state transportation department. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1955, Act 245, Eff. Oct. 14, 1955 ;-- Am. 1972, Act 72, Imd. Eff. Mar. 9, 1972 ;-- Am. 2016, Act 448, Eff. Jan. 5, 2018

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Sec. 611. (1) The driver of a vehicle or operator of a streetcar shall not disobey the instructions of a traffic control device placed in accordance with this chapter unless at the time otherwise directed by a police officer. (2) The driver of a vehicle shall not, for the purpose of avoiding obedience to a traffic control device placed in accordance with this chapter, drive upon or through private property, or upon or through public property which is not a street or highway. (3) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1976, Act 75, Imd. Eff. Apr. 11, 1976 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 611a. (1) An owner or employee of an entity performing construction, maintenance, surveying, or utility work within a work zone may direct traffic within that work zone if both of the following apply: (a) The department of transportation, the local authority, or the county road commission, within its respective jurisdiction, authorizes that owner or employee to direct traffic due to safety or work requirements. The authorization shall be issued in the manner considered appropriate by the department of transportation, the local authority, or the county road commission, and may be general or specific. The authorization may establish the conditions under which the owner or employee may direct traffic, and may allow the owner or employee to direct traffic in disregard of an existing traffic control device. (b) The owner or employee is properly trained, equipped, and attired in conformance with the manual of uniform traffic control devices authorized under section 608. (2) The operator of a motor vehicle who fails to comply with the directions of an owner or employee directing traffic under this section, including a direction made in disregard of an existing traffic control device, is responsible for a civil infraction. History:Add. 2008, Act 298, Imd. Eff. Oct. 8, 2008

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Sec. 612. (1) When traffic is controlled by traffic control signals, not fewer than 1 signal shall be located over the traveled portion of the roadway so as to give vehicle operators a clear indication of the right-of-way assignment from their normal positions approaching the intersection. The vehicle signals shall exhibit different colored lights successively, 1 at a time, or with arrows. Red arrow and yellow arrow indications have the same meaning as the corresponding circular indications, except that they apply only to vehicle operators intending to make the movement indicated by the arrow. The following colors shall be used, and the terms and lights shall indicate and apply to vehicle operators as follows: (a) If the signal exhibits a green indication, vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians and bicyclists lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited. (b) If the signal exhibits a steady yellow indication, vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at a limit line when marked, but if the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. (c) If the signal exhibits a steady red indication, the following apply: (i) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if there is no crosswalk or limit line, before entering the intersection and shall remain standing until a green indication is shown, except as provided in subparagraph (ii). (ii) Vehicular

traffic facing a steady red signal, after stopping before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if there is no crosswalk or limit line, before entering the intersection, may make a right turn from a 1-way or 2-way street into a 2-way street or into a 1-way street carrying traffic in the direction of the right turn or may make a left turn from a 1-way or 2-way street into a 1-way roadway carrying traffic in the direction of the left turn, unless prohibited by sign, signal, marking, light, or other traffic control device. The vehicular traffic shall yield the right of way to pedestrians and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. (d) If the signal exhibits a steady green arrow indication, vehicular traffic facing the green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow or other movement permitted by other indications shown at the same time. The vehicular traffic shall yield the right-of-way to pedestrians and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. (2) If a traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section apply except for those provisions that by their nature cannot apply. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of a sign or marking, the stop shall be made at the signal. (3) A person who violates subsection (1) or (2) is responsible for a civil infraction. (4) A vehicle operator who approaches a person using a wheelchair or a device to aid the person to walk at a crosswalk or any other pedestrian crossing shall take necessary precautions to avoid accident or injury to the person using the wheelchair or device. A person who violates this subsection is guilty of a misdemeanor. (5) A sign prohibiting a turn on a red signal as provided in subsection (1)(c)(ii) shall be located above or adjacent to the traffic control signal or as close as possible to the point where the turn is made, or at both locations, so that 1 or more of the signs are visible to a vehicle operator intending to turn, at the point where the turn is made. An additional sign may be used at the far side of the intersection in the direct line of vision of the turning vehicle operator. (6) Subject to federal law, a temporary traffic control signal may be located on, over, or adjacent to the traveled portion of the roadway. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1955, Act 245, Eff. Oct. 14, 1955 ;-- Am. 1964, Act 222, Eff. Aug. 28, 1964 ;-- Am. 1966, Act 237, Eff. Mar. 10, 1967 ;-- Am. 1975, Act 287, Eff. Mar. 31, 1976 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1988, Act 105, Eff. July 31, 1988 ;-- Am. 1990, Act 33, Eff. Apr. 1, 1991 ;-- Am. 2006, Act 339, Imd. Eff. Aug. 15, 2006 ;-- Am. 2014, Act 386, Imd. Eff. Dec. 18, 2014

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Sec. 613. (1) If special pedestrian control signals are not utilized, the regular traffic control signals as indicated in section 612 shall apply to pedestrians as follows: (a) Green indication. Pedestrians facing the signal may proceed across the roadway within a marked or unmarked crosswalk. (b) Steady yellow indication. Pedestrians facing the signal are advised that there is insufficient time to cross the roadway and a pedestrian then starting to cross shall yield the right of way to all vehicles. (c) Steady red indication. Pedestrians facing the signal shall not enter the highway unless they can do so safely and without interfering with vehicular traffic. (d) Red with arrow. Pedestrians facing the signal shall not enter the highway unless they can do so safely without interfering with vehicular traffic. (2) If special pedestrian control signals are installed, they shall be placed at the far end of each crosswalk and shall indicate a "walk" or "don't walk" interval. These special signals shall apply to pedestrians only to the exclusion of a regular traffic control signal or signals which may be present at the same location, as follows: (a) Walk interval—Pedestrians facing the signal may proceed across the highway in the direction of the signal and shall be given the right of way by the drivers of all vehicles. (b) Don't walk (steady burning or flashing) interval—A pedestrian shall not start to cross the highway in the direction of the signals, but a pedestrian who has partially completed crossing on the walk interval of the signal shall proceed to a sidewalk or safety island while the don't walk interval of the signal is showing. (3) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1955, Act 245, Eff. Oct. 14, 1955 ;-- Am. 1956, Act 71, Eff. Aug. 11, 1956 ;-- Am. 1964, Act 222, Eff. Aug. 28, 1964 ;-- Am. 1966, Act 237, Eff. Mar. 10, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 613a. (1) Except as provided in subsections (2) and (3), the state transportation department, a county road commission, or a local authority shall establish school crossings considered necessary for the safety of schoolchildren on streets and highways under its jurisdiction. The establishment of a school crossing shall be based upon a traffic and engineering study conducted by the authority having jurisdiction, in consultation with the superintendent of the school district. (2) If considered necessary under subsection (1) or pursuant to a traffic and engineering study conducted under subsection (4), a school crossing shall be established within a safe distance from a school located on a street or highway on which the speed limit is 25 miles or more per hour. (3) Upon request of the superintendent of the school district, the following individuals shall meet at not less than 5-year intervals to consider whether a traffic and engineering study should be conducted to determine whether a school crossing is required under subsection

(2): (a) The superintendent of the school district in which the school is located or his or her designee. (b) The head of the local authority having jurisdiction to maintain the road or his or her designee or, if there is no local authority, an individual designated by the director of the state transportation department. (c) The chief of police of the local unit of government in which the road is located or his or her designee or, if the local unit of government does not have a police department, the county sheriff or his or her designee. (4) If the individuals described in subsection (3) determine by unanimous vote that a traffic and engineering study should be conducted, the individuals shall notify the authority having jurisdiction to maintain the road in writing of that determination. If the authority is notified under this subsection that a traffic and engineering study should be conducted, the authority shall conduct the study. (5) Having established a school crossing, the state transportation department, county road commission, or local authority shall erect school crossing signs, in conformance with the manual of uniform traffic control devices provided for in section 608, on streets or highways under its jurisdiction. History:Add. 1978, Act 227, Imd. Eff. June 14, 1978 ;-- Am. 2004, Act 201, Imd. Eff. July 13, 2004Popular Name:The Jasmine Miles Schoolchildren Safety Act

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Sec. 613b. (1) When assigned, a school crossing guard shall be stationed at a school crossing during time periods established jointly by the superintendent of the school district and the head of the law enforcement agency having immediate jurisdiction. (2) While on duty, a school crossing guard shall wear an outer vest of a color and design which conforms with the standards of the manual of uniform traffic control devices provided for in section 608. (3) A school crossing guard while on duty at a school crossing shall when necessary stop vehicular traffic. This shall be done by use of a hand held stop sign which conforms to the standards for the sign in the manual of uniform traffic control devices or as approved by the department of state highways and transportation. School crossing guards shall have the authority only at their assigned crossings and only during their assigned duty times. History:Add. 1978, Act 227, Imd. Eff. June 14, 1978

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Sec. 613c. (1) School crossing guards shall be the responsibility of the local law enforcement agency having immediate jurisdiction of the crossing. (2) A person shall receive a minimum of 4 hours instruction before performing the duties of a school crossing guard. Two hours of additional instruction shall be given annually to a school crossing guard before the beginning of each school year. The courses of instruction shall be approved by the department of education and the department of state police and conducted by the local law enforcement agency having jurisdiction or its designee. History:Add. 1978, Act 227, Imd. Eff. June 14, 1978

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Sec. 613d. (1) A driver of a motor vehicle who fails to stop when a school crossing guard is in a school crossing and is holding a stop sign in an upright position visible to approaching vehicular traffic is guilty of a misdemeanor. (2) In a proceeding for a violation of this section, proof that the particular vehicle described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation complaint or warrant was the registered owner of the vehicle at the time of the violation, constitutes in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation. History:Add. 1978, Act 227, Imd. Eff. June 14, 1978

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Sec. 614. (1) If flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows: (a) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. (b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution. (2) A person who violates this section

is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 615. (a) Except with authority of a statute or of a duly authorized public body or official, no person shall place, maintain, or display along any highway or upon any structure in or over any highway any sign, signal, marking, device, blinking, oscillating or rotating light or lights, decoration or banner which is or purports to be or is in imitation of or resembles or which can be mistaken for a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. (b) No person shall place, maintain or display along any highway any blinking, oscillating or rotating light or lights sufficiently similar in color and design that they may be mistaken for the distinguishing lights authorized by law for emergency vehicles or that creates a hazard for the safety of drivers using said highways. (c) Every such prohibited sign, signal, marking, device, decoration or banner is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause to be removed without notice. (d) Decorations or banners which may be placed over the traveled portion of any street or highway shall be placed not closer than 10 feet on either side of traffic lights or signals and shall be so placed as to not obstruct a clear view of such traffic lights or signals. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1955, Act 245, Eff. Oct. 14, 1955 ;-- Am. 1957, Act 112, Eff. Sept. 27, 1957 ;-- Am. 1958, Act 98, Eff. Sept. 13, 1958

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Sec. 616a. (1) Except as provided in subsections (3) and (4), a person shall not do any of the following: (a) Possess a portable signal preemption device. (b) Use a portable signal preemption device. (c) Sell a portable signal preemption device to a person other than a person described in subsection (3). (d) Purchase a portable signal preemption device for use other than a duty as described in subsections (3) and (4). (2) A person who violates subsection (1) is guilty of a crime as follows: (a) A person who violates subsection (1)(a) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $5,000.00, or both. (b) Except as provided in subdivisions (c), (d), and (e), a person who violates subsection (1)(b) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $10,000.00, or both. (c) A person who violates subsection (1)(b), which violation results in a traffic accident, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $15,000.00, or both. (d) A person who violates subsection (1)(b), which violation results in the serious impairment of a body function, is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (e) A person who violates subsection (1)(b), which violation results in the death of another, is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $25,000.00, or both. (f) A person who violates subsection (1)(c) or (d) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $10,000.00, or both. (3) This section does not apply to any of the following: (a) A law enforcement agency in the course of providing law enforcement services. (b) A fire station or a firefighter in the course of providing fire prevention or fire extinguishing services. (c) An emergency medical service or ambulance in the course of providing emergency medical transportation or ambulance services. (d) An operator, passenger, or owner of an authorized emergency vehicle in the course of his or her emergency duties. (4) Subsection (1)(a) does not apply to either of the following: (a) A mail or package delivery service or employee or agent of a mail or package delivery service in the course of shipping or delivering a portable signal preemption device. (b) An employee or agent of a portable signal preemption device manufacturer or retailer in the course of his or her employment in providing, selling, manufacturing, or transporting a portable signal preemption device to an individual or agency described in this subsection. (5) As used in this section: (a) "Portable signal preemption device" means a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence. (b) "Serious impairment of a body function" means that term as defined in section 58c. History:Add. 2004, Act 25, Eff. June 14, 2004

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Sec. 647. (1) The driver of a vehicle intending to turn at an intersection shall do so as follows: (a) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. (b) Approach for a left turn shall

be made in that portion of the right half of the roadway nearest the center line in a manner as not to interfere with the progress of any streetcar, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. (c) Approach for a left turn from a 2-way roadway into a 1-way roadway shall be made in that portion of the right half of the roadway nearest the center line and clear of existing car tracks in use, and by passing to the right of the center line where it enters the intersection. Approach for a left turn from a 1-way roadway into a 2-way roadway shall be made as close as practicable to the left curb or edge of the roadway and by passing to the right of the center line of the roadway being entered. (d) Where both streets or roadways are 1-way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway. (e) Local authorities in their respective jurisdictions may cause pavement markers, signs, or signals to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When markers, signs, or signals are so placed, a driver of a vehicle shall not turn a vehicle at an intersection other than as directed and required by those markers, signs, or signals. (2) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1967, Act 277, Eff. Nov. 2, 1967 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

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Sec. 648. (1) The operator of a vehicle or bicycle upon a highway, before stopping or turning from a direct line, shall first determine that the stopping or turning can be made in safety and shall give a signal as required in this section. (2) Except as otherwise provided in subsection (5), a signal required under this section shall be given either by means of the hand and arm in the manner specified in this section, or by a mechanical or electrical signal device that conveys an intelligible signal or warning to other highway traffic. (3) When a person is operating a vehicle and signal is given by means of the hand and arm, the operator shall signal as follows: (a) For a left turn, the operator shall extend his or her left hand and arm horizontally. (b) For a right turn, the operator shall extend his or her left hand and arm upward. (c) To stop or decrease speed, the operator shall extend his or her left hand and arm downward. (4) When a person is operating a bicycle and signal is given by means of the hand and arm, the operator shall signal as follows: (a) For a left turn, the operator shall extend his or her left hand and arm horizontally. (b) For a right turn, the operator shall extend his or her left hand and arm upward or shall extend his or her right hand and arm horizontally. (c) To stop or decrease speed, the operator shall extend his or her left hand and arm downward. (5) A commercial motor vehicle, other than a commercial motor vehicle in transit from a manufacturer to a dealer, in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the commercial motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load of the commercial vehicle exceeds 14 feet. The measurement from steering post to rear limit applies to a single vehicle or combination of vehicles. (6) A person who violates this section is responsible for a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1954, Act 181, Eff. Aug. 13, 1954 ;-- Am. 1958, Act 166, Eff. Sept. 13, 1958 ;-- Am. 1974, Act 334, Imd. Eff. Dec. 17, 1974 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2014, Act 1, Imd. Eff. Jan. 28, 2014

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.601 - Applicability of Chapter to Operations on Highways; Exceptions.

Sec. 601. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a given section. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.601a - Private Road Open to General Public; Contract; Enforcement of Act; Cost and Posting of Signs; Contracts Not Affected; "Private Road That Is Open to the General Public" Defined.

Sec. 601a. (1) A county, city, township, or village may contract with a person who owns or is in charge of a private road that is open to the general public, at that person's request or with that person's consent, to enforce provisions of this act on that private road. (2) Subject to subsection (1) and section 906, a peace officer may enter upon a private road that is open to the general public to enforce provisions of this act if signs meeting the requirements of the Michigan manual of uniform traffic control devices are posted on the private road. (3) The owner or person in charge of a private road open to the general public who enters into a contract as described in subsection (1) is responsible for the cost and the posting of signs described in subsection (2). (4) This section does not affect a contract entered into between a county, city, township, or village and the person who owns or is in charge of a private road open to the general public before December 29, 2006. (5) As used in this section, "private road that is open to the general public" does not include a road that is under the control of a mobility research center, regardless of whether a private research entity or a corporation is using the road under an agreement with the mobility research center. History:Add. 2006, Act 549, Imd. Eff. Dec. 29, 2006 ;-- Am.

2011, Act 115, Imd. Eff. July 20, 2011 ;-- Am. 2016, Act 334, Imd. Eff. Dec. 9, 2016Compiler's Notes:Former MCL 257.601a, which pertained to certain vehicle owned and operated by state and local authorities and vehicles transporting hazardous materials, was repealed by Act 248 of 1995, Imd. Eff. Dec. 27, 1995.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.601b - Moving Violation in Work Zone, Emergency Scene, School Zone, or School Bus Zone; Penalties; Exceptions; Definitions.

Sec. 601b. (1) Notwithstanding any other provision of this act, a person responsible for a moving violation in a work zone, at an emergency scene, or in a school zone during the period beginning 30 minutes before school in the morning and through 30 minutes after school in the afternoon, or in a school bus zone is subject to a fine that is double the fine otherwise prescribed for that moving violation. (2) A person who commits a moving violation in a work zone or a school bus zone for which not fewer than 3 points are assigned under section 320a and as a result causes injury to another person in the work zone or school bus zone is guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both. (3) A person who commits a moving violation in a work zone or school bus zone for which not fewer than 3 points are assigned under section 320a and as a result causes death to another person in the work zone or school bus zone is guilty of a felony punishable by a fine of not more than $7,500.00 or by imprisonment for not more than 15 years, or both. (4) Subsections (2) and (3) do not apply if the injury or death was caused by the negligence of the injured or deceased person in the work zone or school bus zone. (5) As used in this section: (a) "Emergency scene" means a traffic accident, a serious incident caused by weather conditions, or another occurrence along a highway or street for which a police officer, firefighter, or emergency medical personnel are summoned to aid an injured victim. (b) "Moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that occurs while a person is operating a motor vehicle, and for which the person is subject to a fine. (c) "School bus zone" means the area lying within 20 feet of a school bus that has stopped and is displaying 2 alternately flashing red lights at the same level, except as described in section 682(2). (d) "School zone" means that term as defined in section 627a. History:Add. 1996, Act 320, Imd. Eff. June 25, 1996 ;-- Am. 2001, Act 103, Eff. Oct. 1, 2001 ;-- Am. 2003, Act 314, Imd. Eff. Jan. 9, 2004 ;-- Am. 2008, Act 296, Imd. Eff. Oct. 8, 2008 ;-- Am. 2011, Act 60, Eff. July 1, 2011

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.601c - Moving Violation Causing Injury or Death to Person Operating Implement of Husbandry on Highway.

Sec. 601c. (1) A person who commits a moving violation that has criminal penalties and as a result causes injury to a person operating an implement of husbandry on a highway in compliance with this act is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (2) A person who commits a moving violation that has criminal penalties and as a result causes death to a person operating an implement of husbandry on a highway in compliance with this act is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $7,500.00, or both. (3) As used in this section, "moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that occurs while a person is operating a motor vehicle, and for which the person is subject to a fine. History:Add. 2001, Act 103, Eff. Oct. 1, 2001

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.601d - Person Who Commits Moving Violation That Is the Proximate Cause of Death of Another Person or Serious Impairment of Body Function; Penalty; Other Violations; "Moving Violation" Defined.

Sec. 601d. (1) A person who commits a moving violation while operating a vehicle upon a highway or other place open to the general public, including, but not limited to, an area designated for the parking of motor vehicles, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00, or both, if the moving violation was the proximate cause of the death of another person. (2) A person who commits a moving violation while operating a vehicle upon a highway or other place open to the general public, including, but not limited to, an area designated for the parking of motor vehicles, that causes serious impairment of a body function to another person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (3) This section does not prohibit the person from being charged with, convicted of, or punished for any other violation of law. (4) As used in this section, "moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that involves the operation of a motor vehicle, and for which a fine may be assessed. History:Add. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2016, Act 46, Eff. June 13, 2016 ;-- Am. 2018, Act 566, Eff. Mar. 28, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.602 - Compliance With Order or Direction of Police Officer.

Sec. 602. A person shall not refuse to comply with a lawful order or direction of a police officer when that officer, for public interest

and safety, is guiding, directing, controlling, or regulating traffic on the highways of this state. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.602a - Failure to Stop at Signal of Police or Conservation Officer; Penalty; Subsection (1) Inapplicable Unless Officer in Uniform and Vehicle Identified; Violation of Subsection (1) as Felony; Conviction for Conduct Arising Out of Same Transaction; "Serious Injury" Defined.

Sec. 602a. (1) A driver of a motor vehicle who is given by hand, voice, emergency light, or siren a visual or audible signal by a police or conservation officer, acting in the lawful performance of his or her duty, directing the driver to bring his or her motor vehicle to a stop shall not willfully fail to obey that direction by increasing the speed of the motor vehicle, extinguishing the lights of the motor vehicle, or otherwise attempting to flee or elude the officer. This subsection does not apply unless the police or conservation officer giving the signal is in uniform and the officer's vehicle is identified as an official police or department of natural resources vehicle. (2) Except as provided in subsection (3), (4), or (5), an individual who violates subsection (1) is guilty of fourth-degree fleeing and eluding, a felony punishable by imprisonment for not more than 2 years or a fine of not more than $500.00, or both. (3) Except as provided in subsection (4) or (5), an individual who violates subsection (1) is guilty of third-degree fleeing and eluding, a felony punishable by imprisonment for not more than 5 years or a fine of not more than $1,000.00, or both, if 1 or more of the following circumstances apply: (a) The violation results in a collision or accident. (b) A portion of the violation occurred in an area where the speed limit is 35 miles an hour or less, whether that speed limit is posted or imposed as a matter of law. (c) The individual has a prior conviction for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct. (4) Except as provided in subsection (5), an individual who violates subsection (1) is guilty of second-degree fleeing and eluding, a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both, if 1 or more of the following circumstances apply: (a) The violation results in serious injury to an individual. (b) The individual has 1 or more prior convictions for first-, second-, or third-degree fleeing and eluding, attempted first-, second-, or third-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct. (c) The individual has any combination of 2 or more prior convictions for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct. (5) If the violation results in the death of another individual, an individual who violates subsection (1) is guilty of first-degree fleeing and eluding, a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (6) A conviction under this section does not prohibit a conviction and sentence under any other applicable provision, except section 479a(2), (3), (4), or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a, for conduct arising out of the same transaction. (7) As used in this section, "serious injury" means a physical injury that is not necessarily permanent, but that constitutes serious bodily disfigurement or that seriously impairs the functioning of a body organ or limb. Serious injury includes, but is not limited to, 1 or more of the following: (a) Loss of a limb or use of a limb. (b) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb. (c) Loss of an eye or ear or use of an eye or ear. (d) Loss or substantial impairment of a bodily function. (e) Serious visible disfigurement. (f) A comatose state that lasts for more than 3 days. (g) Measurable brain damage or mental impairment. (h) A skull fracture or other serious bone fracture. (i) Subdural hemorrhage or hematoma. History:Add. 1966, Act 203, Eff. Sept. 1, 1966 ;-- Am. 1968, Act 160, Eff. Nov. 15, 1968 ;-- Am. 1981, Act 159, Eff. Mar. 31, 1982 ;-- Am. 1988, Act 406, Eff. Mar. 30, 1989 ;-- Am. 1996, Act 587, Eff. June 1, 1997 ;-- Am. 1998, Act 347, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.602b - Holding or Using a Mobile Electronic Device While Operating a Motor Vehicle; Prohibited; Exception for Commercial Motor Vehicle and School Bus; "Use a Mobile Electronic Device" Defined; Situational Exceptions; Violation as Civil Infraction; Fine; Local Ordinances Superseded; Multiple Violations Penalty and Enforcement; Sunset Applicability; Definitions.

Sec. 602b. (1) Except as otherwise provided in this section, an individual shall not hold or use a mobile electronic device while operating a motor vehicle. This subsection does not apply to an individual operating a commercial motor vehicle or a school bus. (2) Except as otherwise provided in this section, an individual shall not hold or use a mobile electronic device while operating a commercial motor vehicle or a school bus. As used in this subsection, "use a mobile electronic device" means 1 or more of the following: (a) Using a mobile electronic device to do any task, including, but not limited to, any of the following: (i) Send or receive a telephone call. (ii) Send, receive, or read a text message. (iii) View, record, or transmit a video. (iv) Access, read, or post to a social networking site. (b) Reaching for a mobile electronic device in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, restrained by a seat belt that is installed as required by 49 CFR 393.93 and adjusted in accordance with the vehicle manufacturer's instructions. (3) Subsections (1) and (2) do not apply to any of the following situations: (a) The use of a mobile electronic device by a law enforcement officer, firefighter, emergency medical technician, paramedic, operator of an authorized emergency vehicle, or similarly engaged paid or volunteer public safety first responder during the performance of that individual's official duties, or a public utility employee or contractor acting within the scope of that individual's employment when responding to a public utility emergency. (b) The use of a mobile electronic device for emergency purposes,

including calling or texting a 9-1-1 system, or making an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity to report to appropriate authorities any of the following: (i) A fire, traffic accident, serious road hazard, or medical or hazardous materials emergency. (ii) An operator of another motor vehicle who is driving in a reckless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs. (iii) A crime being committed. (c) The use of a global positioning or navigation feature of a mobile electronic device if information is not entered by hand into the global positioning or navigation system feature of the mobile electronic device. (d) The use of a mobile electronic device in a voice-operated or hands-free mode if the operator of the motor vehicle does not use the operator's hands to operate the device, except for either of the following: (i) Using a single button press, tap, or swipe to activate or deactivate a feature or function of the mobile electronic device or to select a telephone number or name. (ii) Using a mobile electronic device that is integrated into a motor vehicle and utilizes the user interfaces that are permanently installed into the motor vehicle. (e) The use of a mobile electronic device used for the sole purpose of continuously recording or broadcasting video inside or outside of a motor vehicle. (f) The use of a mobile electronic device that is placed in a mount and used in any manner as described in subdivisions (a) to (e). (4) Except as provided in subsection (6), an individual who violates subsection (1) is responsible for a civil infraction and must be ordered to do the following: (a) For a first violation, pay a $100.00 civil fine or perform 16 hours of community service, or both. (b) For a second or subsequent violation, pay a $250.00 civil fine or perform 24 hours of community service, or both. (5) Except as provided in subsection (6), an individual who violates subsection (2) is responsible for a civil infraction and must be ordered to do the following: (a) For a first violation, pay a $200.00 civil fine or perform 32 hours of community service, or both. (b) For a second or subsequent violation, pay a $500.00 civil fine or perform 48 hours of community service, or both. (6) If an individual is involved in an accident for which the individual is at fault when the individual violates this section, any civil fine ordered must be double the amount that would otherwise be ordered under subsection (4) or (5), as applicable. (7) This section supersedes all local ordinances regulating the use of a mobile electronic device while operating a motor vehicle in motion on a highway or street, except that a unit of local government may adopt an ordinance or enforce an existing ordinance substantially corresponding to this section. (8) If an individual is responsible for 3 or more civil infractions for violations of subsection (1) within a 3-year period, a court shall order the individual to complete a basic driver improvement course within a reasonable time as determined by the court. This subsection does not apply to a violation of subsection (2). (9) A police officer enforcing this section may treat a violation of this section as the primary or sole reason for issuing a citation to a driver. A police officer shall not search a motor vehicle or the driver or passenger in the motor vehicle solely because of a violation of this section. (10) This section does not apply to any of the following: (a) A level 3, 4, or 5 automated driving system, as described in "J3016: Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles", April 2021 edition, published by SAE International, or an automated vehicle equipped with an automated driving system as described in this subdivision, during testing or operation with the automated driving system engaged. (b) Viewing or using in a hands-free manner a device mounted in a vehicle for displaying information related to testing or operating an automated driving system or automated technology. (c) Operating, or programming the operation of, an automated motor vehicle while testing or operating the automated motor vehicle without a human operator while the automated driving system is engaged. (11) This section does not apply beginning 5 years after the effective date of the amendatory act that added subsection (12). (12) As used in this section: (a) "Hold" means to physically support with any part of the hands, arms, or shoulders. (b) "Mobile electronic device" means an electronic device that is not permanently installed in a motor vehicle, including, but not limited to, a device capable of text messaging, voice communication, entertainment, navigation, accessing the internet, or producing email. Mobile electronic device does not include either of the following: (i) A radio designed for the Citizens Band Service or the Amateur Radio Service of the Federal Communications Commission or a commercial 2-way radio communications device or equipment permanently installed in a motor vehicle. (ii) A medical device that is designed to be worn, including, but not limited to, an insulin pump. (c) "Operate" means to drive or assume physical control of a motor vehicle on a public way, street, road, or highway, including operation while temporarily stationary because of traffic, road conditions, a traffic light, or a stop sign. Operate does not include a motor vehicle that is lawfully parked. (d) "Social networking site" means any web-based service that allows individuals to construct a profile within a founded system and communicate with other users of the site for social or amusement purposes. (13) Except as otherwise provided in subsection (2), as used in this section, "use a mobile electronic device" means using a mobile electronic device to do any task, including, but not limited to, any of the following: (i) Send or receive a telephone call. (ii) Send, receive, or read a text message. (iii) View, record, or transmit a video. (iv) Access, read, or post to a social networking site. History:Add. 2010, Act 60, Eff. July 1, 2010 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2013, Act 36, Imd. Eff. May 21, 2013 ;-- Am. 2013, Act 231, Eff. Mar. 27, 2014 ;-- Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016 ;-- Am. 2023, Act 41, Eff. June 30, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.602c - Individual Issued Level 1 or 2 Graduated License; Use of Cellular Telephone Prohibited; Exceptions; Violation as Civil Infraction; Local Ordinance; Report; "Kelsey's law."

Sec. 602c. (1) Except as provided in this section, and in addition to the requirements of section 602b, an individual issued a level 1 or level 2 graduated license under section 310e shall not use a cellular telephone while operating a motor vehicle upon a highway or street. For purposes of this subsection, "use" means to initiate a call, answer a call, or listen to or engage in verbal communication through the cellular telephone. (2) Subsection (1) does not apply to an individual who is using a cellular telephone to do any of the

following: (a) Report a traffic accident, medical emergency, or serious road hazard. (b) Report a situation in which the individual believes the individual's personal safety is in jeopardy. (c) Report or avert the perpetration or potential perpetration of a criminal act against the individual or another individual. (3) An individual who violates this section is responsible for a civil infraction. (4) This section supersedes all local ordinances regulating the use of a cellular telephone by an individual issued a level 1 or level 2 graduated license while operating a motor vehicle in motion on a highway or street, except that a unit of local government may adopt an ordinance or enforce an existing ordinance substantially corresponding to this section. (5) Forty-two months after the effective date of the amendatory act that added this subsection, the department of state police shall submit a report, using available data, to the senate majority leader, speaker of the house of representatives, and governor that includes all of the following information related to violations of this section and section 602b: (a) The number of citations given. (b) The race and ethnicity of the individuals given citations. (c) The number of each of the following caused by violations of this section or section 602b: (i) Vehicle crashes. (ii) Serious injuries. (iii) Deaths. (6) This section may be known as "Kelsey's law". History:Add. 2012, Act 592, Eff. Mar. 28, 2013 ;-- Am. 2023, Act 40, Eff. June 30, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.603 - Applicability of Chapter to Government Vehicles; Exemption of Authorized Emergency Vehicles; Conditions; Exemption of Police Vehicles Not Sounding Audible Signal; Exemption of Persons, Vehicles, and Equipment Working on Surface of Highway.

Sec. 603. (1) The provisions of this chapter applicable to the drivers of vehicles upon the highway apply to the drivers of all vehicles owned or operated by the United States, this state, or a county, city, township, village, district, or any other political subdivision of the state, subject to the specific exceptions set forth in this chapter with reference to authorized emergency vehicles. (2) The driver of an authorized emergency vehicle when responding to an emergency call, but not while returning from an emergency call, or when pursuing or apprehending a person who has violated or is violating the law or is charged with or suspected of violating the law may exercise the privileges set forth in this section, subject to the conditions of this section. (3) The driver of an authorized emergency vehicle may do any of the following: (a) Park or stand, irrespective of this act. (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation. (c) Exceed the prima facie speed limits so long as he or she does not endanger life or property. (d) Disregard regulations governing direction of movement or turning in a specified direction. (4) The exemptions granted in this section to an authorized emergency vehicle apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren, air horn, or exhaust whistle as may be reasonably necessary, except as provided in subsection (5), and when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet in a 360 degree arc unless it is not advisable to equip a police vehicle operating as an authorized emergency vehicle with a flashing, oscillating or rotating light visible in a 360 degree arc. In those cases, a police vehicle shall display a flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle. Only police vehicles that are publicly owned shall be equipped with a flashing, oscillating, or rotating blue light that when activated is visible under normal atmospheric conditions from a distance of 500 feet in a 360 degree arc. (5) A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run in which silence is required. (6) The exemptions provided for by this section apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but do not apply to those persons and vehicles when traveling to or from work. The provisions of this chapter governing the size and width of vehicles do not apply to vehicles owned by public highway authorities when the vehicles are proceeding to or from work on public highways. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1958, Act 133, Imd. Eff. Apr. 18, 1958 ;-- Am. 1962, Act 188, Eff. Mar. 28, 1963 ;-- Am. 1964, Act 7, Imd. Eff. Mar. 20, 1964 ;-- Am. 1975, Act 100, Eff. July 1, 1976 ;-- Am. 1976, Act 347, Imd. Eff. Dec. 21, 1976 ;-- Am. 1996, Act 587, Eff. June 1, 1997

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.604 - Riding Animal or Driving Animal-Drawn Vehicle on Roadway; Rights and Duties.

Sec. 604. A person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all the duties, criminal penalties, and civil sanctions applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature may not have application. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.605 - Applicability and Uniformity of Provisions; Local Laws and Regulations; Payment and Allocation of Civil Fines; Issuance of More Than 1 Citation; Equipment Violations; "Local Law" Defined.

Sec. 605. (1) This chapter and chapter VIII apply uniformly throughout this state and in all political subdivisions and municipalities in the state. A local authority shall not adopt, enact, or enforce a local law that provides lesser penalties or that is otherwise in conflict with this chapter or chapter VIII. (2) A local law or portion of a local law that imposes a criminal penalty for an act or

omission that is a civil infraction under this act, or that imposes a criminal penalty or civil sanction in excess of that prescribed in this act, is in conflict with this act and is void to the extent of the conflict. (3) Except for a case in which the citation is dismissed pursuant to subsection (4), proceeds of a civil fine imposed by a local authority for violation of a local law regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of this act shall be paid to the county treasurer and allocated as follows: (a) Seventy percent to the local unit of government in which the citation is issued. (b) Thirty percent for library purposes as provided by law. (4) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of a code or ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation for an equipment violation pursuant to section 683 that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired. (5) As used in this section, "local law" includes a local charter provision, ordinance, rule, or regulation. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999 ;-- Am. 2000, Act 97, Imd. Eff. May 15, 2000 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.606 - Regulation of Streets or Highways Under Jurisdiction of Local Authority and Within Reasonable Exercise of Police Power; Accepted Engineering Practices as Basis for Regulations; Stop Sign or Traffic Control Device Requiring State Trunk Line Highway Traffic to Stop; Approval; Posting Signs Giving Notice of Local Traffic Regulations; Providing by Ordinance for Impounding of Motor Vehicle Parked Contrary to Local Ordinance; Bond or Cash Deposit.

Sec. 606. (1) This chapter does not prevent a local authority with respect to streets or highways under the jurisdiction of the local authority and within the reasonable exercise of the police power from doing any of the following: (a) Regulating the standing or parking of vehicles. (b) Regulating the impoundment or immobilization of vehicles whose owner has failed to answer 6 or more parking violation notices or citations regarding illegal parking. (c) Regulating traffic by means of police officers or traffic control signals. (d) Regulating or prohibiting processions or assemblages on the highways or streets. (e) Designating particular highways as 1-way highways and requiring that all vehicles on those highways be moved in 1 specific direction, or designating particular highways as 2-way highways. (f) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the through highway; designating any intersection as a stop intersection and requiring all vehicles to stop at 1 or more entrances to the intersection; or designating any intersection as a yield intersection and requiring all vehicles to yield the right of way at 1 or more entrances to the intersection. (g) Restricting the use of highways as authorized in section 726. (h) Regulating the operation of bicycles and requiring the registration and licensing of bicycles, including the requirement of a registration fee. (i) Regulating or prohibiting the turning of vehicles at intersections. (j) Adopting other traffic regulations as are specifically authorized by this chapter. (2) All traffic regulations described in subsection (1) shall be based on standard and accepted engineering practices as specified in the Michigan manual on uniform traffic control devices. (3) A local authority shall not erect or maintain a stop sign or traffic control device that requires the traffic on any state trunk line highway to stop before entering or crossing any intersecting highway unless approval in writing has been first obtained from the director of the state transportation department. (4) An ordinance or regulation enacted under subsection (1)(a), (d), (e), (f), (g), (i), or (j) are not enforceable until signs giving notice of the local traffic regulations are posted upon or at the entrance to the highway or street or part of the highway or street affected, as may be most appropriate, and are sufficiently legible as to be seen by an ordinarily observant person. The posting of signs giving the notice is not required for a local ordinance that does not differ from the provisions of this act regulating the parking or standing of vehicles or for ordinances of general application throughout the jurisdiction of the municipalities enacting the ordinances that prohibit, limit, or restrict all night parking or parking during the early morning hours, if signs, approximately 3 feet by 4 feet, and sufficiently legible as to be seen by an ordinarily observant person, giving notice of these ordinances relating to all night parking or parking during the early morning hours, are posted on highways at the corporate limits of the municipality. (5) A local authority, in providing by ordinance for the impounding of any motor vehicle parked contrary to a local ordinance, shall not require a bond or cash deposit by the owner of the motor vehicle in excess of $500.00 in order to recover the possession of the motor vehicle pending final adjudication of the case. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1952, Act 254, Eff. Sept. 18, 1952 ;-- Am. 1955, Act 165, Imd. Eff. June 13, 1955 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 2016, Act 448, Eff. Jan. 5, 2018 ;-- Am. 2018, Act 440, Eff. Mar. 21, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.606a - Maintenance of Highway by State or Local Government; Duty; Immunity From Tort Liability; Exception.

Sec. 606a. (1) The state transportation department, a board of county road commissioners, a county board of commissioners, and a county, city, or village have no duty to maintain any highway under their jurisdiction in a condition reasonably safe and convenient for the operation of low-speed vehicles. (2) The state transportation department, a board of county road commissioners, a county board of commissioners, and a county, city, or village are immune from tort liability for injuries or damages sustained by any person

arising in any way out of the operation or use of a low-speed vehicle on maintained or unmaintained highways, shoulders, and rights-of-way over which the state transportation department, the board of county road commissioners, the county board of commissioners, or the county, city, or village has jurisdiction. The immunity provided by this subsection does not apply to actions which constitute gross negligence. Gross negligence is defined as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results. History:Add. 2000, Act 82, Eff. July 1, 2000

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.606b - On-Demand Automated Motor Vehicle Network; Operation.

Sec. 606b. (1) As provided in this act, an on-demand automated motor vehicle network may be operated on a highway, road, or street in this state. (2) A local unit of government shall not impose a local fee, registration, franchise, or regulation upon an on-demand automated motor vehicle network. This subsection does not apply after December 31, 2027. Nothing in this section limits local authority, or state authority over roads and rights-of-way, with respect to communications networks or facilities. History:Add. 2016, Act 332, Imd. Eff. Dec. 9, 2016 ;-- Am. 2022, Act 232, Imd. Eff. Dec. 13, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VI - Chapter VI Obedience to and Effect of Traffic Laws (257.601...257.750)Section 257.607 - Realty Owners' Regulation of Traffic on Private Property.

Sec. 607. Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use nor from requiring other or different or additional conditions than those specified in this act or otherwise regulating such use as may seem best to such owner. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIA - Chapter via Streetcars (257.790...257.793)Section 257.790 - Operation of Bicycle or Vehicle on Streetcar Track; Removal, Overtaking, and Passing; Requirements; Violation as Civil Infraction.

Sec. 790. (1) The driver of a bicycle or vehicle proceeding on a streetcar track in front of a streetcar shall remove the bicycle or vehicle from the streetcar track as soon as practicable after a signal from the operator of the streetcar. (2) If a streetcar has started to cross an intersection, the driver of a bicycle or vehicle shall not drive on or cross the streetcar track within the intersection in front of the streetcar. (3) The driver of a bicycle or vehicle, when overtaking and passing a streetcar, shall not turn in front of a streetcar so as to interfere with or impede the movement of the streetcar. (4) A person who violates this section is responsible for a civil infraction. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIA - Chapter via Streetcars (257.790...257.793)Section 257.791 - Use of Street Railway System or Streetcar; Prohibitions; Violation as Civil Infraction.

Sec. 791. (1) A person shall not do any of the following: (a) Board or attempt to board a streetcar for a purpose other than purchasing a streetcar fare, unless the person has purchased or is in the process of purchasing the fare or fare medium required by the street railway for the use of the street railway system. (b) Interfere with the collection or verification of a fare or fare medium for the use of a street railway system. (c) While on a streetcar or in a station that is part of a street railway system, fail to carry or refuse to provide on request by an officer, employee, or agent of a street railway or police officer, proof of payment of the fare required by the street railway for the use of the street railway system. (d) Aid another person in violating subdivision (a), (b), or (c). (2) A person who violates this section is responsible for a civil infraction. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIA - Chapter via Streetcars (257.790...257.793)Section 257.791a - Occupancy and Use of a Street Railway System Station; Violation as a Civil Infraction; "Shared Station" Defined.

Sec. 791a. (1) Subject to subsection (2), a person shall not enter, remain, occupy, or use a station that is part of a street railway system, including a shared station, for a purpose other than 1 or more of the following: (a) Waiting for or boarding the next arriving streetcar or other public transit vehicle at a shared station. (b) Disembarking from a streetcar or other public transit vehicle at a shared station. (c) Purchasing a fare or fare medium for the use of the street railway system or other public transit system. (d) Performing an activity that the person is licensed to perform or is authorized to perform under a state permit. (e) Waiting for up to 10 minutes for another passenger to disembark from a streetcar. (2) A person violates subsection (1) only after remaining, occupying, or using the station for a period of time that exceeds the period of time necessary for the person to engage in an activity described in subsection (1)(a) to (e). (3) A person who violates this section is responsible for a civil infraction. (4) As used in this section, "shared station" means a station that is part of a street railway system and that is used by both a street railway and a public transit provider pursuant to an agreement between the street railway and the public transit provider. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIA - Chapter via Streetcars (257.790...257.793)Section 257.791b - Smoking Prohibited Within or on Streetcar or Station; Violation as Civil Infraction.

Sec. 791b. (1) A person shall not smoke any substance, use an e-cigarette, carry lighted tobacco, or spit within or on a streetcar or station that is a part of a street railway system. (2) A person who violates this section is responsible for a civil infraction. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIA - Chapter via Streetcars (257.790...257.793)Section 257.791c - Animals, Other Than Service or Qualified Animals Prohibited on or in Streetcar or Station; Violation as Civil Infraction; Definitions.

Sec. 791c. (1) A person shall not bring, carry, or transport an animal other than a service animal or qualified animal on a streetcar or in any area of a station used by a street railway system. (2) A person who violates this section is responsible for a civil infraction. (3) As used in this section: (a) "Qualified animal" means an animal that is not more than 25 pounds and is controlled in a cage. (b) "Service animal" means that term as defined in section 502c of the Michigan penal code, 1931 PA 328, MCL 750.502c. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIA - Chapter via Streetcars (257.790...257.793)Section 257.791d - Food and Beverages Prohibited on or Within a Streetcar or Station; Exceptions; Violation as Civil Infraction.

Sec. 791d. (1) A person 2 years of age or older shall not eat, drink, or carry an open container of food or beverage on a streetcar or within a station that is part of a street railway system. (2) Subsection (1) does not restrict or otherwise prohibit a nursing mother from nursing her child. (3) A person who violates this section is responsible for a civil infraction. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIA - Chapter via Streetcars (257.790...257.793)Section 257.791e - Disposal of Garbage Prohibited on or in a Streetcar or Station; Violation as a Civil Infraction.

Sec. 791e. (1) A person shall not dispose of garbage, papers, gum, refuse, or another form of trash, on a streetcar or in a station that is part of a street railway system, except in receptacles designated for that purpose on the streetcar or in the station. (2) A person who violates this section is responsible for a civil infraction. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIA - Chapter via Streetcars (257.790...257.793)Section 257.791f - Oversized Baggage or Commercial Shopping Cart Prohibited on or Within a Streetcar or Station.

Sec. 791f. A person shall not bring or carry on a streetcar or into a station used by a street railway system either of the following: (a) A package or other object of a size that cannot be positioned in a manner that permits the passage of persons in the aisle of a streetcar or the entry and exit of persons through the doors of a streetcar, or both. (b) A commercial shopping cart. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIA - Chapter via Streetcars (257.790...257.793)Section 257.791g - Disruptive Conduct Prohibited; Live Music Permit; Violation as Civil Infraction.

Sec. 791g. (1) A person shall not engage in disruptive conduct that interferes with the operation or safe use of the street railway system, or negatively impacts the functions of officers, employees, or agents of the street railway, or of police officers. (2) A street railway system may issue a permit for a person to play live music within a station. A person with a permit issued under this subsection may play live music as provided in the permit. (3) A person who violates this section is responsible for a civil infraction. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIA - Chapter via Streetcars (257.790...257.793)Section 257.792 - Removal of Bicycle, Vehicle, Cargo, or Other Personal Property Blocking, Delaying, or Interfering With Movement of Streetcar; Liability; "Gross Negligence" Defined; Reimbursement by Owner or Carrier; Definitions.

Sec. 792. (1) If a street authority determines that a bicycle, vehicle, cargo, or other personal property is parked or standing on a street in a manner that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track, the street authority may immediately remove or cause to be removed the bicycle, vehicle, cargo, or personal property from the street to the nearest garage, storage facility, or other place of safety. If the street authority is a street railway, the street railway shall not remove a bicycle, vehicle, cargo, or personal property under this subsection without first obtaining authorization from a police officer or notifying a law enforcement agency. The street authority shall report the place to which a bicycle, vehicle, cargo, or personal

property is removed under this subsection to the nearest law enforcement agency as soon as practicable. (2) A street authority that removes or causes the removal of property under subsection (1), and any of the street authority's officers, employees, or agents, or anyone acting in good faith under subsection (1), and within the scope of, the authority conferred under subsection (1), is not liable for any damages or claims that may arise from the exercise or the failure to exercise any authority granted under subsection (1), except for an act or omission amounting to gross negligence. As used in this subsection, "gross negligence" means that term as defined in section 606a. (3) The owner or carrier, if any, of a bicycle, vehicle, cargo, or personal property removed pursuant to subsection (1) shall reimburse the street authority for all documented reasonable costs incurred in the removal, storage, and return. (4) As used in this section: (a) "Law enforcement agency" means any of the following: (i) The department of state police. (ii) The county sheriff's office. (iii) The police department of a local unit of government. (iv) The transit police unit of a public body corporate created pursuant to an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, between a city and an authority under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426. (b) "Local unit of government" means a state university or college or a county, city, village, or township. (c) "Street authority" means a law enforcement agency or a street railway. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIA - Chapter via Streetcars (257.790...257.793)Section 257.793 - Powers, Immunities, and Authority of Law Enforcement Officers; Sworn Oath of Office; Monthly Uniform Crime Reports.

Sec. 793. (1) A law enforcement agency of a public body corporate described in section 792(4)(a)(iv) may grant to a law enforcement officer of that law enforcement agency the same powers, immunities, and authorities granted by law to a peace officer and a police officer to detect crime and to enforce the criminal laws of this state and to enforce state laws, including this act, local ordinances, and any authorized ordinances and regulations of the public body corporate. A copy of the documentation of a grant of authority under this subsection must be filed with the Michigan commission on law enforcement standards created under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615. (2) A law enforcement agency described in subsection (1) may administer a sworn oath of office to a law enforcement officer of that law enforcement agency conferring the power upon the law enforcement officer to administer the general criminal laws of this state. (3) A law enforcement officer granted the authority of a peace officer and a police officer under subsections (1) and (2) is a peace officer of this state with the authority of a police officer of this state provided under this act and as provided under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69. (4) A law enforcement agency described in subsection (1) shall submit monthly uniform crime reports pertaining to crimes occurring within the law enforcement agency's jurisdiction to the department of state police in the manner provided under section 1 of 1968 PA 319, MCL 28.251. History:Add. 2021, Act 43, Imd. Eff. July 1, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-CERTIFICATE-OF-TITLE-DEALERS-LICENSE-AND-LIENS - Certificate of Title, Dealer's License and Liens (257.806...257.810b)Section 257.806 - Certificate of Title or Duplicate Certificate of Title; Fees; Special Expeditious Treatment; Additional Fee; Deposit in Transportation Administration Collection Fund; Special Identifying Number; Payment and Disposition of Tire Disposal Surcharge.

Sec. 806. (1) Until October 1, 2027, an applicant for a certificate of title required by this act or an applicant for a duplicate of a certificate of title shall accompany the application with a fee of $10.00. An applicant that requests that the application be given special expeditious treatment shall accompany the application with an additional fee of $5.00. The secretary of state shall collect a $3.00 service fee, in addition to the other fees collected under this subsection, for each title issued and shall deposit the fee in the transportation administration collection fund created under section 810b through October 1, 2027. Until October 1, 2027, the $5.00 expeditious treatment fee must be deposited into the transportation administration collection fund created under section 810b. (2) An applicant for a special identifying number under section 230 shall accompany the application with a fee of $10.00. (3) In addition to paying the fees required by subsection (1), until December 31, 2027, each person that applies for a certificate of title, a salvage vehicle certificate of title, or a scrap certificate of title under this act shall pay a tire disposal surcharge of $1.50 for each certificate of title or duplicate of a certificate of title that person receives. The secretary of state shall deposit money received under this subsection into the scrap tire regulatory fund created in section 16908 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16908. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1969, Act 93, Imd. Eff. July 24, 1969 ;-- Am. 1978, Act 492, Imd. Eff. Dec. 1, 1978 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 1990, Act 148, Eff. Jan. 1, 1991 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994 ;-- Am. 1995, Act 267, Imd. Eff. Jan. 8, 1996 ;-- Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001 ;-- Am. 2001, Act 268, Imd. Eff. Jan. 11, 2002 ;-- Am. 2002, Act 497, Eff. Oct. 1, 2002 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2005, Act 141, Imd. Eff. Sept. 29, 2005 ;-- Am. 2005, Act 179, Eff. Oct. 20, 2005 ;-- Am. 2006, Act 526, Imd. Eff. Dec. 29, 2006 ;-- Am. 2007, Act 70, Imd. Eff. Sept. 30, 2007 ;-- Am. 2008, Act 281, Imd. Eff. Sept. 29, 2008 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 70, Eff. Oct. 1, 2015 ;-- Am. 2015, Act 78, Eff. Oct. 1, 2015 ;-- Am. 2019, Act 88, Imd. Eff. Sept. 30, 2019 ;-- Am. 2023, Act 129, Imd. Eff. Sept. 29, 2023

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Sec. 807. (1) Except as provided in subsection (2), an applicant shall include with an application for a license under section 248 one of the following fees:Full year's license$160.00Half year's license (after June 30)80.00Multiple year license160.00per year.(2) An applicant shall include with an application for a used or secondhand vehicle parts dealer, an automotive recycler, or foreign salvage vehicle dealer license 1 of the following fees:Full year's license$160.00Half year's license (after June 30)80.00Multiple year license160.00per year. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994 ;-- Am. 1998, Act 384, Eff. Jan. 1, 1999 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023

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(257.801...257.821)300-1949-VII-CERTIFICATE-OF-TITLE-DEALERS-LICENSE-AND-LIENS - Certificate of Title, Dealer's License and Liens (257.806...257.810b)Section 257.808 - Liens on Motor Vehicles; Fees.

Sec. 808. Any application for the placement or discharge of a lien on a motor vehicle under section 238 shall be accompanied by a fee of $1.00. Beginning on February 19, 2019, the fee collected under this section shall be credited to the transportation administration collection fund created in section 810b. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1962, Act 143, Eff. Mar. 28, 1963 ;-- Am. 2018, Act 342, Eff. Jan. 14, 2019

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(257.801...257.821)300-1949-VII-CERTIFICATE-OF-TITLE-DEALERS-LICENSE-AND-LIENS - Certificate of Title, Dealer's License and Liens (257.806...257.810b)Section 257.809 - Application for Transfer of Registration; Fee; Payment of Difference in Fee; Deposit Into Transportation Administration Collection Fund.

Sec. 809. (1) An applicant to transfer the registration from a vehicle subject to section 801 to another vehicle subject to section 801 shall accompany the application with a transfer of registration fee of $10.00. If the registration plates are transferred to another vehicle, as provided in section 233, and if the registration plate fee for a 12-month registration for the vehicle to which the registration is transferred is greater than the registration plate fee paid upon registration of the vehicle from which the registration was removed, then, if applicable, in addition to the transfer of registration fee of $10.00, the secretary of state shall collect 1 of the registration difference fees as follows: (a) If the application for transfer of registration is accompanied by an application for a vehicle title indicating a transfer of vehicle ownership and the application for vehicle title indicates the vehicle ownership transfer is not exempt from use tax collection under section 3(3)(a) or 4bb of the use tax act, 1937 PA 94, MCL 205.93 and 205.94bb, then $5.00 must be collected. (b) If the vehicle to which the registration is being transferred has never previously been registered and the application for the last title issued was accompanied by a manufacturer certificate of origin, then $5.00 must be collected. (c) If the application for transfer of registration is not accompanied by an application for a vehicle title indicating a transfer of ownership, then the difference for the new registration must be collected. (2) If the registration plate fee for a 12-month registration for the vehicle to which the registration is transferred is less than the registration plate fee paid upon registration of the vehicle from which the registration was removed, the secretary of state shall collect a transfer of registration fee of $10.00 and a registration difference fee of $5.00 and shall not refund the difference. (3) Until October 1, 2027, a transfer of registration fee collected under this section must be deposited into the transportation administration collection fund created under section 810b. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1957, Act 90, Eff. Sept. 27, 1957 ;-- Am. 1962, Act 166, Eff. Mar. 28, 1963 ;-- Am. 1978, Act 62, Imd. Eff. Mar. 14, 1978 ;-- Am. 1979, Act 25, Imd. Eff. June 6, 1979 ;-- Am. 1984, Act 324, Imd. Eff. Dec. 26, 1984 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 2005, Act 141, Imd. Eff. Sept. 29, 2005 ;-- Am. 2007, Act 71, Imd. Eff. Sept. 30, 2007 ;-- Am. 2008, Act 280, Imd. Eff. Sept. 29, 2008 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 78, Eff. Oct. 1, 2015 ;-- Am. 2019, Act 88, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 102, Eff. Sept. 29, 2020 ;-- Am. 2023, Act 129, Imd. Eff. Sept. 29, 2023

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Sec. 810. Except as otherwise provided, all fees received and money collected under sections 801 to 809 shall be deposited in the state treasury and shall be credited to the Michigan transportation fund. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 55, Eff. Dec. 1, 1951 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003

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Sec. 810a. The secretary of state shall collect an assessment of 50 cents in connection with the issuance of a salvage vehicle certificate of title, a certificate of title, or beginning July 1, 1994 a scrap certificate of title. The assessment shall be collected in the same manner and at the same time as fees collected by the secretary of state pursuant to sections 217c and 806. Each assessment collected shall be deposited in a vehicle theft prevention account to be expended for purposes of developing a vehicle theft prevention program, including the administration, inspection, and enforcement of antitheft procedures, as described in this act. History:Add. 1988, Act 255, Eff. Oct. 1, 1989 ;-- Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992 ;-- Am. 1993, Act 300, Eff. Jan. 1, 1994

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Sec. 810b. (1) The transportation administration collection fund is created within the state treasury. (2) The state treasurer may receive money from the collections authorized under this act for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. (3) Money in the fund at the close of the fiscal year shall not lapse into the Michigan transportation fund. (4) Except as provided in subsection (6), upon appropriation, the department of state shall expend money from the fund that is credited to the fund from revenue collected under sections 801 to 810 only to pay the necessary collection expenses incurred by the department of state in the administration and enforcement of sections 801 to 810. (5) The department of treasury shall expend money in the fund, upon appropriation, only to defray the costs of collecting motor fuel taxes. (6) The department of state shall expend money as appropriated from the fund that is credited to the fund on or after October 1, 2005 under each of the following sections of law to pay either the necessary collection of expenses incurred by the department of state in the administration and enforcement of sections 801 to 810 or other necessary expenses: (a) Sections 208b and 232. (b) Section 7 of 1972 PA 222, MCL 28.297. (c) Sections 80130, 80315, 81114, and 82156 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80130, 324.80315, 324.81114, and 324.82156. (7) The department of state shall, by January 1 of each year, file a report with the secretary of the senate and the clerk of the house of representatives providing an itemized list of deposits into and expenditures from the fund for the preceding fiscal year. (8) The state transportation department shall review all funds received by the state transportation department from funding sources provided for under this act to determine whether those funds can be used to leverage additional federal funds. History:Add. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 52, Eff. May 1, 2004 ;-- Am. 2005, Act 141, Imd. Eff. Sept. 29, 2005 ;-- Am. 2006, Act 549, Imd. Eff. Dec. 29, 2006 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009

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Sec. 811. (1) An application for an original operator's or an original or renewal chauffeur's license as provided in sections 307 and 312 and an application for an original minor's restricted license as provided in section 312 must be accompanied by the following fees:Operator's license$25.00Chauffeur's license35.00Minor's restricted license25.00The renewal fee for an operator's license renewed under this section is $18.00. Except as otherwise provided in subsections (4) and (5), if an operator's license is expired at the time of the renewal, the fee is the same as the original fee. The date of an application for a renewal of an operator's license under this section that is delivered to the secretary of state by regular mail is the postmark date in determining the fee to be assessed. (2) The secretary of state shall deposit the money received and collected under subsection (1) in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau $2.50 for each applicant examined for an original license, $1.00 for each applicant examined for an original chauffeur's license, and $1.00 for every other applicant examined, if the application is not denied and the money refunded is paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act. The state treasurer shall deposit the sum of $4.00 in the traffic law enforcement and safety fund created in section 819a for each person examined for an original license, a renewal operator's license, an original chauffeur's license, or a renewal chauffeur's license, except that the sum deposited for each 2-year operator's or 2-year chauffeur's license is $2.00. (3) Notwithstanding sections 306 and 308, an operator's license must not be issued to an individual under 18 years of age unless that person successfully passes a driver education course and examination given by a driver education provider that has been certified to provide teen driver training under the driver education provider and instructor act, 2006 PA 384, MCL 256.621 to 256.705. An

individual who has been a holder of a motor vehicle operator's license issued by any other state, territory, or possession of the United States, or any other sovereignty for 1 year immediately before application for an operator's license under this act is not required to comply with this subsection. Restricted licenses may be issued under section 312 without compliance with this subsection. (4) A person who is on active military service at the time his or her operator's license expires shall be charged the renewal rate for renewing his or her operator's license under this section if all of the following apply: (a) He or she applies for renewal within 30 days of returning to this state from active duty. (b) He or she held a valid, unexpired operator's license from this state immediately prior to leaving this state for active military service. (c) He or she presents such documentation as the secretary of state requires to establish eligibility under this subsection. (5) Notwithstanding any other provision of this act, both of the following apply: (a) The secretary of state shall not assess a late renewal fee for a document described under section 301(6), 306(1), (2), (4), or (6), 306a(4), 309(11), 312k(1), or 314(7) that expires after March 31, 2021 but before August 1, 2021 and is renewed within 120 days of the date of the expiration. (b) The secretary of state shall, upon an applicant's request, reimburse a late renewal fee assessed and collected for a document described under section 301(6), 306(1), (2), (4), or (6), 306a(4), 309(11), 312k(1), or 314(7) that expires after March 31, 2021 but before August 1, 2021 and is renewed within 120 days of the date of the expiration. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 215, Eff. Oct. 2, 1953 ;-- Am. 1955, 1st Ex. Sess., Act 1, Imd. Eff. Nov. 10, 1955 ;-- Am. 1957, Act 235, Imd. Eff. June 6, 1957 ;-- Am. 1958, Act 217, Eff. Sept. 13, 1958 ;-- Am. 1959, Act 260, Eff. Mar. 19, 1960 ;-- Am. 1966, Act 327, Eff. Jan. 1, 1967 ;-- Am. 1967, Act 302, Eff. Sept. 1, 1967 ;-- Am. 1970, Act 124, Imd. Eff. July 23, 1970 ;-- Am. 1972, Act 244, Imd. Eff. Aug. 3, 1972 ;-- Am. 1975, Act 122, Imd. Eff. July 1, 1975 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1980, Act 308, Imd. Eff. Dec. 4, 1980 ;-- Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987 ;-- Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990 ;-- Am. 1991, Act 193, Imd. Eff. Dec. 30, 1991 ;-- Am. 1992, Act 235, Imd. Eff. Oct. 22, 1992 ;-- Am. 1996, Act 387, Eff. Apr. 1, 1997 ;-- Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 71, Imd. Eff. Apr. 20, 2004 ;-- Am. 2006, Act 589, Imd. Eff. Jan. 3, 2007 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021Compiler's Notes:Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."Admin Rule:R 388.301 et seq. of the Michigan Administrative Code.

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Sec. 811a. (1) A motorcycle safety course required under section 312b conducted by a college or university, an intermediate school district, a local school district, a law enforcement agency, or any other governmental agency located in this state shall be conducted under this section. (2) Except for motorcycle safety courses conducted under section 811b, an applicant for a motorcycle safety course shall pay not more than a $50.00 course fee. The course fees shall be used only for funding the administration and implementation of the motorcycle safety education program. (3) The secretary of state is responsible for the establishment and administration of motorcycle safety courses and shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, regarding teacher qualifications, reimbursement procedures, the establishment of the courses, and other requirements under this section. (4) The secretary of state shall designate a person to be the state coordinator of the motorcycle safety education program. The person designated under this subsection shall successfully complete a motorcycle safety rider coach course before being designated. (5) The position of state coordinator of the motorcycle safety education program shall be funded by the motorcycle safety fund. (6) The secretary of state shall designate a person who has successfully completed a motorcycle safety rider coach course to perform annual inspections of motorcycle course sites. (7) An 8-hour motorcycle safety course that meets the standards established by the secretary of state may be offered to an applicant who has passed a motorcycle operator skill test that has been approved by the secretary of state. Successful completion of a motorcycle safety course under this subsection shall fulfill the waiver requirement of section 312b. (8) An audit of the motorcycle safety fund shall be conducted by the office of the auditor general to determine compliance with the requirements of this act with regard to the collection and expenditure of fees authorized under this section. A copy of this audit shall be transmitted to the legislature upon completion. History:Add. 1982, Act 187, Eff. Jan. 1, 1984 ;-- Am. 1987, Act 85, Imd. Eff. June 29, 1987 ;-- Am. 1992, Act 59, Imd. Eff. May 20, 1992 ;-- Am. 2003, Act 103, Eff. Oct. 1, 2003 ;-- Am. 2016, Act 22, Eff. May 23, 2016Compiler's Notes:Effective dates of MCL 257.312b(2) and of 257.811a(3): Section 2 of Act 187 of 1982 provides:“(1) Except as provided in subsection (2), this amendatory act shall take effect January 1, 1984.“(2) Sections 312b(2) and 811a(3) shall take effect July 1, 1982.”Admin Rule:R 257.1701 et seq. of the Michigan Administrative Code.

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***** 257.811aa THIS SECTION IS REPEALED BY ACT 81 OF 2024 EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 811aa. (1) The secretary of state shall develop under section 811e and issue under section 811f a fund-raising plate recognizing sickle cell anemia education and treatment. The secretary of state in conjunction with the Sickle Cell Disease Association of America, Inc., Michigan Chapter, shall design the fund-raising plate authorized in this section. (2) The sickle cell anemia awareness fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year must remain in the fund and must not lapse to the general fund. The state treasurer shall be the administrator of the fund for auditing purposes. (3) The secretary of state shall transfer the donation money from the sale of fund-raising plates recognizing sickle cell anemia education and treatment to the state treasurer, who shall credit the donation money to the fund established under subsection (2). (4) The state treasurer shall disburse money in the fund established under subsection (2) on a quarterly basis to the Sickle Cell Disease Association of America, Inc., Michigan Chapter. History:Add. 2020, Act 299, Eff. Mar. 29, 2021

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Sec. 811b. (1) A motorcycle safety course required in section 312b may be conducted by a private business enterprise. (2) The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide standards for the establishment and regulation of motorcycle safety courses conducted under this section. (3) An 8-hour motorcycle safety course that meets the standards established by the secretary of state may be offered to an applicant who has passed a motorcycle operator skill test which has been approved by the secretary of state. Successful completion of a motorcycle safety course under this subsection shall fulfill the waiver requirement of section 312b. History:Add. 1987, Act 85, Imd. Eff. June 29, 1987 ;-- Am. 2003, Act 103, Eff. Oct. 1, 2003

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Sec. 811bb. (1) No later than September 1, 2015, the secretary of state shall develop and may issue a fund-raising plate or collector plate recognizing Michigan veterans. A fund-raising plate or collector plate developed under this section shall be of a design as determined by the secretary of state. The secretary of state shall transfer fund-raising donations for plates recognizing Michigan veterans collected under sections 811f and 811g to the state treasurer, who shall disburse the donation money to the Michigan veterans engagement fund established under this section. (2) The Michigan veterans engagement fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. The Michigan veterans affairs agency shall be the administrator of the fund for auditing purposes. (3) Money in the Michigan veterans engagement fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (4) The state treasurer shall disburse money in the Michigan veterans engagement fund on a monthly basis to the Michigan veterans affairs agency, which shall expend the money for outreach activities, including, but not limited to, education on the mental effects of war, post-traumatic stress disorder, and other service-related disabilities, with county veteran service offices, organizations providing local veteran services, or other veteran service providers. However, the Michigan veterans affairs agency shall dedicate at least 25% of the money disbursed under this subsection for tuition support for members of the Michigan national guard or the children of veterans tuition grant program created under the children of veterans tuition grant act, 2005 PA 248, MCL 390.1341 to 390.1346, at the discretion of the adjutant general of the Michigan national guard. The Michigan veterans affairs agency may spend up to 15% of the money received each month under this subsection on administrative expenses. History:Add. 2014, Act 490, Eff. Mar. 31, 2015

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Sec. 811cc. (1) No later than August 1, 2019, the secretary of state shall develop under section 811e and issue under section 811f a fund-raising plate or collector plate recognizing the Detroit Red Wings. The fund-raising plate or collector plate authorized in this section shall bear an appropriate logo, the design of which the Detroit Red Wings shall submit to the secretary of state. (2) The Detroit Red Wings fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (3) The secretary of state shall transfer the donation money from the sale of fund-raising plates recognizing the Detroit Red Wings to the state treasurer, who shall credit the donation money to the Detroit Red Wings fund

established under subsection (2). (4) The state treasurer shall disburse money in the fund established under subsection (2) on a quarterly basis to the Detroit Red Wings Foundation. (5) The state treasurer shall be the administrator of the fund created in subsection (2) for auditing purposes. (6) Money disbursed to the Detroit Red Wings Foundation under this section shall be distributed to eligible nonprofit organizations that are exempt from taxation under section 501(c)(3) of the internal revenue code, 26 USC 501. History:Add. 2018, Act 326, Eff. Sept. 30, 2018

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Sec. 811d. (1) As used in this chapter: (a) "Fund-raising plate" means a registration plate authorized to raise funds for a specified goal. (b) "Collector plate" means a collector plate that matches any registration plate developed and issued under this act. (c) "Nonprofit" means that which is exempt from taxation under section 501(c)(3) of the internal revenue code, 26 USC 501. (d) "Transportation administration collection fund" means the fund created under section 810b. (2) A fund-raising plate shall contain all of the following as prescribed or approved by the secretary of state: (a) The same generic background. (b) Letters and numbers. (c) The word "Michigan" and any other unique identifier specified by the secretary of state. (d) A design or logo. (3) If the design or logo of a fund-raising plate uses 1 or more designs, trade names, trademarks, service marks, emblems, symbols, or other images that are owned by a Michigan university or other person, the Michigan university or other person shall grant to or obtain for the secretary of state both of the following pursuant to a written agreement between the parties: (a) A nonexclusive worldwide license to use those designs, trade names, trademarks, service marks, emblems, symbols, or other images on and in conjunction with the marketing, promotion, sale, or copyrighting of the registration plate or image of the fund-raising plate. (b) The authority to merchandise the fund-raising plate or an image of the fund-raising plate. (4) In using or employing a design, trade name, trademark, service mark, emblem, symbol, logo, or other image on and in conjunction with the marketing, promotion, sale, copyrighting, or merchandising of a fund-raising plate or image of the fund-raising plate, the secretary of state may alter the size of the design, trade name, trademark, service mark, emblem, symbol, logo, or other image but shall not change the color or design of the design, trade name, trademark, service mark, emblem, symbol, logo, or other image without the prior written consent of the respective Michigan university or other person. The secretary of state shall not use or employ a design, trade name, trademark, service mark, emblem, symbol, logo, or other image on and in conjunction with the marketing, promotion, sale, copyrighting, or merchandising of a fund-raising plate or an image of the fund-raising plate in any manner that is offensive to the Michigan university or other person that owns the design, trade name, trademark, service mark, emblem, symbol, logo, or other image that is the subject of a written agreement under subsection (3). History:Add. 2000, Act 77, Eff. Oct. 1, 2000 ;-- Am. 2005, Act 317, Imd. Eff. Dec. 27, 2005 ;-- Am. 2006, Act 562, Eff. Jan. 1, 2007

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Sec. 811dd. (1) No later than August 1, 2019, the secretary of state shall develop under section 811e and issue under section 811f a fund-raising plate or collector plate recognizing the Detroit Tigers. The fund-raising plate or collector plate authorized in this section shall bear an appropriate logo, the design of which the Detroit Tigers shall submit to the secretary of state. (2) The Detroit Tigers fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (3) The secretary of state shall transfer the donation money from the sale of fund-raising plates recognizing the Detroit Tigers to the state treasurer, who shall credit the donation money to the Detroit Tigers fund established under subsection (2). (4) The state treasurer shall disburse money in the fund established under subsection (2) on a quarterly basis to the Detroit Tigers Foundation. (5) The state treasurer shall be the administrator of the fund created in subsection (2) for auditing purposes. (6) Money disbursed to the Detroit Tigers Foundation under this section shall be distributed to eligible nonprofit organizations that are exempt from taxation under section 501(c)(3) of the internal revenue code, 26 USC 501. History:Add. 2018, Act 326, Eff. Sept. 30, 2018

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Sec. 811e. (1) The secretary of state may develop a fund-raising plate as provided in this section. (2) A start-up fee in an amount equal to a 3-year average of the cost to the secretary of state of developing a new fund-raising plate, as calculated by the secretary of state on January 1 of each year, shall be paid for any new fund-raising plate authorized under this section. The secretary of state shall discount the start-up fee to reflect any cost savings realized by the secretary of state if multiple new fund-raising plates are developed at the same time. The secretary of state shall use the 3 most recent preceding years in which it developed at least 1 fund-raising plate when calculating the 3-year average required by this subsection. The secretary of state shall deposit the fee in the transportation administration collection fund to be used for the cost of creating, producing, and issuing fund-raising plates. If the fee

described in this subsection is not paid within 18 months after the effective date of the public act that authorizes the development and issuance of a fund-raising plate, the secretary of state shall not create, produce, or issue the related fund-raising plate. A start-up fee paid under this subsection is nonrefundable. (3) Not less than 3 years after the secretary of state first issues 1 of the fund-raising plates as described in subsection (1) and upon payment of $2,000.00, the Michigan university or other person sponsoring that fund-raising plate may redesign it as approved by the secretary of state. The secretary of state shall deposit the payment required under this subsection in the transportation administration collection fund created under section 810b to be used for the cost of creating, producing, and issuing fund-raising plates. A payment under this subsection is nonrefundable. (4) The secretary of state may develop 1 or more limited term registration plates to recognize a Michigan university or an accomplishment or occasion of a Michigan university. (5) Subject to section 811h(5), the secretary of state may, at any 1 time, develop, produce, issue, or make available for sale not more than 20 different fund-raising plates as described in this section, and matching collector plates as described in section 811g. This subsection does not apply to a plate described in subsection (4). (6) The secretary of state shall not develop or issue a fund-raising plate unless a public act authorizing the fund-raising plate, at a minimum, does all of the following: (a) Identifies the purpose of the fund-raising plate. (b) Creates a nonprofit fund or designates an existing nonprofit fund to receive the money raised through the sale of fund-raising plates and matching collector plates. A nonprofit fund described in this subdivision shall not expend money received from the sale of a fund-raising plate and matching collector plate outside of this state. (c) If a fund is created, names the person or entity responsible for administering the fund. (7) The 2016 amendatory act that amended this section and section 811h shall be known and may be cited as the "Peter A. Pettalia Memorial Act". History:Add. 2000, Act 77, Eff. Oct. 1, 2000 ;-- Am. 2001, Act 124, Imd. Eff. Oct. 12, 2001 ;-- Am. 2006, Act 562, Eff. Jan. 1, 2007 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 66, Eff. Jan 1, 2012 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 78, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 327, Eff. Feb. 28, 2017 ;-- Am. 2018, Act 326, Eff. Sept. 30, 2018

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Sec. 811ee. (1) No later than August 1, 2019, the secretary of state shall develop under section 811e and issue under section 811f a fund-raising plate or collector plate recognizing the Detroit Lions. The fund-raising plate or collector plate authorized in this section shall bear an appropriate logo, the design of which the Detroit Lions shall submit to the secretary of state. (2) The Detroit Lions fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (3) The secretary of state shall transfer the donation money from the sale of fund-raising plates recognizing the Detroit Lions to the state treasurer, who shall credit the donation money to the Detroit Lions fund established under subsection (2). (4) The state treasurer shall disburse money in the fund established under subsection (2) on a quarterly basis to the Detroit Lions Charities. (5) The state treasurer shall be the administrator of the fund created in subsection (2) for auditing purposes. (6) Money disbursed to the Detroit Lions Charities under this section shall be distributed to eligible nonprofit organizations that are exempt from taxation under section 501(c)(3) of the internal revenue code, 26 USC 501. History:Add. 2018, Act 326, Eff. Sept. 30, 2018

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Sec. 811f. (1) The secretary of state may, upon application, issue 1 fund-raising plate instead of a standard registration plate to a person for use on a passenger motor vehicle, motor home, pickup truck, or van. (2) A person may be issued a fund-raising plate for use on a vehicle under this act by applying to the secretary of state under section 217. The applicant must accompany an application for an original fund-raising plate by a $25.00 fund-raising donation, payment of the regular vehicle registration tax prescribed under this act, and a $10.00 service fee. The applicant must accompany an application for renewal of a fund-raising plate by payment of the vehicle registration tax required under section 801 and a $10.00 fund-raising donation. The applicant must accompany an application for a replacement fund-raising plate with payment of only the fee prescribed under section 804. (3) The secretary of state may issue a personalized fund-raising plate upon application and the payment of the personalized registration plate fee prescribed under section 803b in addition to the fees and donations prescribed under subsection (2) and the regular vehicle registration tax prescribed under this act. (4) A disabled person who applies for a fund-raising plate under this section and who pays the required service fees shall be issued, as determined by the secretary of state, a disabled person's plate as provided in section 803d for his or her fund-raising plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. (5) A fund-raising plate expires as provided in section 226. The secretary of state may issue a tab or tabs designating the month and year of expiration for an original or renewal fund-raising plate. (6) The secretary of state may issue a temporary registration permit to a person who submits an application and the proper fees and donation for a fund-raising plate, if the applicant's current vehicle registration will expire before his or her receipt of a fund-raising plate. The temporary registration expires upon the applicant's receipt of a fund-raising plate or upon the expiration of 60 days after the date of issuance, whichever occurs first. The secretary of state shall issue the temporary permit without a separate fee.

History:Add. 2000, Act 77, Eff. Oct. 1, 2000 ;-- Am. 2006, Act 562, Eff. Jan. 1, 2007 ;-- Am. 2017, Act 234, Eff. Feb. 19, 2019

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Sec. 811ff. (1) No later than August 1, 2019, the secretary of state shall develop under section 811e and issue under section 811f a fund-raising plate or collector plate recognizing the Detroit Pistons in this state. The fund-raising plate or collector plate authorized in this section shall bear an appropriate logo, the design of which the Detroit Pistons shall submit to the secretary of state. (2) The Detroit Pistons fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (3) The secretary of state shall transfer the donation money from the sale of fund-raising plates recognizing the Detroit Pistons to the state treasurer, who shall credit the donation money to the Detroit Pistons fund established under subsection (2). (4) The state treasurer shall disburse money in the fund established under subsection (2) on a quarterly basis to the Come Together Foundation. (5) The state treasurer shall be the administrator of the fund created in subsection (2) for auditing purposes. (6) Money disbursed to the Come Together Foundation under this section shall be distributed to eligible nonprofit organizations that are exempt from taxation under section 501(c)(3) of the internal revenue code, 26 USC 501. History:Add. 2018, Act 326, Eff. Sept. 30, 2018

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Sec. 811g. (1) Except as otherwise provided in this act, the secretary of state may develop, market, promote, and sell a collector plate. However, the secretary of state shall only develop, market, and promote a collector plate with funds available from the collection of service fees under this chapter. (2) A collector plate shall not be attached to a motor vehicle in a manner prescribed in section 225. A collector plate may be used on a vehicle in any lawful manner, including, but not limited to, being displayed on the front bumper of a vehicle. (3) A person may purchase 1 or more collector plates by making payment to the secretary of state of the $10.00 service fee and a $25.00 fund-raising donation. (4) The secretary of state may, as determined necessary by the secretary of state, cease to sell a collector plate. History:Add. 2000, Act 77, Eff. Oct. 1, 2000 ;-- Am. 2006, Act 562, Eff. Jan. 1, 2007

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Sec. 811h. (1) The secretary of state shall credit each service fee collected under sections 811f and 811g to the transportation administration collection fund created under section 810b. (2) The secretary of state shall identify and segregate the fund-raising donations collected under sections 811f and 811g into separate accounts. The secretary of state shall create a separate account for each fund-raising plate and its matching collector plate issued or sold by the secretary of state. (3) As determined necessary by the secretary of state but not more than 45 days after the end of each calendar quarter, the secretary of state shall not less than once each calendar quarter authorize the disbursement of fund-raising donations segregated under subsection (2) and, independent from any disbursement under subsection (2), report the number of each type of fund-raising and collector plates issued, sold, or renewed to the following, as appropriate: (a) The treasurer of a Michigan university. (b) The person or entity identified in a public act described in section 811e to administer a state-sponsored fund-raising registration plate fund. (c) The sponsor of a fund-raising plate issued as prescribed under section 811e that was developed and issued after January 1, 2007. (4) A fund-raising plate shall meet or exceed the following sales goals: (a) In the first year, 2,000 plates. (b) In the second and each subsequent year for 5 years, 500 original plates. (c) For each subsequent consecutive 2-year period after the 5-year period described in subdivision (b), 500 original plates. (5) Except as otherwise provided in this subsection, the secretary of state shall cease to issue a fund-raising plate or to issue a duplicate replacement of a fund-raising plate for use on a vehicle if that fund-raising plate fails to meet a sales goal described in subsection (4). The secretary of state shall not cease to issue a fund-raising plate that was available for sale on February 1, 2017 and that failed to meet a sales goal described in subsection (4) if the failure occurred before February 1, 2017. The secretary of state shall also cease to sell a collector plate that matches the discontinued fund-raising plate. However, the secretary of state may continue to renew fund-raising plates already issued and collect the renewal fund-raising donation for those plates. (6) The state of Michigan, through the secretary of state, shall own all right, title, and interest in all fund-raising plates and collector plates, including the right to use, reproduce, or distribute a fund-raising or collector plate or the image of a fund-raising or collector plate in any form. The secretary of state may authorize the commercial or other use of a fund-raising or collector plate design, logo, or image if written consent is obtained from the pertinent Michigan university or other person that sponsored a fund-raising plate. However, the secretary of state shall not authorize the commercial or other use of a fund-raising or collector plate under this section unless the user first agrees in writing to the terms and conditions that the secretary of state considers necessary. Those terms and conditions may include the payment of royalty fees to 1 or more of the following: (a) This state. (b) A Michigan university. (c) Another person that sponsored a

fund-raising plate. (7) The secretary of state shall credit a royalty fee paid to this state under a written agreement described in subsection (6) to the transportation administration collection fund created under section 810b. (8) Beginning not later than February 1, 2007, and annually after that, an organization receiving fund-raising donations disbursed under this section shall report to the state treasurer. A report under this subsection shall include a summary of expenditures during the preceding year of the money received under this section. History:Add. 2000, Act 77, Eff. Oct. 1, 2000 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2006, Act 562, Eff. Jan. 1, 2007 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 78, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 327, Eff. Feb. 28, 2017 ;-- Am. 2018, Act 326, Eff. Sept. 30, 2018

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***** 257.811hh.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 811hh. (1) The secretary of state shall develop under section 811e and issue under section 811f a fund-raising plate recognizing sickle cell anemia education and treatment. The secretary of state, in conjunction with the Sickle Cell Disease Association of America, Inc., Michigan Chapter, shall design the fund-raising plate authorized in this section. (2) The sickle cell anemia awareness fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year must remain in the fund and must not lapse to the general fund. The state treasurer shall be the administrator of the fund for auditing purposes. (3) The secretary of state shall transfer the donation money from the sale of fund-raising plates recognizing sickle cell anemia education and treatment to the state treasurer, who shall credit the donation money to the fund established under subsection (2). (4) The state treasurer shall disburse money in the fund established under subsection (2) on a quarterly basis to the Sickle Cell Disease Association of America, Inc., Michigan Chapter. History:Add. 2024, Act 81, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811i - Plates Recognizing Water Quality; Collection of Donations; Creation of Water Quality Protection Fund; Definitions.

Sec. 811i. (1) Fund-raising plate donations collected for plates recognizing the water quality of this state under section 811f and collector plate fund-raising donations collected under section 811g shall be disbursed under section 811h by the secretary of state to the state treasurer, who shall credit the donation money to the water quality protection fund created under subsection (3). (2) The department of environmental quality shall establish and administer a "water quality protection fund grant program" and shall set policy and oversee this program. The program shall provide grants to local units of government for the purpose of protecting the water quality of the Michigan Great Lakes and inland lakes, rivers, and streams. The department of environmental quality may promulgate rules to implement this grant program under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (3) The water quality protection fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. Money from the fund shall be expended, upon appropriation, only for the purpose of protecting the water quality of the Michigan Great Lakes and inland lakes, rivers, and streams. (4) For purposes of this chapter, "local unit of government" means any of the following: (a) A county, city, village, or township. (b) An agency of a county, city, village, or township. (c) The office of a county drain commissioner. (d) A soil conservation district established under part 93 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.9301 to 324.9313. (e) A watershed council established under part 311 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.31101 to 324.31119. (f) A local health department as that term is defined in section 1105 of the public health code, 1978 PA 368, MCL 333.1105. (g) A community college or junior college established pursuant to section 7 of article VIII of the state constitution of 1963. (h) A 4-year institution of higher education, public or private, located in this state. (i) An authority or other public body created by or pursuant to state law. History:Add. 2000, Act 74, Eff. Mar. 28, 2001 ;-- Am. 2006, Act 562, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811ii.added - Michigan 4-H Fund-Raising Plate.

***** 257.811ii.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 811ii. The secretary of state shall develop under section 811e and issue under section 811f a fund-raising plate recognizing the Michigan 4-H. The secretary of state in conjunction with the Michigan 4-H shall design the fund-raising plates authorized in this section. The secretary of state shall transfer the donation money from the sale of the Michigan 4-H fund-raising plates to the state treasurer, who shall credit the donation money to the Michigan 4-H Foundation fund established in section 811jj. History:Add. 2024, Act 90, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811j - Children's Trust Fund-Raising Plate or Collector Plate; Collection of Donations.

Sec. 811j. (1) A fund-raising plate or collector plate recognizing children's trust shall be of a design as determined by the secretary of state after consultation with the state child abuse and neglect prevention board created in section 3 of the child abuse and neglect prevention act, 1982 PA 250, MCL 722.603. (2) Fund-raising donations for plates recognizing children's trust collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall credit the donation money to the children's trust fund created under section 1 of 1982 PA 249, MCL 21.171, for the support and benefit of the children of this state. History:Add. 2000, Act 71, Eff. Mar. 28, 2001 ;-- Am. 2006, Act 562, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811jj.added - Michigan 4-H Foundation Fund.

***** 257.811jj.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 811jj. (1) The Michigan 4-H Foundation fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year must remain in the fund and must not lapse to the general fund. The state treasurer is the administrator of the fund for auditing purposes. (2) The state treasurer shall disburse money in the fund established under subsection (1) on a quarterly basis to the Michigan 4-H Foundation. History:Add. 2024, Act 89, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811k - Michigan Lighthouse Preservation Grant Fund; Creation and Expenditure of Fund; Annual Accounting; Grant Awards; Transfer and Disposition of Collected Donations; "State Historic Preservation Office" Defined.

Sec. 811k. (1) The Michigan lighthouse preservation grant fund is created as a separate fund in the department of treasury. The fund shall be expended only as provided in this section. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. The state treasurer shall annually present to the state historic preservation office an accounting of the amount of money in the fund. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (2) The state historic preservation office shall administer the Michigan lighthouse preservation fund and may expend money from that fund through discretionary historical grants to preserve Michigan lighthouses. The state historic preservation office shall use not more than 10% of the funds for costs that occur from fund administration and grant project coordination. (3) The state historic preservation office may award grants under subsection (2) for the preparation of plans and specifications for restoration and stabilization and for stabilization, rehabilitation, or other preservation work on a Michigan lighthouse, but grants shall not be awarded for operational purposes. The state historic preservation office shall allocate grant funds pursuant to eligibility and scoring requirements established by the state historic preservation office. To award grants under this section, the state historic preservation office shall solicit applications from eligible recipients, score applications based on the established criteria, and award grants through executed contracts. All plans and work performed under a grant shall be consistent with the United States secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, 36 CFR part 67, historic preservation certifications. (4) Fund-raising donations for plates recognizing the historical lighthouses of this state under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall credit the donation money to the Michigan lighthouse preservation grant fund for the preservation of historic Michigan lighthouses. (5) As used in this section, "state historic preservation office" means the state historic preservation office of the Michigan state housing development authority. History:Add. 2000, Act 73, Eff. Mar. 28, 2001 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2012, Act 55, Eff. June 30, 2012Compiler's Notes:For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.For transfer of powers and duties of the state historic preservation office relating to the identification, certification, and preservation of historical sites from the Michigan state housing development authority to the Michigan strategic fund, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811l - Critical Nongame Wildlife Habitat Fund-Raising Plate and Collector Plate; Collection of Donations; Transfer and Disposition.

Sec. 811l. (1) A fund-raising plate or collector plate recognizing the critical nongame wildlife habitats of this state shall be of a design as determined by the secretary of state after consulting with the director of the department of natural resources. (2)

Fund-raising donations for plates described in subsection (1) collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall credit the donation money to the nongame fish and wildlife trust fund created under section 43902 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43902. History:Add. 2000, Act 70, Eff. Mar. 28, 2001 ;-- Am. 2006, Act 562, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811m - Plates Recognizing Michigan Veterans Memorial; Donations.

Sec. 811m. Fund-raising donations for plates recognizing the Michigan veterans memorial collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall credit the donation money to the Vietnam veterans memorial monument fund created in section 3 of the Michigan Vietnam veterans memorial act, 1988 PA 234, MCL 35.1053. These donations shall be used exclusively for the purposes described in sections 5 and 7 of the Michigan Vietnam veterans memorial act, 1988 PA 234, MCL 35.1055 and 35.1057. History:Add. 2006, Act 562, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811n - Agricultural Heritage; Fund-Raising Donations; Collection; Transfer and Disbursement.

Sec. 811n. Fund-raising donations for plates recognizing the agricultural heritage of this state collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall disburse the donation money to Michigan state university development, designated for the FFA vision2000 endowment fund, for the purpose of providing grants for agri-science, natural resources, and environmental K-12 educational programs. History:Add. 2000, Act 79, Eff. Mar. 28, 2001 ;-- Am. 2006, Act 562, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811o - American Pride; Design; Transfer and Disbursement; Proud to Be American Fund; Report.

Sec. 811o. (1) A fund-raising plate or collector plate recognizing American pride shall be of a design as determined by the secretary of state and contain the words "proud to be American" and "Michigan". Fund-raising donations for plates recognizing American pride collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall disburse the donation money to the proud to be American fund established under this section. (2) The proud to be American fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. (3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (4) The state treasurer shall disburse money in the fund on a monthly basis as follows: (a) Fifty percent to the American National Red Cross established under 36 USC 300101 as represented by the Michigan state service council. (b) Fifty percent to the Salvation Army. (5) The American National Red Cross and the Salvation Army shall expend the money received under this section for disaster preparedness and disaster relief in the United States of America. (6) The American National Red Cross and the Salvation Army shall annually report to the department of treasury an accounting of money received and used under this section. History:Add. 2006, Act 562, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811p - Olympic Education-Training Center; Design; Logo; Transfer and Disbursement.

Sec. 811p. (1) A fund-raising plate or collector plate recognizing the Olympic education-training center in this state shall bear an appropriate logo, the design of which the Olympic education-training center shall submit to the secretary of state. The secretary of state shall confer with the department of state police to ensure that the design will not compromise the ability of law enforcement agencies to accurately identify specific vehicles. (2) Registration plates bearing an Olympic education-training center logo shall not be a duplication of another registration plate. The Olympic education-training center shall comply with section 803m(2), (3)(c) and (d), and (4)(c) and (d). (3) Fund-raising donations for plates recognizing the Olympic education-training center collected under section 811f or 811g shall be transferred by the secretary of state to the state treasurer, who shall credit the funds to the Olympic education-training center fund. The money in the Olympic education-training center fund shall, upon appropriation, be distributed to the Olympic education-training center. History:Add. 2006, Act 562, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811q - Support for Our Troops; Design; Transfer and Disbursement; Support Our Troops Fund; Report.

Sec. 811q. (1) A fund-raising plate or collector plate recognizing support for our troops shall be of a design as determined by the secretary of state and contain the emblem or logo of Support Our Troops, Inc. of Michigan, displaying a soldier and a child and the words "support our troops" and "Michigan". Fund-raising donations for plates recognizing support for our troops collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall disburse the donation money to the support our troops fund established under this section. (2) The support our troops fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. (3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (4) The state treasurer shall disburse money in the fund on a monthly basis to Support Our Troops, Inc. of Michigan, which shall expend the money received under this section for troops and their families in accordance with its articles of incorporation. (5) Support Our Troops, Inc. of Michigan shall annually report to the department of treasury an accounting of money received and used under this section. (6) An application for a support our troops fund-raising or collector plate by a motor vehicle owner or lessee constitutes prior written consent and instruction by that owner or lessee to the secretary of state to provide the owner's or lessee's name and address to Support Our Troops, Inc. of Michigan. History:Add. 2006, Act 562, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811r - Fund-Raising Plate; Boy Scouts of America; Fund.

Sec. 811r. (1) The secretary of state shall develop under section 811e and issue under section 811f a fund-raising plate recognizing the boy scouts of America. The secretary of state in conjunction with the boy scouts of America shall design the fund-raising plates authorized in this section. (2) The boy scouts of America fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (3) The secretary of state shall transfer the donation money from the sale of fund-raising plates recognizing the boy scouts of America to the state treasurer, who shall credit the donation money to the boy scouts of America fund established under subsection (2). (4) The state treasurer shall disburse money in the fund established under subsection (2) on a quarterly basis to the boy scouts of America. History:Add. 2011, Act 66, Eff. Jan. 1, 2012

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811s - Thomas Daley Gift of Life Fund; Creation; Deposit of Money or Other Assets; Money Remaining at Close of Fiscal Year; Transfer; Administration for Auditing Purposes; Expenditures; "Fund" Defined.

Sec. 811s. (1) The Thomas Daley gift of life fund is created within the state treasury. (2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. (3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (4) Money in the organ and tissue donation education fund created in former section 217o shall be transferred to the fund. (5) The department of state shall be the administrator of the fund for auditing purposes. (6) The department of state shall expend money from the fund, upon appropriation, for the administration and maintenance of the state anatomical gift donor registry program under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. Any money remaining in the fund may be expended for the ongoing development and administration of the department of state's public information campaign concerning the Michigan organ donation program. (7) As used in this section, "fund" means the Thomas Daley gift of life fund created in subsection (1). History:Add. 2012, Act 55, Eff. June 30, 2012

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811t - Fund-Raising Plate Recognizing Anatomical Gift Donation.

Sec. 811t. (1) The secretary of state may issue a fund-raising plate recognizing anatomical gift donation. A fund-raising plate recognizing anatomical gift donation shall be of a design as determined by the secretary of state. Fund-raising donations for plates recognizing anatomical gift donation collected under section 811f shall be transferred under section 811h by the secretary of state to the state treasurer, who shall disburse the donation money to the Thomas Daley gift of life fund established in section 811s. (2) The fund-raising plate issued under subsection (1) may be referred to as the "John J. Gleason gift of life plate". History:Add. 2012, Act 54, Eff. June 30, 2012

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811v - Fund-Raising Plate and Matching Collector Plate; Ducks Unlimited.

Sec. 811v. No later than June 1, 2014, the secretary of state shall develop and may issue a fund-raising plate and a matching collector plate recognizing ducks unlimited. The words "ducks unlimited" shall be inscribed on the plates. The secretary of state

shall transfer the fund-raising donations received from the sale of the plates described in this section to the state treasurer, who shall credit the donation money to the ducks unlimited fund created under section 811w. History:Add. 2013, Act 6, Imd. Eff. Mar. 20, 2013

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811w - Ducks Unlimited Fund; Creation; Investment; Disbursement.

Sec. 811w. No later than June 1, 2014, the state treasurer shall create the ducks unlimited fund within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The department of treasury shall be the administrator of the fund for auditing purposes. The state treasurer shall disburse money in the fund on a quarterly basis to the Michigan chapter of ducks unlimited, incorporated. Except as otherwise provided in this section, the money disbursed to the Michigan chapter of ducks unlimited, incorporated shall only be expended to protect, enhance, restore, manage, and acquire wetlands and associated uplands in this state. A portion of the money disbursed to the Michigan chapter of ducks unlimited, incorporated may be used to fund education and outreach regarding wetlands conservation and to cover reasonable costs for advertising and administration. Money disbursed to the Michigan chapter of ducks unlimited, incorporated, under this section may only be expended in this state. History:Add. 2013, Act 7, Imd. Eff. Mar. 20, 2013

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811x - Fund-Raising Plate Recognizing Michigan Breast and Cervical Cancer Control Program.

Sec. 811x. No later than June 1, 2014, the secretary of state shall develop under section 811e and issue under section 811f a fund-raising plate recognizing the Michigan breast and cervical cancer control program. The secretary of state in conjunction with the Michigan breast and cervical cancer control program shall design the fund-raising plates authorized in this section. The secretary of state shall transfer the fund-raising donations received from the sale of the plates described in this section to the state treasurer, who shall credit the donation money as provided in section 811y. As used in this section, "Michigan breast and cervical cancer control program" means the breast and cervical cancer control program as defined in section 2 of the Amanda's fund for breast cancer prevention and treatment act, 2007 PA 134, MCL 333.26232. History:Add. 2013, Act 208, Eff. Mar. 14, 2014

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811y - Amanda's Fund for Breast Cancer Prevention and Treatment; Transfer of Donation Money From Sale of Fund-Raising Plates; Summary of Expenditures; "Michigan Breast and Cervical Cancer Control Program" Defined.

Sec. 811y. (1) The secretary of state shall transfer the donation money from the sale of fund-raising plates recognizing the Michigan breast and cervical cancer control program created under section 811x to the state treasurer, who shall deposit the money on a quarterly basis to Amanda's fund for breast cancer prevention and treatment as provided in the Amanda's fund for breast cancer prevention and treatment act, 2007 PA 134, MCL 333.26231 to 333.26237. (2) Beginning not later than February 1, 2014, the Michigan breast and cervical cancer control program shall submit to the state treasurer a summary of the expenditures during the preceding year of the money received under this section. (3) As used in this section, "Michigan breast and cervical cancer control program" means the breast and cervical cancer control program as defined in section 2 of the Amanda's fund for breast cancer prevention and treatment act, 2007 PA 134, MCL 333.26232. History:Add. 2013, Act 207, Eff. Mar. 14, 2014

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.811z - Fund-Raising Plate Recognizing Be the Match; Be the Match Fund; Creation; Transfer of Donation Money; Disbursement; State Treasurer as Administrator; Expenditure.

Sec. 811z. (1) No later than September 1, 2015, the secretary of state shall develop under section 811e and issue under section 811f a fund-raising plate recognizing be the match. The secretary of state shall design the fund-raising plates authorized in this section. (2) The be the match fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (3) The secretary of state shall transfer the donation money from the sale of fund-raising plates recognizing be the match to the state treasurer, who shall credit the donation money to the be the match fund created under subsection (2). (4) The state treasurer shall disburse money in the be the match fund created under subsection (2) on a quarterly basis to be the match. (5) The state treasurer shall be the administrator of the be the match fund created under subsection (2) for auditing

purposes. (6) Money from the be the match fund shall be expended on research, technology, patient support, and education regarding bone marrow donation and transplantation and the testing of new be the match registrants. History:Add. 2014, Act 390, Eff. Mar. 31, 2015

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-LICENSES - Licenses (257.811...257.812)Section 257.812 - Fee for Duplicate or Corrected License; Renewal.

Sec. 812. (1) Except as otherwise provided in subsection (2), for each duplicate license as provided in section 313, and for each correction of a license, a person may apply for renewal of the license and pay the renewal fee prescribed in this act or the person may, at his or her option and upon payment of the fee prescribed in this section, apply for a duplicate license which expires on the same date as the license which was lost, destroyed, mutilated, or became illegible. The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a license under this section. The fee for a duplicate chauffeur's license is $18.00. The fee for a duplicate operator's license is $9.00. A renewal fee shall not be charged for a change of address, a correction required to correct a department error, or, beginning January 1, 2007, to add or remove a heart insignia described in section 310. (2) Except with regard to a person who is less than 21 years of age or a person with a license containing a hazardous material indorsement, for each duplicate license as provided in section 313, and for each correction of a license, a person shall apply for renewal of the license and pay the renewal fee prescribed in this act if the license was due to expire within the next 12 months. Except as otherwise provided in this act, a license renewed under this subsection shall be renewed for the combined period of the time remaining on the license before its renewal and the 4-year renewal period. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1975, Act 122, Imd. Eff. July 1, 1975 ;-- Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987 ;-- Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2005, Act 142, Imd. Eff. Sept. 29, 2005

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-MISCELLANEOUS - Miscellaneous (257.813...257.821)Section 257.813 - Certified Copies of Records.

Sec. 813. For each page of a certified copy of a record as provided in section 207, paragraph (b) of chapter 2 of this act, $1.00. All money collected under this section shall be deposited to the credit of the general fund. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-MISCELLANEOUS - Miscellaneous (257.813...257.821)Section 257.814 - Use Tax; Collection; Disposition; Collection Upon Registration of Nonresident Vehicle in This State.

Sec. 814. (a) If it appears to the secretary of state that a motor vehicle was purchased by an applicant in a state other than this state, unless the applicant produces a certificate of title issued to the applicant under the laws of that state, or a certificate of registration or registered bill of sale issued under the laws of another state showing the applicant for a Michigan certificate of title to have resided in the state that issued the certificate of title, certificate of registration, or registered bill of sale, the secretary of state shall conduct an investigation of the purchase and sale and of the title to the motor vehicle. If the secretary of state is satisfied that the applicant is the owner of the motor vehicle, or is otherwise entitled to register the motor vehicle in the applicant's name, the secretary of state shall issue to the applicant an appropriate certificate of title under section 217. Before the secretary of state issues the certificate of title, the applicant shall attach to the application a statement showing the amount of use tax due upon the motor vehicle described in the application on a form prescribed by the state treasurer, together with the amount of the use tax due upon the motor vehicle, under the use tax act, 1937 PA 94, MCL 205.91 to 205.111. However, if the motor vehicle is exempt by law from the payment of use tax, no use tax shall be paid. (b) The secretary of state shall transmit the statement and the funds collected under subdivision (a) covering the payment of the use tax to the state treasurer. The secretary of state shall not issue a certificate of title for a motor vehicle until the requirements of this section are satisfied. An owner of a motor vehicle purchased outside of this state who paid the use tax to the secretary of state under this section is not required to comply with sections 6, 7, and 8 of the use tax act, 1937 PA 94, MCL 205.96, 205.97, and 205.98. (c) An owner of a motor vehicle purchased from a Michigan dealer in this state without application of sales tax due to an exemption under section 4a of the general sales tax act, 1933 PA 167, MCL 205.54a, who later by reason of storage or use is required to register the vehicle in this state shall pay a use tax at the time of registration, computed on the retail dollar value of a like vehicle, except when the motor vehicle is exempt from the use tax. The secretary of state shall use as his or her guide the retail dollar value from the current issue of any nationally recognized used vehicle guide for financial institution appraisal purposes in this state. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1962, Act 80, Imd. Eff. Apr. 24, 1962 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-MISCELLANEOUS - Miscellaneous (257.813...257.821)Section 257.815 - Application for Registration or for Transfer of License; Statement of Sales Tax Due; Form; Copies; Exemption; Certification; Transmitting Statement and Sales Tax Funds to Department of Treasury; Issuing

or Transferring Title or License Plates on Motor Vehicle Sold by Dealer; Conditions; Compensation for Collection of Sales Tax.

Sec. 815. (1) Each application for registration, or for a transfer of the license, of a motor vehicle, shall be accompanied by a statement showing the amount of the sales tax due upon the sale of the motor vehicle, on a form prescribed by the department of treasury, together with the amount of the sales tax due upon the sale under Act No. 167 of the Public Acts of 1933, as amended, being sections 205.51 to 205.78 of the Michigan Compiled Laws, and the statement shall be in triplicate, 1 copy to be retained by the dealer and 1 copy to be delivered to the purchaser, except if the sale of a motor vehicle is exempt by law from the payment of the sales tax, a tax shall not be paid. However, if the sale of a motor vehicle is exempt by law from the payment of the sales tax, a certification, on a form as the secretary of state shall prescribe, shall accompany the application for registration, signed and certified by the purchaser stating that the motor vehicle is exempt by law from the payment of the sales tax by virtue of the fact that the sale was an isolated transaction, pursuant to Act No. 167 of the Public Acts of 1933, as amended. (2) The secretary of state shall transmit the statement and the funds covering the payment of the sales tax to the department of treasury. The secretary of state shall not issue a title, license plates or transfer a title or license plates on a motor vehicle sold by a dealer until the requirements of this section regarding the payment of the sales tax have been complied with. A dealer of new or secondhand vehicles selling motor vehicles at retail paying the sales tax to the secretary of state pursuant to this section shall not be required to include the sale of the motor vehicles on the dealer's reports to the department of treasury nor pay the tax on the sale as required by Act No. 167 of the Public Acts of 1933, as amended. (3) The department of treasury shall determine and pay to the secretary of state reasonable compensation for the collection of the sales tax pursuant to this section. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-MISCELLANEOUS - Miscellaneous (257.813...257.821)Section 257.816 - Acceptance of Credit Cards for Payment of Tax or Fee.

Sec. 816. The secretary of state may accept a credit card, in lieu of cash or check, as payment of a tax or fee required under this act. The secretary of state shall determine which major credit cards may be accepted for payment. History:Add. 1986, Act 129, Imd. Eff. June 16, 1986

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Sec. 817. A manufacturer of automated technology is immune from civil liability for damages that arise out of any modification made by another person to a motor vehicle or an automated motor vehicle, or to any automated technology, as provided in section 2949b of the revised judicature act of 1961, 1961 PA 236, MCL 600.2949b. History:Add. 2013, Act 231, Eff. Mar. 27, 2014Compiler's Notes:Former MCL 257.817, which pertained to effective date for fee, charge, or tax increase, was repealed by Act 152 of 2003, Eff. Oct. 1, 2003.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-MISCELLANEOUS - Miscellaneous (257.813...257.821)Section 257.819 - Disposition and Use of Revenues From Increases in Fees.

Sec. 819. (1) Except as otherwise provided in this section, revenue from the increases in fees provided in 1987 PA 232 must be deposited in the transportation economic development fund established in section 2 of 1987 PA 231, MCL 247.902, and must not be appropriated for any other purpose in any act making appropriations of state funds. (2) For the fiscal year ending September 30, 1989, and each fiscal year thereafter, of the revenue from the increases in fees provided in 1987 PA 232, $2,500,000.00 must be deposited in the state treasury and credited to the general fund, except that not more than $1,000,000.00 must be credited to the gasoline inspection and testing fund established in section 8 of the motor fuels quality act, 1984 PA 44, MCL 290.648. (3) Except as provided in subsection (2), for the fiscal year ending September 30, 2008, of the revenue from the increases in fees provided in 1987 PA 232, $13,000,000.00 must be deposited in the state treasury and credited to the general fund. (4) Except as provided in subsection (2), for the fiscal year ending September 30, 2009, of prior and current revenues from the increases in fees provided in 1987 PA 232, $18,000,000.00 must be deposited in the state treasury and credited to the general fund and for the fiscal year ending September 30, 2010, $12,000,000.00 must be deposited in the state treasury and credited to the general fund. (5) Except as provided in subsection (2), for the fiscal year ending September 30, 2017, of the revenue from the increases in fees provided in 1987 PA 232, $9,423,700.00 must be deposited in the state treasury and credited to the general fund. (6) Except as provided in subsection (2), for the fiscal year ending September 30, 2020 only, of the revenue from the increases in fees provided in 1987 PA 232, $13,000,000.00 must be deposited in the state treasury and credited to the general fund. (7) Except as provided in subsection (2), for the fiscal year ending September 30, 2021 only, of the revenue from the increases in fees provided in 1987 PA 232, $13,000,000.00 must be deposited in the state treasury and credited to the general fund. History:Add. 1987, Act 232, Imd. Eff. Dec. 28, 1987 ;-- Am. 1990, Act 168, Imd. Eff. July 2, 1990 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008 ;-- Am. 2008, Act 346, Imd. Eff. Dec. 23, 2008 ;-- Am. 2009, Act 137, Imd. Eff. Nov. 4, 2009 ;-- Am. 2016, Act 280, Eff. Sept. 29, 2016 ;-- Am. 2020, Act 203, Imd. Eff. Oct. 15, 2020

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-MISCELLANEOUS - Miscellaneous (257.813...257.821)Section 257.819a - Traffic Law Enforcement and Safety Fund; Creation; Investment, Disposition, Transfer, and Expenditure of Money.

Sec. 819a. (1) The traffic law enforcement and safety fund is created within the state treasury. (2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. (3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (4) The director of the department of state police may transfer any amount in the fund to the trooper recruit school fund created under section 819b. (5) Except as otherwise provided in subsection (4), the department of state police shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes: (a) To enhance enforcement of traffic laws. (b) To enhance the ability to provide safety on the streets and highways of this state. History:Add. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-MISCELLANEOUS - Miscellaneous (257.813...257.821)Section 257.819b - Trooper Recruit School Fund; Creation; Investment, Disposition, and Expenditure of Money.

Sec. 819b. (1) The trooper recruit school fund is created within the state treasury. (2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. (3) Money in an amount of not more than $5,000,000.00 in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. Any amount greater than $5,000,000.00 at the close of the fiscal year shall be credited to the traffic law enforcement and safety fund created under section 819a. (4) The department of state police shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes: (a) Conduct a trooper recruit school to recruit and train new troopers. (b) Conduct retraining schools for new troopers during the trooper probationary period. History:Add. 2003, Act 152, Eff. Oct. 1, 2003

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)300-1949-VII-MISCELLANEOUS - Miscellaneous (257.813...257.821)Section 257.821 - Disposition and Use of Fees.

Sec. 821. For the fiscal year ending September 30, 1990 and each fiscal year thereafter, $120,000.00 or 5% of the revenue from the road test fees, whichever is greater, shall be deposited in the transportation economic development fund from behind-the-wheel road test fees collected pursuant to section 309 in connection with the issuance of a vehicle group designation or indorsement. The balance of the revenue from these fees shall be deposited in the state treasury and credited to the general fund and shall be used to cover administrative costs of the department of state associated with new duties imposed with respect to commercial vehicles pursuant to Act No. 346 of the Public Acts of 1988. History:Add. 1989, Act 280, Imd. Eff. Dec. 26, 1989

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.801 - Registration Taxes on Vehicle; Schedules; Exemption From Ad Valorem Taxes on Vehicles in Stock or Bond; Increase and Disposition of Certain Taxes; Late Fee; Waiver; Taxes and Revenues Relating to Regional Transit Authority; Historic Vehicle; Fee Increase on Vehicle Using 4 or More Tires; Increase in Fees; Definitions.

Sec. 801. (1) The secretary of state shall collect the following taxes at the time of registering a vehicle, which exempts the vehicle from all other state and local taxation, except the fees and taxes to be paid by certain carriers operating motor vehicles and trailers under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.42; the taxes imposed by the motor carrier fuel tax act, 1980 PA 119, MCL 207.211 to 207.234; and except as otherwise provided by this act: (a) For a motor vehicle, including a motor home, except as otherwise provided by law, and a pickup truck or van that weighs not more than 8,000 pounds, except as otherwise provided by law, according to the following schedule of empty weights:Empty weightsTax0 to 3,000 pounds$29.003,001 to 3,500 pounds32.003,501 to 4,000 pounds37.004,001 to 4,500 pounds43.004,501 to 5,000 pounds47.005,001 to 5,500 pounds52.005,501 to 6,000 pounds57.006,001 to 6,500 pounds62.006,501 to 7,000 pounds67.007,001 to 7,500 pounds71.007,501 to 8,000 pounds77.008,001 to 8,500 pounds81.008,501 to 9,000 pounds86.009,001 to 9,500 pounds91.009,501 to 10,000 pounds95.00over 10,000 pounds$ 0.90 per 100 pounds of empty weightOn October 1, 1983 and October 1, 1984, the tax assessed under this subdivision must be annually revised for the registrations expiring on the appropriate October 1 or after that date by multiplying the tax assessed in the preceding fiscal year times the personal income of Michigan for the preceding calendar year divided by the personal income of Michigan for the calendar year that preceded that calendar year. In performing the calculations under this subdivision, the secretary of state shall use the spring preliminary report of the United States Department of Commerce or its successor agency. A passenger motor vehicle that has been modified with a permanently installed wheelchair lift mechanism or with permanently installed hand controls and that is owned by an individual who uses a wheelchair or by an individual who transports a member of the individual's household who uses a wheelchair and for which registration plates are issued under section 803d must be assessed at the rate of 50% of the tax

provided for in this subdivision. As used in this subdivision, "permanently installed hand controls" means a permanently installed device designed to replace the brake and gas pedals of a motor vehicle with hand controls. (b) For a trailer coach attached to a motor vehicle, the tax must be assessed as provided in subdivision (l). A trailer coach not under 1959 PA 243, MCL 125.1035 to 125.1043, and while located on land otherwise assessable as real property under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, if the trailer coach is used as a place of habitation, and whether or not permanently affixed to the soil, is not exempt from real property taxes. (c) For a road tractor, modified agricultural vehicle, truck, or truck tractor owned by a farmer and used exclusively in connection with a farming operation, including a farmer hauling livestock or farm equipment for other farmers for remuneration in kind or in labor, but not for money, or used for the transportation of the farmer and the farmer's family, and not used for hire, 74 cents per 100 pounds of empty weight of the road tractor, truck, or truck tractor. If the road tractor, modified agricultural vehicle, truck, or truck tractor owned by a farmer is also used for a nonfarming operation, the farmer is subject to the highest registration tax applicable to the nonfarm use of the vehicle but is not subject to more than 1 tax rate under this act. (d) For a road tractor, truck, or truck tractor owned by a wood harvester and used exclusively in connection with the wood harvesting operations or a truck used exclusively to haul milk from the farm to the first point of delivery, 74 cents per 100 pounds of empty weight of the road tractor, truck, or truck tractor. A registration secured by payment of the tax prescribed in this subdivision continues in full force and effect until the regular expiration date of the registration. As used in this subdivision: (i) "Wood harvester" includes the person or persons hauling and transporting raw materials in the form produced at the harvest site or hauling and transporting wood harvesting equipment. Wood harvester does not include a person or persons whose primary activity is tree-trimming or landscaping. (ii) "Wood harvesting equipment" includes all of the following: (A) A vehicle that directly harvests logs or timber, including, but not limited to, a processor or a feller buncher. (B) A vehicle that directly processes harvested logs or timber, including, but not limited to, a slasher, delimber, processor, chipper, or saw table. (C) A vehicle that directly processes harvested logs or timber, including, but not limited to, a forwarder, grapple skidder, or cable skidder. (D) A vehicle that directly loads harvested logs or timber, including, but not limited to, a knuckle-boom loader, front-end loader, or forklift. (E) A bulldozer or road grader being transported to a wood harvesting site specifically to build or maintain harvest site roads. (iii) "Wood harvesting operations" does not include the transportation of processed lumber, Christmas trees, or processed firewood for a profit-making venture. (e) For a hearse or ambulance used exclusively by a licensed funeral director in the general conduct of the licensee's funeral business, including a hearse or ambulance whose owner is engaged in the business of leasing or renting the hearse or ambulance to others, $1.17 per 100 pounds of the empty weight of the hearse or ambulance. (f) For a vehicle owned and operated by this state, a state institution, a municipality, a privately incorporated, nonprofit volunteer fire department, or a nonpublic, nonprofit college or university, $5.00 per plate. A registration plate issued under this subdivision expires on June 30 of the year in which new registration plates are reissued for all vehicles by the secretary of state. (g) For a bus including a station wagon, carryall, or similarly constructed vehicle owned and operated by a nonprofit parents' transportation corporation used for school purposes, parochial school or society, church Sunday school, or any other grammar school, or by a nonprofit youth organization or nonprofit rehabilitation facility; or a motor vehicle owned and operated by a senior citizen center, $10.00, if the bus, station wagon, carryall, or similarly constructed vehicle or motor vehicle is designated by proper signs showing the organization operating the vehicle. (h) For a vehicle owned by a nonprofit organization and used to transport equipment for providing dialysis treatment to children at camp; for a vehicle owned by the Civil Air Patrol, as organized under 36 USC 40301 to 40307, $10.00 per plate, if the vehicle is designated by a proper sign that shows the Civil Air Patrol's name; for a vehicle owned and operated by a nonprofit veterans center; for a vehicle owned and operated by a nonprofit recycling center or a federally recognized nonprofit conservation organization; for a motor vehicle having a truck chassis and a locomotive or ship's body that is owned by a nonprofit veterans organization and used exclusively in parades and civic events; or for an emergency support vehicle used exclusively for emergencies and owned and operated by a federally recognized nonprofit charitable organization; or for a vehicle owned and operated by a nonprofit food pantry or nonprofit food bank, $10.00 per plate. (i) For each truck owned and operated free of charge by a bona fide ecclesiastical or charitable corporation, or Red Cross, Girl Scout, or Boy Scout organization, 65 cents per 100 pounds of the empty weight of the truck. (j) For each truck, weighing 8,000 pounds or less, and not used to tow a vehicle, for each privately owned truck used to tow a trailer for recreational purposes only and not involved in a profit-making venture, and for each vehicle designed and used to tow a mobile home or a trailer coach, except as provided in subdivision (b), $38.00 or an amount computed according to the following schedule of empty weights, whichever is greater:Empty weightsPer 100 pounds0 to 2,500 pounds$1.402,501 to 4,000 pounds1.764,001 to 6,000 pounds2.206,001 to 8,000 pounds2.728,001 to 10,000 pounds3.2510,001 to 15,000 pounds3.7715,001 pounds and over4.39If the tax required under subdivision (p) for a vehicle of the same model year with the same list price as the vehicle for which registration is sought under this subdivision is more than the tax provided under the preceding provisions of this subdivision for an identical vehicle, the tax required under this subdivision is not less than the tax required under subdivision (p) for a vehicle of the same model year with the same list price. (k) For each truck weighing 8,000 pounds or less towing a trailer or any other combination of vehicles and for each truck weighing 8,001 pounds or more, road tractor, or truck tractor, except as provided in subdivision (j), according to the following schedule of elected gross weights:Elected gross weightTax0 to 24,000 pounds$590.0024,001 to 26,000 pounds670.0026,001 to 28,000 pounds670.0028,001 to 32,000 pounds779.0032,001 to 36,000 pounds893.0036,001 to 42,000 pounds1,049.0042,001 to 48,000 pounds1,206.0048,001 to 54,000 pounds1,362.0054,001 to 60,000 pounds1,522.0060,001 to 66,000 pounds1,678.0066,001 to 72,000 pounds1,835.0072,001 to 80,000 pounds1,992.0080,001 to 90,000 pounds2,152.0090,001 to 100,000 pounds2,403.00100,001 to 115,000 pounds2,668.00115,001 to 130,000 pounds2,938.00130,001 to 145,000 pounds3,204.00145,001 to 160,000 pounds3,473.00over 160,000 pounds3,741.00For each commercial vehicle registered under this subdivision or section

801g, $15.00 must be deposited in the truck safety fund to be expended as provided in section 25 of 1951 PA 51, MCL 247.675. If a truck tractor or road tractor without trailer is leased from an individual owner-operator, the lessee, whether an individual, firm, or corporation, shall pay to the owner-operator 60% of the tax prescribed in this subdivision for the truck tractor or road tractor at the rate of 1/12 for each month of the lease or arrangement in addition to the compensation the owner-operator is entitled to for the rental of the owner-operator's equipment. (l) For each pole trailer, semitrailer, trailer coach, or trailer, the tax must be assessed according to the following schedule of empty weights:Empty weightsTax0 to 2,499 pounds$75.002,500 to 9,999 pounds200.0010,000 pounds and over300.00The registration plate issued under this subdivision expires only when the secretary of state reissues a new registration plate for all trailers. Beginning October 1, 2005, if the secretary of state reissues a new registration plate for all trailers, a person who has once paid the tax as increased by 2003 PA 152 for a vehicle under this subdivision is not required to pay the tax for that vehicle a second time, but is required to pay only the cost of the reissued plate at the rate provided in section 804(2) for a standard plate. A registration plate issued under this subdivision is nontransferable. (m) For each commercial vehicle used for the transportation of passengers for hire except for a vehicle for which a payment is made under 1960 PA 2, MCL 257.971 to 257.972, according to the following schedule of empty weights:Empty weightsPer 100 pounds0 to 4,000 pounds$1.764,001 to 6,000 pounds2.206,001 to 10,000 pounds2.7210,001 pounds and over3.25(n) For each motorcycle, as follows:(i)Until February 18, 2019$23.00(ii)Beginning February 19, 2019$25.00On October 1, 1983, and October 1, 1984, the tax assessed under this subdivision must be annually revised for the registrations expiring on the appropriate October 1 or after that date by multiplying the tax assessed in the preceding fiscal year times the personal income of Michigan for the preceding calendar year divided by the personal income of Michigan for the calendar year that preceded that calendar year. In performing the calculations under this subdivision, the secretary of state shall use the spring preliminary report of the United States Department of Commerce or its successor agency. Beginning January 1, 1984, the registration tax for each motorcycle is increased by $3.00. The $3.00 increase is not part of the tax assessed under this subdivision for the purpose of the annual October 1 revisions but is in addition to the tax assessed as a result of the annual October 1 revisions. Beginning January 1, 1984 and ending February 18, 2019, $3.00 of each motorcycle fee must be placed in a motorcycle safety fund in the state treasury and must be used only for funding the motorcycle safety education program as provided for under sections 312b and 811a. Beginning February 19, 2019, $5.00 of each motorcycle fee must be placed in the motorcycle safety fund and must be used only for funding the motorcycle safety education program as provided for under sections 312b and 811a. (o) For each truck weighing 8,001 pounds or more, road tractor, or truck tractor used exclusively as a moving van or part of a moving van in transporting household furniture and household effects or the equipment or those engaged in conducting carnivals, at the rate of 80% of the schedule of elected gross weights in subdivision (k) as modified by the operation of that subdivision. (p) After September 30, 1983, each motor vehicle of the 1984 or a subsequent model year as shown on the application required under section 217 that has not been previously subject to the tax rates of this section and that is of the motor vehicle category otherwise subject to the tax schedule described in subdivision (a), and each low-speed vehicle according to the following schedule based upon registration periods of 12 months: (i) Except as otherwise provided in this subdivision, according to the following schedule based on the vehicle's list price:List PriceTax$ 0 - $ 6,000.00$36.00More than $ 6,000.00 - $ 7,000.00$40.00More than $ 7,000.00 - $ 8,000.00$46.00More than $ 8,000.00 - $ 9,000.00$52.00More than $ 9,000.00 - $ 10,000.00$58.00More than $ 10,000.00 - $ 11,000.00$64.00More than $ 11,000.00 - $ 12,000.00$70.00More than $ 12,000.00 - $ 13,000.00$76.00More than $ 13,000.00 - $ 14,000.00$82.00More than $ 14,000.00 - $ 15,000.00$88.00More than $ 15,000.00 - $ 16,000.00$94.00More than $ 16,000.00 - $ 17,000.00$100.00More than $ 17,000.00 - $ 18,000.00$106.00More than $ 18,000.00 - $ 19,000.00$112.00More than $ 19,000.00 - $ 20,000.00$118.00More than $ 20,000.00 - $ 21,000.00$124.00More than $ 21,000.00 - $ 22,000.00$130.00More than $ 22,000.00 - $ 23,000.00$136.00More than $ 23,000.00 - $ 24,000.00$142.00More than $ 24,000.00 - $ 25,000.00$148.00More than $ 25,000.00 - $ 26,000.00$154.00More than $ 26,000.00 - $ 27,000.00$160.00More than $ 27,000.00 - $ 28,000.00$166.00More than $ 28,000.00 - $ 29,000.00$172.00More than $ 29,000.00 - $ 30,000.00$178.00More than $30,000.00, the tax of $178.00 is increased by $6.00 for each $1,000.00 increment or fraction of a $1,000.00 increment over $30,000.00. If a current tax increases or decreases as a result of 1998 PA 384, only a vehicle purchased or transferred after January 1, 1999 must be assessed the increased or decreased tax. (ii) For the second registration, 90% of the tax assessed under subparagraph (i). (iii) For the third registration, 90% of the tax assessed under subparagraph (ii). (iv) For the fourth and subsequent registrations, 90% of the tax assessed under subparagraph (iii). For a vehicle of the 1984 or a subsequent model year that has been previously registered by a person other than the person applying for registration or for a vehicle of the 1984 or a subsequent model year that has been previously registered in another state or country and is registered for the first time in this state, the tax under this subdivision is determined by subtracting the model year of the vehicle from the calendar year for which the registration is sought. If the result is zero or a negative figure, the first registration tax must be paid. If the result is 1, 2, or 3 or more, then, respectively, the second, third, or subsequent registration tax must be paid. A passenger motor vehicle that has been modified with a permanently installed wheelchair lift mechanism or with permanently installed hand controls and that is owned by an individual who uses a wheelchair or by an individual who transports a member of the individual's household who uses a wheelchair and for which registration plates are issued under section 803d must be assessed at the rate of 50% of the tax provided for in this subdivision. As used in this subdivision, "permanently installed hand controls" means a permanently installed device designed to replace the brake and gas pedals of a motor vehicle with hand controls. (q) For a wrecker, $200.00. (r) When the secretary of state computes a tax under this act, a computation that does not result in a whole dollar figure must be rounded to the next lower whole dollar if the computation results in a figure ending in 50 cents or less and must be rounded to the next higher whole dollar if the computation results in a figure ending in 51 cents or more, unless specific taxes are specified, and the secretary of state may accept the manufacturer's shipping weight of the

vehicle fully equipped for the use for which the registration application is made. If the weight is not correctly stated or is not satisfactory, the secretary of state shall determine the actual weight. Each application for registration of a vehicle under subdivisions (j) and (m) must have attached to the application a scale weight receipt of the vehicle fully equipped as of the time the application is made. The scale weight receipt is not necessary if there is presented with the application a registration receipt of the previous year that shows on its face the weight of the motor vehicle as registered with the secretary of state and that is accompanied by a statement of the applicant that there has not been a structural change in the motor vehicle that has increased the weight and that the previous registered weight is the true weight. (2) A manufacturer is not exempted under this act from paying ad valorem taxes on vehicles in stock or bond, except on the specified number of motor vehicles registered. A dealer is exempt from paying ad valorem taxes on vehicles in stock or bond. (3) Until October 1, 2027, the tax for a vehicle with an empty weight over 10,000 pounds imposed under subsection (1)(a) and the taxes imposed under subsection (1)(c), (d), (e), (f), (i), (j), (m), (o), and (p) are each increased as follows: (a) A regulatory fee of $2.25, which must be credited to the traffic law enforcement and safety fund created in section 819a and used to regulate highway safety. (b) A fee of $5.75, which must be credited to the transportation administration collection fund created in section 810b. (4) Except as otherwise provided in this subsection, if a tax required to be paid under this section is not received by the secretary of state on or before the expiration date of the registration plate, the secretary of state shall collect a late fee of $10.00 for each registration renewed after the expiration date. An application for a renewal of a registration using the regular mail and postmarked before the expiration date of that registration must not be assessed a late fee. The late fee collected under this subsection must be deposited into the general fund. The secretary of state shall waive the late fee collected under this subsection if all of the following are satisfied: (a) The registrant presents proof of storage insurance for the vehicle for which the late fee is assessed that is valid for the period of time between the expiration date of the most recent registration and the date of application for the renewal. (b) The registrant requests in person at a department branch office that the late fee be waived at the time of application for the renewal. (5) In addition to the registration taxes under this section, the secretary of state shall collect taxes charged under section 801j and credit revenues to a regional transit authority created under the regional transit authority act, 2012 PA 387, MCL 124.541 to 124.558, minus necessary collection expenses as provided in section 9 of article IX of the state constitution of 1963. Necessary collection expenses incurred by the secretary of state under this subsection must be based upon an established cost allocation methodology. (6) This section does not apply to a historic vehicle. (7) Beginning January 1, 2017, the registration fee imposed under this section for a vehicle using 4 or more tires is increased as follows: (a) If the vehicle is a plug-in hybrid electric vehicle, the registration fee for that vehicle is increased by $30.00 for a vehicle with an empty weight of 8,000 pounds or less, and $100.00 for a vehicle with an empty weight of more than 8,000 pounds. As used in this subdivision and subsection (8)(a), "plug-in hybrid electric vehicle" means a vehicle that can use batteries to power an electric motor and use another fuel, such as gasoline or diesel, to power an internal combustion engine or other propulsion source, and that may use electricity from the grid to run the vehicle some or all of the time. (b) If the vehicle is an electric vehicle, the registration fee for that vehicle is increased by $100.00 for a vehicle with an empty weight of 8,000 pounds or less, and $200.00 for a vehicle with an empty weight of more than 8,000 pounds. As used in this subdivision and subsection (8)(b), "electric vehicle" means a vehicle that is propelled solely by electrical energy and that is not capable of using gasoline, diesel fuel, or alternative fuel to propel the vehicle. (8) Beginning January 1, 2017, if the tax on gasoline imposed under section 8 of the motor fuel tax act, 2000 PA 403, MCL 207.1008, is increased above 19 cents per gallon, the secretary of state shall increase the fees collected under subsection (7) as follows: (a) For a plug-in hybrid electric vehicle, $2.50 per each 1 cent above 19 cents per gallon. (b) For an electric vehicle, $5.00 per each 1 cent above 19 cents per gallon. (9) As used in this section: (a) "Alternative fuel" means that term as defined in section 151 of the motor fuel tax act, 2000 PA 403, MCL 207.1151. (b) "Diesel fuel" means that term as defined in section 2 of the motor fuel tax act, 2000 PA 403, MCL 207.1002. (c) "Gasoline" means that term as defined in section 3 of the motor fuel tax act, 2000 PA 403, MCL 207.1003. (d) "Gross proceeds" means that term as defined in section 1 of the general sales tax act, 1933 PA 167, MCL 205.51, and includes the value of the motor vehicle used as part payment of the purchase price as that value is agreed to by the parties to the sale, as evidenced by the signed agreement executed under section 251. (e) "List price" means the manufacturer's suggested base list price as published by the secretary of state, or the manufacturer's suggested retail price as shown on the label required to be affixed to the vehicle under 15 USC 1232, if the secretary of state has not at the time of the sale of the vehicle published a manufacturer's suggested retail price for that vehicle, or the purchase price of the vehicle if the manufacturer's suggested base list price is unavailable from the sources described in this subdivision. (f) "Purchase price" means the gross proceeds received by the seller in consideration of the sale of the motor vehicle being registered. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 55, Eff. Dec. 1, 1951 ;-- Am. 1952, Act 161, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 179, Imd. Eff. June 8, 1953 ;-- Am. 1954, Act 147, Eff. Aug. 13, 1954 ;-- Am. 1956, Act 130, Eff. Aug. 11, 1956 ;-- Am. 1957, Act 90, Eff. Sept. 27, 1957 ;-- Am. 1960, Act 104, Imd. Eff. Apr. 26, 1960 ;-- Am. 1962, Act 82, Eff. Mar. 28, 1963 ;-- Am. 1963, Act 41, Eff. Sept. 6, 1963 ;-- Am. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967 ;-- Am. 1969, Act 309, Imd. Eff. Aug. 14, 1969 ;-- Am. 1970, Act 106, Imd. Eff. July 23, 1970 ;-- Am. 1976, Act 26, Imd. Eff. Feb. 27, 1976 ;-- Am. 1976, Act 114, Imd. Eff. May 14, 1976 ;-- Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1976, Act 441, Eff. Mar. 31, 1977 ;-- Am. 1978, Act 427, Imd. Eff. Sept. 30, 1978 ;-- Am. 1979, Act 47, Imd. Eff. July 3, 1979 ;-- Am. 1980, Act 117, Imd. Eff. May 14, 1980 ;-- Am. 1980, Act 153, Imd. Eff. June 11, 1980 ;-- Am. 1980, Act 270, Imd. Eff. Oct. 1, 1980 ;-- Am. 1981, Act 58, Imd. Eff. June 4, 1981 ;-- Am. 1982, Act 187, Eff. Jan. 1, 1984 ;-- Am. 1982, Act 350, Imd. Eff. Dec. 21, 1982 ;-- Am. 1982, Act 439, Eff. Jan. 1, 1983 ;-- Am. 1983, Act 165, Eff. Oct. 1, 1983 ;-- Am. 1984, Act 173, Imd. Eff. June 29, 1984 ;-- Am. 1985, Act 32, Imd. Eff. June 13, 1985 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 1988, Act 346, Imd. Eff. Oct. 25, 1988 ;-- Am. 1990, Act 181, Imd. Eff. July 18, 1990 ;-- Am. 1994, Act 50, Imd. Eff. Mar. 25, 1994 ;-- Am. 1994, Act 94, Imd. Eff. Apr. 13, 1994 ;-- Am. 1994, Act 95, Eff.

June 1, 1994 ;-- Am. 1994, Act 395, Eff. Mar. 30, 1995 ;-- Am. 1995, Act 129, Imd. Eff. June 30, 1995 ;-- Am. 1995, Act 226, Imd. Eff. Dec. 14, 1995 ;-- Am. 1997, Act 80, Eff. Oct. 1, 1997 ;-- Am. 1998, Act 384, Eff. Jan. 1, 1999 ;-- Am. 2000, Act 47, Imd. Eff. Mar. 27, 2000 ;-- Am. 2000, Act 82, Eff. July 1, 2000 ;-- Am. 2000, Act 502, Imd. Eff. Jan. 11, 2001 ;-- Am. 2002, Act 417, Imd. Eff. June 5, 2002 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 427, Imd. Eff. Dec. 17, 2004 ;-- Am. 2006, Act 136, Imd. Eff. May 12, 2006 ;-- Am. 2006, Act 562, Eff. Jan. 1, 2007 ;-- Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2012, Act 388, Eff. Mar. 28, 2013 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2015, Act 78, Eff. Oct. 1, 2015 ;-- Am. 2015, Act 174, Eff. Apr. 1, 2016 ;-- Am. 2016, Act 148, Eff. Sept. 7, 2016 ;-- Am. 2017, Act 115, Eff. Oct. 25, 2017 ;-- Am. 2017, Act 238, Eff. Mar. 21, 2018 ;-- Am. 2018, Act 152, Eff. Aug. 14, 2018 ;-- Am. 2018, Act 656, Eff. Mar. 29, 2019 ;-- Am. 2019, Act 88, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 103, Eff. Sept. 29, 2020 ;-- Am. 2023, Act 129, Imd. Eff. Sept. 29, 2023Compiler's Notes:Enacting section 2 of Act 470 of 2014 provides:"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution UU of the 97th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."House Joint Resolution UU was presented to the electors as Proposal 15-1 at the May 5, 2015 special election. The proposal to amend the constitution was not approved by the voters and Act 470 of 2014 does not go into effect.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.801a - Registration Fees; Portable Feed Mills or Mixers.

Sec. 801a. In computing the tax imposed by section 801 on portable feed mills or mixers used to grind or mix grain at the farm for use on the farm and not for resale, the secretary of state shall use the weight of the cab and chassis only. History:Add. 1958, Act 3, Imd. Eff. Feb. 27, 1958

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.801b - Refund of Specific Tax Paid in Error; Refund of Dealer License Fees; Refund on and Return of Registration Plates or Tabs; Refund in Case of Original Application for Certain Registration Plates; Refund or Credit for Plates Issued Under MCL 257.801g.

Sec. 801b. (1) If a person, through error either on his or her own part or that of the secretary of state, pays the specific tax required by section 801 or 802 more than once on the same equipment, the secretary of state, upon application and satisfactory proof, shall refund the amount paid in error. A claim shall be filed within 1 year after the date of payment and verified by the secretary of state before a refund is made. If an application for a dealer license provided for in section 248 is withdrawn by the applicant or the applicant's heir, before issuance of the dealer license, the fees that accompanied the application under sections 803, 803a, and 807 may be refunded by the secretary of state upon application and satisfactory proof. (2) If a person's license to drive a motor vehicle is revoked, suspended, or denied for medical or physical reasons, the person may return the registration plates and obtain a refund on the plates prorated on a monthly basis for the time period remaining in the registration year from the date the plates are returned. However, the refund shall not exceed the original registration fee. (3) Upon the death of a spouse, the surviving spouse may return registration plates and obtain a refund on the plates prorated on a monthly basis for the time period remaining in the registration year from the date the plates are returned. However, the refund shall not exceed the original registration fee. (4) The owner of a registered vehicle who transfers or assigns title or interest in that registered vehicle before placing upon the registered vehicle the registration plates or tabs issued for that registered vehicle may obtain a refund in full from the secretary of state for the registration plates or tabs. Registration plates, or tabs issued for 1978 and thereafter shall be returned by the owner within 30 days following the date of transfer or assignment. (5) The owner of a vehicle registered pursuant to section 801d(2) who transfers or assigns title or interest in the vehicle may obtain a refund on the registration for each unused, whole registration period remaining on the registration from the date the plates are returned and the application for a refund is made. (6) In the case of an original application for registration plates issued under section 217a or 803b, the secretary of state shall issue a refund prorated on a monthly basis from the date of application for the time period remaining in the previously issued registration, if an application for the refund is made and satisfactory proof is presented to the secretary of state. A refund shall not be made if the amount due is less than $5.00. (7) In the case of an original application for the registration plates bearing the letters "SEN" or "REP", the secretary of state shall issue a refund prorated on a monthly basis from the date of application for the time period remaining in the previously issued registration. (8) In the case of an original application and issuance of an international registration plan registration plate under section 801g, the secretary of state shall make a refund as a credit prorated on a monthly basis from the date of application for the months remaining for the previously issued registration on the same vehicle, if an application for the refund as a credit is made and satisfactory proof of eligibility is presented to the secretary of state. A refund as a credit shall not exceed the total amount of the Michigan apportioned fees assessed for the plates issued under section 801g nor be made if the amount due is less than $5.00. For the purpose of this subsection, a month shall mean 30 consecutive days and a partial month shall be considered as a whole month. History:Add. 1959, Act 64, Imd. Eff. June 5, 1959 ;-- Am. 1974, Act 187, Imd. Eff. July 2, 1974 ;-- Am. 1978, Act 62, Imd. Eff. Mar. 14, 1978 ;-- Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978 ;-- Am. 1978, Act 587, Imd. Eff. Jan. 3, 1979 ;-- Am. 1980, Act 46, Imd. Eff. Mar. 19, 1980 ;-- Am. 1980, Act 281, Imd. Eff. Oct. 9, 1980 ;-- Am. 1986, Act 311, Imd. Eff. Dec. 23, 1986

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 -

257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.801c - Nonpayment of Check or Draft for Fee or Tax on Vehicle; Liability; Penalties; Collection of Delinquent Accounts.

Sec. 801c. (1) If a check or draft in payment of a fee or tax under this act is not paid on its first presentation, the fee or tax is delinquent as of the date the check or draft was tendered. The person tendering the check or draft remains liable for the payment of each fee or tax and a penalty. The penalty shall be assessed according to the following table and shall be deposited in the transportation administration collection fund established under section 801b:Amount of Check or DraftPenalty$ .01 to 15.00$ 5.0015.01 to 50.0010.0050.01 to 100.0020.00100.01 to 300.0060.00300.01 and higher20% of the check or draft(2) An operator's or chauffeur's license shall not be issued or renewed for a person who has had outstanding against him or her a claim resulting from nonpayment of a check or draft used to pay a fee or tax to the secretary of state. (3) The department shall suspend, until all fees, taxes, and penalties due are paid, the operator's or chauffeur's license of a person who has had outstanding against him or her for not less than 60 days a claim resulting from nonpayment of a check or draft used to pay a fee or tax to the secretary of state. A person whose operator's or chauffeur's license has been suspended under this section shall not be subject to the examination provisions of section 320c. (4) The collection of delinquent accounts remains the responsibility of the office of secretary of state. History:Add. 1971, Act 8, Eff. July 1, 1971 ;-- Am. 1976, Act 315, Imd. Eff. Dec. 7, 1976 ;-- Am. 1980, Act 281, Imd. Eff. Oct. 9, 1980 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013Compiler's Notes:In subsection (1), the reference to “section 801b” evidently should be a reference to “section 810b.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.801e - Moped; Application for Registration; Form; Signature; Fee; Issuance and Contents of Certificate of Registration; Insurance; Size, Legibility, and Inspection of Certificate; Issuance and Display of Decal; Rules; Certificate of Registration for Use in Testing or Demonstrating Moped; Duration of Registration.

Sec. 801e. (1) When a moped required to be registered under this act is sold by a retailer to a general purchaser, the certificate of registration shall be obtained in the name of the purchaser by the retailer. In other cases, the certificate of registration shall be obtained by the purchaser. The application shall be signed by the purchaser of the moped and shall be accompanied by a fee of $15.00. Upon receipt of the application in approved form, the secretary of state shall enter the application upon the secretary of state's records and issue to the applicant a certificate of registration containing the decal for the moped, the name and address of the owner, and other information the secretary of state considers necessary. A moped shall not be required to be insured in the manner specified for motor vehicles under chapter 31 of Act No. 218 of the Public Acts of 1956, as amended, being sections 500.3101 to 500.3179 of the Michigan Compiled Laws. The certificate of registration shall be pocket size, shall accompany the vehicle, shall be legible, and shall be made available for inspection upon demand by a law enforcement officer. (2) A decal indicating that the certificate of registration is in full force and effect shall be issued. A registration certificate and decal shall not be issued earlier than 90 days preceding the commencement date of the new registration period. Display of the decal shall be as prescribed by rule promulgated by the secretary of state. (3) A retailer or manufacturer of mopeds, upon application to the secretary of state upon forms provided by the secretary of state, may obtain certificates of registration for use in the testing or demonstrating of a moped upon payment of $10.00 for each of the first 2 registration certificates. Additional certificates may be issued at a cost of $5.00 each and used by the applicant only in the testing or demonstrating of mopeds by temporary placement of the registration on the moped being tested or demonstrated. A certificate issued pursuant to this subsection may be used on only 1 moped at any given time. (4) A moped registration shall be valid for a 3-year period which begins on May 1 and expires on April 30 of the third registration year. For purposes of this subsection, a registration year begins on May 1 and ends on April 30. History:Add. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1978, Act 427, Imd. Eff. Sept. 30, 1978 ;-- Am. 1979, Act 120, Eff. Apr. 15, 1980 ;-- Am. 1983, Act 91, Imd. Eff. June 16, 1983

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.801f - Moped; Notice of Destruction or Abandonment; Surrender and Cancellation of Certificate of Registration; Notice of Change of Address; Transfer of Certificate; Fee; Duration of Registration; Duplicate Certificate.

Sec. 801f. (1) The owner of a moped shall notify the secretary of state if the moped is destroyed or abandoned within 15 days after its destruction or abandonment. Notice shall consist of a surrender of the certificate of registration on which the proper information shall be noted on a place to be provided. The secretary of state shall cancel the certificate and enter that fact in the records of the secretary of state. (2) The owner of a moped shall notify the secretary of state upon a change of address. The new address shall be recorded by the secretary of state and a certificate of registration bearing that information shall be returned to the owner. (3) The transferee of a moped, within 15 days after acquiring it, shall make application to the secretary of state for transfer of the certificate of registration issued to the moped, giving the transferee's name, address, and the number of the moped and pay to the secretary of state a transfer fee of $10.00. A registration fee of $10.00 shall be assessed if the transferred registration would have remained valid for 1 year or less. If the transferred registration would have remained valid for more than 1 year but less than 2 years, a registration fee of $5.00 shall be assessed. A registration fee shall not be assessed if the transferred registration would have remained valid for 2 or more years. Upon receipt of the application and fees, the secretary of state shall transfer the certificate of registration issued for

the moped to the new owner. The registration shall be valid for 3 registration years. Unless the application is made and the fee paid within 15 days, the moped shall be considered to be without certificate of registration and a person shall not operate the moped until a certificate is issued. (4) If a certificate of registration is lost, mutilated, or becomes illegible, the owner of a moped shall obtain a duplicate of the certificate upon application and payment of a fee of $2.00. History:Add. 1976, Act 439, Imd. Eff. Jan. 13, 1977 ;-- Am. 1979, Act 120, Eff. Apr. 15, 1980 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987Compiler's Notes:For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.801g - Apportionment of Fee Under International Registration Plan if Permitted by Reciprocal Compact, Agreement, or Other Arrangement; Definition; Issuance of Registration Plate and Cab Card Upon Payment of Apportioned Fee; Purchase of Annual International Registration Plan Plates; Service Fee; Notice; Effect of Late Payment; Effect of Surrendering or Not Surrendering Registration Plate; Temporary Registration.

Sec. 801g. (1) Notwithstanding section 801(1)(j) or 801(1)(k), for a truck, truck tractor, or road tractor engaged in interstate commerce, for which a registration fee otherwise would be provided in section 801(1)(j) or 801(1)(k), the fee may be apportioned under the international registration plan according to the miles traveled in this state in relation to the total miles traveled by the vehicle, if the apportionment is permitted by a reciprocal compact, agreement, or other arrangement entered into by the Michigan highway reciprocity board. (2) For the purposes of this section, "international registration plan" means a method of licensing trucks and bus fleets proportionally among 2 or more member jurisdictions and includes an apportioned fee that is determined according to the fleet's percentage of miles generated in the various jurisdictions. Upon payment of the apportioned fee there shall be issued 1 registration plate and 1 cab card for each vehicle with the cab card indicating the jurisdictions in which the unit is registered and the registered weight for each jurisdiction. (3) If the apportionment is permitted, and if at the time of purchase a person elects to have the fees apportioned and the registration is valid for at least 12 months, the annual international registration plan plates may be purchased by paying any out of state portion and 1/2 the amount apportioned for Michigan fees and an extra $10.00 service fee per vehicle upon purchase and the balance within 180 days before the date of expiration. The secretary of state shall notify a person who has elected to use the installment option of this subsection informing the person of the amount due and of the penalties that shall be imposed if payment is not received within 180 days before the date of expiration. If a person is once late on paying the balance, a penalty of 25% of the outstanding balance shall be assessed and collected in addition to the fee. If a person is twice late in paying the balance within a 2-year period, then a penalty of 25% of the outstanding balance shall be assessed and collected in addition to the fee, and the person is ineligible to elect the apportionment payment plan for the next 2 registration years following the year of the delinquency. The secretary of state shall suspend the registration of any vehicle for which the registration fee is not paid in full and transmit a statement of the delinquent balance, including the penalty, to the department of treasury for collection. (4) If a person surrenders a registration plate purchased under section 801(1)(j) or 801(1)(k) for a registration under this section for the same vehicle, the apportioned fee for the exchange registration shall bear the same relationship to the fee required under this section for a 12-month registration as the length of time the exchange registration bears to 12 months. Partial months shall be considered as whole months in the calculation of the required fee and in the determination of the length of time between the application for a registration and the last day of the month of expiration. The calculation shall include any refund as a credit provided for in section 801b(8). The fee required for the registration shall be rounded off to whole dollars as provided in section 801. (5) If a person does not surrender a registration plate purchased under section 801(1)(j) or 801(1)(k) for a registration under this section, the apportioned fee shall be determined as provided for in this section except the apportioned fee for a registration purchased shall bear the same relationship to the fee required under this section for a 12-month registration as the length of time the registration bears to 12 months. Partial months shall be considered as whole months in the calculation of the required fee and in the determination of the length of time between the application for a registration and the last day of the month of expiration. The fee required for this registration shall be rounded off to whole dollars as provided in section 801. Fees under this subsection shall not be prorated for less than 6 months. (6) Upon proper application for registration of a vehicle under this section, the secretary of state may issue a temporary registration which shall be valid for not more than 45 days from the date of issuance. (7) The secretary of state may designate an owner or registrant having a fleet of motor vehicles currently registered under this section to act as an agent for the secretary of state for the purpose of issuing to himself or herself a temporary registration. Upon issuance of a temporary registration an agent shall make proper application for an international registration plan registration to the secretary of state within 5 days after issuance of the temporary registration. (8) An owner issued a temporary registration under this section is liable for the fees provided in this section. (9) If the owner of a vehicle for which a temporary registration is issued under this section fails to pay the registration fee as required in this section, the secretary of state shall suspend the registrations of all vehicles registered by that owner under this section. The registrations shall remain suspended until the fee is paid. History:Add. 1980, Act 505, Imd. Eff. Jan. 22, 1981 ;-- Am. 1984, Act 330, Imd. Eff. Dec. 26, 1984 ;-- Am. 1986, Act 311, Imd. Eff. Dec. 23, 1986 ;-- Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989 ;-- Am. 1992, Act 29, Eff. Jan. 1, 1993 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.801h - Fleet Registration; Application; Issuance and Display of Registration Plates; Tax; Late Fee; Adding or Deleting Registration; Ineligible Vehicle;

Determination of Owner's Compliance.

Sec. 801h. (1) Notwithstanding any other provision in this act, the owner or lessee of a fleet of 300 or more vehicles that are or will be registered under section 801 may apply to the secretary of state for special registration plates for any number of 300 or more vehicles in a fleet. An application shall be on a form prescribed by the secretary of state and include an agreement that, at a minimum, the applicant agrees to pay annual fleet registration taxes under this section in a manner determined by the secretary of state. (2) Upon approval of the application and payment of the required registration taxes, the secretary of state may issue the applicant a registration plate under section 224 and a registration certificate under section 222 for each vehicle. The registration plate and certificate shall each be in a format as prescribed by the secretary of state. (3) The name, emblem, trademark, or logo of the company issued fleet registration plates under this section shall be prominently displayed on the right and left sides of all vehicles registered under this section by that applicant. The name, emblem, trademark, or logo shall contain letters, figures, or numerals in sharp contrast to the background of the name, emblem, trademark, or logo and shall be of a size, shape, and color that is readily legible during daylight hours from a distance of 50 feet. This subsection does not apply to passenger vehicle rental fleets. (4) The registration tax for each vehicle registered under this section shall be paid annually. Registration taxes under this section are payable in full not later than the due date provided in section 226. If the owner of a vehicle registered under this section fails to pay the annual registration tax for that vehicle, the secretary of state shall collect a late fee of $100.00 for the individual vehicle registration for that vehicle, in addition to the registration tax. If the owner of a vehicle registered under this section fails to comply with the terms of the fleet registration plate agreement provided in subsection (1), except as otherwise provided in this subsection, the secretary of state shall immediately suspend the registration of all vehicles registered by that owner under this section. The registration shall remain suspended and the owner shall not apply for the registration or reregistration of a vehicle under this section until payment in full of the tax, and late fee, if applicable, owed is made. After providing notice to the owner, the secretary of state shall notify law enforcement of any plate suspended under this section. The secretary of state shall not suspend the registration of all vehicles registered under a fleet vehicle registration plate agreement under subsection (1) for failure to timely pay the annual registration tax for an individual vehicle registered under the fleet vehicle registration plate agreement. (5) At any time an owner or lessee in good standing may add a vehicle to the list of vehicles registered under this section. To add a vehicle, the owner or lessee shall make application to the secretary of state, in a form prescribed by the secretary of state, accompanied by the registration taxes required under section 801. (6) At any time an owner or lessee may delete the registration of a vehicle from the list of vehicles registered under this section. To delete a vehicle, the owner shall notify the secretary of state of the proposed deletion in a form prescribed by the secretary of state and, except as otherwise provided in this subsection, surrender to the secretary of state the registration plate assigned to the deleted vehicle. The secretary of state shall collect a late fee of $100.00 from a vehicle owner who does not return a fleet registration plate to the secretary of state within 30 days after deleting that vehicle's registration under this subsection. A vehicle owner is not required to surrender a fleet registration plate assigned to a deleted vehicle if the fleet registration plate is properly transferred to another vehicle in that fleet and the registration for the vehicle to which the fleet registration plate is transferred is transferred within 30 days after the deleted vehicle is removed from the fleet. A vehicle owner shall surrender to the secretary of state a fleet registration plate that has been transferred from a deleted vehicle to another vehicle in the same fleet as provided in this subsection when the registration for that vehicle expires or when that vehicle is deleted from the fleet. (7) A vehicle not titled or leased in the name of the applicant is not eligible for registration under this section. A vehicle registered under section 801g is not eligible for registration under this section. (8) The secretary of state or the authorized representative of the secretary of state may visit and examine the vehicle registration records of an owner whose vehicles are registered under this act. This authority only applies to visits during the regular business hours of the owner and to those vehicles and records necessary for the secretary of state to determine an owner's compliance with this section. History:Add. 1996, Act 551, Eff. Oct. 1, 1997 ;-- Am. 2018, Act 425, Eff. Apr. 1, 2019

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.801i - Issuance of Registration for More Than 1 Period.

Sec. 801i. (1) The secretary of state, upon request, may issue a vehicle registration under this act for more than 1 registration period in a manner determined by the secretary of state. The registration tax shall be prorated according to the taxes and expiration dates provided for under this act. (2) If a registration is purchased under this section, an annual tax increase provided for under this act shall not be assessed during the remainder of the period that the registration was purchased. History:Add. 2000, Act 36, Eff. Apr. 1, 2001

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.801j - Additional Tax Charged by Regional Transit Authority.

Sec. 801j. (1) Except as otherwise provided in subsection (6), in addition to the required vehicle registration tax under section 801(1)(p), a regional transit authority created under the regional transit authority act, 2012 PA 387, MCL 124.541 to 124.558, may charge an additional tax on vehicle registrations issued to residents of a public transit region of not more than $1.20 for each $1,000.00 or fraction of $1,000.00 of the vehicle's list price as used in calculating the tax under section 801(1)(p). The authority may

charge the additional tax only upon the approval of a majority of the electors in a public transit region voting on the tax at an election held on the regular November election date as provided in section 641(1)(d) of the Michigan election law, 1954 PA 116, MCL 168.641. (2) In addition to any other requirements imposed by law, the ballot question proposing authorization of the tax under subsection (1) shall specify how the proceeds of the tax shall be expended. (3) The tax collected under this section shall only be used by the regional transit authority for comprehensive transportation purposes as defined by law for purposes of section 9 of article IX of the state constitution of 1963. (4) A proposal for a tax under this section shall not be placed on the ballot under subsection (1) unless the proposal is adopted by a resolution of the board of directors of the regional transit authority and certified by the board of directors not later than 70 days before the election to the county clerk of each county within the public transit region for inclusion on the ballot. (5) Except as otherwise provided in subsection (6), if a majority of voters in a public transit region approve a tax under subsection (1), no later than 1 year after voter approval, the secretary of state shall collect the tax on all vehicles registered to residents of the public transit region under section 801(1)(p) and shall credit the tax collected to the regional transit authority, minus necessary collection expenses as provided in section 9 of article IX of the state constitution of 1963. Necessary collection expenses incurred by the secretary of state under this subsection shall be based upon an established cost allocation methodology. (6) This section does not apply to a company test vehicle. As used in this subsection, "company test vehicle" means a vehicle that is owned by a manufacturer and that satisfies 1 or both of the following: (a) The vehicle is part of a product testing program as defined by the United States department of treasury under treas. reg. 1.132-5(n)(2001). (b) The vehicle is furnished by the manufacturer to an employee of the manufacturer for the purpose of testing, evaluating product quality and performance, reporting defects, or suggesting product or production improvements as an ordinary and necessary business expense of the manufacturer. History:Add. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2014, Act 171, Eff. Sept. 15, 2014Compiler's Notes:Act 388 of 2012, effective March 28, 2013, added MCL 257.801j. Act 498 of 2012, effective March 28, 2013, also added MCL 257.801j. Because Act 498 of 2012 was filed after Act 388 of 2012, the text from MCL 257.801j, as added by Act 498 of 2012, appears.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.801k - Late Fees; Exception for Certain Vehicles in Pandemic; Adequate In-Person Services.

Sec. 801k. (1) Notwithstanding any other provisions in this chapter and subject to subsection (3), late fees must not be assessed on the following vehicles: (a) A vehicle registered under section 801(1)(j) or (k) or section 801g whose registration expires on or after March 1, 2020 and whose registration is renewed before March 31, 2021. A vehicle registered under section 801(1)(j) or (k) or 801g whose registration expires after March 31, 2021 but before August 1, 2021 and whose registration is renewed within 120 days after the date of the expiration. The secretary of state shall, upon an applicant's request, reimburse a late renewal fee assessed and collected for a vehicle registered under section 801(1)(j) or (k) or 801g whose registration expires after March 31, 2021 but before August 1, 2021 and whose registration is renewed within 120 days after the date of the expiration. (b) All other vehicles registered under this chapter whose registration expires on or after March 1, 2020 and whose registration is renewed before March 31, 2021. All other vehicles registered under this chapter whose registration expires after March 31, 2021 but before August 1, 2021 and whose registration is renewed within 120 days after the date of the expiration. The secretary of state shall, upon an applicant's request, reimburse a late renewal fee assessed and collected for all other vehicles registered under this chapter whose registration expires after March 31, 2021 but before August 1, 2021 and whose registration is renewed within 120 days after the date of the expiration. (2) Notwithstanding any other provisions in this chapter and subject to subsection (3), both of the following apply: (a) The secretary of state shall not assess a late renewal fee for a registration under section 216(2), 226(11) or (13), or 255(4) if the registration expires after March 31, 2021 but before August 1, 2021 and is renewed within 120 days after the date of the expiration. (b) The secretary of state shall, upon an applicant's request, reimburse a late renewal fee assessed and collected for a registration under section 216(2), 226(11) or (13), or 255(4) if the registration expires after March 31, 2021 but before August 1, 2021 and is renewed within 120 days after the date of the expiration. (3) Notwithstanding any other provision of this chapter, if, on the effective date of the amendatory act that added this subsection, the secretary of state does not provide adequate in-person services, the secretary of state shall not assess a late renewal fee under this act until the secretary of state resumes providing adequate in-person services. History:Add. 2020, Act 127, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 241, Eff. Oct. 28, 2020 ;-- Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 71, Imd. Eff. July 29, 2021Compiler's Notes:Enacting section 1 of Act 71 of 2021 provides:"Enacting section 1. Sections 216(2), 217(11) and (12), 226(11) and (13), 255(4), 301(6), 306(1), (2), (4), and (6), 306a(4), 309(11), 312k(1), 314(7), 801k(1) and (2), and 811(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.216, 257.217, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312k, 257.314, 257.801k, and 257.811, as amended by this amendatory act, are intended to be retroactive and apply retroactively."

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.802 - Special Registration; Registration of Commercial Vehicles and Special Mobile Equipment; Temporary Registration Plates or Markers; Tax Rates, Fees, and Service Charges; Deposit of Service Fees.

Sec. 802. (1) For a special registration issued under section 226(8), the registrant shall pay 1/2 the tax imposed under section 801 and a service fee of $10.00. (2) For all commercial vehicles registered after August 31 for the period expiring the last day of February, the secretary of state shall collect a tax of 1/2 the rate otherwise imposed under this act. This subsection does not apply to

vehicles registered by manufacturers or dealers under sections 244 to 247. (3) For each special registration under section 226(9), the secretary of state shall collect a service fee of $10.00. (4) For temporary registration plates or markers under section 226a(1), the secretary of state shall collect a service fee in an amount determined by the secretary of state to reflect the actual cost of administering the temporary registration plates and markers program, or in the amount of $4.00 per plate or marker, whichever is less. (5) For a temporary registration under section 226b, the fee is either of the following: (a) For a 30-day temporary registration, 1/10 of the tax prescribed under section 801 or $20.00, whichever is greater, and an additional $10.00 service fee. (b) For a 60-day temporary registration, 1/5 of the tax prescribed under section 801 or $40.00, whichever is greater, and an additional $10.00 service fee. (6) For registration plates as provided for in section 226a(5), (6), and (7), the secretary of state shall collect a service fee of $40.00 for 2 registration plates and $20.00 for each additional registration plate. (7) For special registrations issued for special mobile equipment as provided in section 216(1)(d), the secretary of state shall collect a service fee of $15.00 each for the first 3 special registrations and $5.00 for each subsequently issued special registration. (8) The secretary of state, upon request, may issue a registration valid for 3 months for use on a vehicle with an elected gross weight of 24,000 pounds or greater on the payment of 1/4 the tax provided in section 801(1)(k) and a service fee of $10.00. (9) Upon application to the secretary of state, an owner of a truck, truck tractor, or road tractor that is used exclusively to gratuitously transport farm crops or livestock bedding between the field where produced and the place of storage, feed from on-farm storage to an on-farm feeding site, or fertilizer, seed, or spray material from the farm location to the field may obtain a special registration. The service fee for each special registration issued under this subsection is $20.00. The special registration is valid for a period of up to 12 months and expires on December 31. As used in this subsection: (a) "Feed" means hay or silage. (b) "Livestock bedding" means straw, sawdust, or sand. (10) Beginning on October 1, 2022, the secretary of state shall provide a system for applicants under subsection (9) or under section 801(1)(c) or (d) to renew their special registration at no additional charge in a branch office, by first-class mail, and online. (11) The secretary of state, upon request, may issue a special registration valid for 3 or more months for a road tractor, truck, or truck tractor owned by a farmer, if the motor vehicle is used exclusively in connection with the farmer's farming operations or for the transportation of the farmer and the farmer's family and not used for hire. The fee for the registration is 1/10 of the tax provided in section 801(1)(c) times the number of months for which the special registration is requested and, in addition, a service fee of $10.00. The secretary of state shall not issue a special registration for a motor vehicle for which the tax under section 801(1)(c) would be less than $50.00. (12) The secretary of state, upon request, may issue a registration valid for 3 months or more for use on a vehicle with an elected gross weight of 24,000 pounds or greater. The fee for the registration is 1/12 of the tax provided in section 801(1)(k), times the number of months for which the special registration is requested and, in addition, a service fee of $10.00. (13) The secretary of state shall deposit the service fees collected under subsections (1), (3), (4), (5), (6), (7), (8), (9), (11), and (12) in the transportation administration collection fund created in section 810b through October 1, 2027. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1953, Act 179, Imd. Eff. June 8, 1953 ;-- Am. 1957, Act 33, Eff. Sept. 27, 1957 ;-- Am. 1958, Act 55, Eff. July 1, 1958 ;-- Am. 1959, Act 155, Eff. Mar. 19, 1960 ;-- Am. 1962, Act 166, Eff. Mar. 28, 1963 ;-- Am. 1968, Act 278, Imd. Eff. July 1, 1968 ;-- Am. 1969, Act 309, Imd. Eff. Aug. 14, 1969 ;-- Am. 1978, Act 427, Imd. Eff. Sept. 30, 1978 ;-- Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978 ;-- Am. 1980, Act 172, Imd. Eff. June 23, 1980 ;-- Am. 1980, Act 476, Eff. Mar. 31, 1981 ;-- Am. 1982, Act 19, Imd. Eff. Mar. 4, 1982 ;-- Am. 1983, Act 165, Eff. Oct. 1, 1983 ;-- Am. 1983, Act 186, Imd. Eff. Oct. 25, 1983 ;-- Am. 1984, Act 324, Imd. Eff. Dec. 26, 1984 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1989 ;-- Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989 ;-- Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990 ;-- Am. 1992, Act 297, Eff. Jan. 1, 1993 ;-- Am. 1996, Act 551, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 80, Eff. Oct. 1, 1997 ;-- Am. 1998, Act 396, Imd. Eff. Dec. 17, 1998 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 163, Imd. Eff. June 23, 2004 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 78, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 425, Eff. Apr. 4, 2017 ;-- Am. 2019, Act 88, Imd. Eff. Sept. 30, 2019 ;-- Am. 2021, Act 110, Imd. Eff. Nov. 10, 2021 ;-- Am. 2023, Act 129, Imd. Eff. Sept. 29, 2023Compiler's Notes:For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.802a - Temporary Permits; Collection and Disposition of Fee; Bulk Sales to Agents.

Sec. 802a. (1) For temporary permits, as provided for in section 243 of this act, a fee of $20.00 shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of such temporary permits. (2) The secretary of state may sell temporary permits in bulk to vehicle owners or to persons who shall act as agents of the secretary of state for the purpose of issuing temporary permits. History:Add. 1960, Act 98, Imd. Eff. Apr. 26, 1960 ;-- Am. 1984, Act 330, Imd. Eff. Dec. 26, 1984

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803 - Special Plates for Manufacturer, Transporter, or Dealer; Fees.

Sec. 803. Except as otherwise provided in section 245, the secretary of state shall charge a $10.00 fee for each special plate issued under section 244. The secretary of state shall determine the number of special plates reasonably needed by a manufacturer, transporter, or dealer. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1966, Act 216, Eff. Mar. 10, 1967 ;-- Am. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967 ;-- Am. 2002, Act 490, Eff. Oct. 1, 2002 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803a.amended - Issuance or Renewal Historic Vehicle Registration Plate; Fee; Certification; Registration Certificate; Registration Transferable; Expiration or Revocation of Registration.

***** 257.803a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 8, 2025 ***** Sec. 803a. (1) The secretary of state may issue to the owner of a historic vehicle a historic vehicle registration plate that bears the inscription "historical vehicle - Michigan" and the registration number. (2) The owner of a historic vehicle applying for a historic vehicle registration plate or a renewal of a historic vehicle registration plate under this section shall do all of the following: (a) Pay a fee of either $30.00 or, for a personalized plate under section 803b, $150.00, as applicable. (b) Certify that the vehicle for which the registration is requested is owned and operated solely as a historic vehicle. (c) Certify that the vehicle has been inspected and found safe to operate on the highways of this state. (3) A registration certificate for a historic vehicle need not specify the weight of the historic vehicle. (4) A registration issued under this section is transferable to another historic vehicle upon completion of the application for transfer and payment of the fee in the manner described in section 809. (5) A registration issued under this section expires on April 15 in the tenth year following the date of issuance of the registration. (6) The secretary of state may revoke a registration issued under this section, for cause shown and after an opportunity to be heard, for failure of the applicant to comply with this section, for use of the vehicle for which the registration was issued for purposes other than those enumerated in section 20a, or because the vehicle is not safe to operate on the highways of this state. History:Add. 1951, Act 144, Eff. Sept. 28, 1951 ;-- Am. 1961, Act 186, Eff. Sept. 8, 1961 ;-- Am. 1978, Act 427, Imd. Eff. Sept. 30, 1978 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1980, Act 476, Eff. Mar. 31, 1981 ;-- Am. 1981, Act 225, Imd. Eff. Jan. 6, 1982 ;-- Am. 1987, Act 190, Eff. Apr. 15, 1988 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 1990, Act 347, Imd. Eff. Dec. 26, 1990 ;-- Am. 1996, Act 404, Eff. Dec. 21, 1996 ;-- Am. 2024, Act 133, Eff. Oct. 8, 2025

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803a - Issuance of Historic Vehicle Registration Plate or Registration Tab; Fee; Certification; Registration Certificate; Registration Transferable; Expiration or Revocation of Registration.

***** 257.803a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 8, 2025: See 257.803a.amended ***** Sec. 803a. (1) The secretary of state may issue to the owner of an historic vehicle an historic vehicle registration plate which shall bear the inscription "historical vehicle - Michigan" and the registration number. (2) The owner of an historic vehicle applying for an historic vehicle registration plate or a registration tab under this section shall pay a fee of $30.00, shall certify that the vehicle for which the registration is requested is owned and operated solely as an historic vehicle, and shall certify that the vehicle has been inspected and found safe to operate on the highways of this state. The registration certificate need not specify the weight of the historic vehicle. The registration issued under this section is transferable to another historic vehicle upon completion of the application for transfer and payment of the fee in the manner described in section 809. (3) A registration issued under this section shall expire on April 15 in the tenth year following the date of issuance of the registration. (4) The secretary of state may revoke a registration issued under this section, for cause shown and after a hearing, for failure of the applicant to comply with this section, for use of the vehicle for which the registration was issued for purposes other than those enumerated in section 20a, or because the vehicle is not safe to operate on the highways of this state. History:Add. 1951, Act 144, Eff. Sept. 28, 1951 ;-- Am. 1961, Act 186, Eff. Sept. 8, 1961 ;-- Am. 1978, Act 427, Imd. Eff. Sept. 30, 1978 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1980, Act 476, Eff. Mar. 31, 1981 ;-- Am. 1981, Act 225, Imd. Eff. Jan. 6, 1982 ;-- Am. 1987, Act 190, Eff. Apr. 15, 1988 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 1990, Act 347, Imd. Eff. Dec. 26, 1990 ;-- Am. 1996, Act 404, Eff. Dec. 21, 1996

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803b.amended - Personalized Registration Plate; Use; Letters and Numbers; Material; Duplication Prohibited; Submission of Application; Payment, Disposition, and Use of Service Fee; Expiration Date; Letters and Numbers Given to Different Person in Subsequent Year; Other Sequence of Letters and Numbers; Temporary Permit.

***** 257.803b.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 8, 2025 ***** Sec. 803b. (1) The secretary of state may issue 1 personalized vehicle registration plate that must be used on the passenger motor vehicle, pick-up truck, motorcycle, van, motor home, hearse, bus, trailer coach, or trailer for which the plate is issued instead of a standard plate. Personalized plates must bear letters and numbers as the secretary of state prescribes. The personalized plates must be made of the same material as standard plates. A personalized plate must not duplicate another registration plate. (2) An application for a personalized registration plate must be submitted to the secretary of state under section 217. Application for an original personalized registration plate must be accompanied with payment of a service fee of $8.00 for the first month and of $2.00 per month for each additional month of the registration period in addition to the regular vehicle registration fee. A second duplicate registration plate may be obtained by requesting that option on the application and paying an additional service fee of $5.00. The original and duplicate service fees must be deposited in the transportation administration collection fund created in section 810b through October 1, 2027. Application for the renewal of a personalized registration plate must be accompanied with payment of a service fee of

$15.00 in addition to the regular vehicle registration fee. The service fee must be credited to the Michigan transportation fund established under, and must be allocated as prescribed under, section 10 of 1951 PA 51, MCL 247.660. The amount allocated to the state trunk line fund established under section 11 of 1951 PA 51, MCL 247.661, must be used by the state transportation department for litter pickup and cleanup on state roads and rights-of-way. (3) The expiration date for a personalized registration plate is as prescribed under section 226. Upon the issuance or renewal of a personalized registration plate, the secretary of state may issue a tab or tabs designating the month and year of expiration. Upon the renewal of a personalized registration plate, the secretary of state shall issue a new tab or tabs for the rear plate designating the next expiration date of the plate. Upon renewal, the secretary of state shall not issue the owner a new exact duplicate of the expired plate unless the plate is illegible and the owner pays the service fee and registration fee for an original personalized registration plate. (4) The sequence of letters or numbers or combination of letters and numbers on a personalized plate must not be given to a different person in a subsequent year unless the person to whom the plate was issued does not reapply before the expiration date of the plate. (5) An applicant who applies for a registration plate under section 217d, 803a, 803e, 803f, 803j, 803k, 803l, 803n, or 803o is eligible to request, and the secretary of state may issue, the registration plate with a personalized sequence of letters and numbers authorized under this section. (6) The secretary of state may issue a temporary permit to a person who has submitted an application and the proper fees for a personalized registration plate if the applicant's vehicle registration may expire before receipt of the applicant's personalized registration plate. The temporary registration is valid for not more than 60 days after the date of issuance. The temporary permit must be issued without a fee. History:Add. 1972, Act 314, Imd. Eff. Jan. 2, 1973 ;-- Am. 1976, Act 49, Imd. Eff. Mar. 18, 1976 ;-- Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978 ;-- Am. 1978, Act 549, Imd. Eff. Dec. 22, 1978 ;-- Am. 1980, Act 476, Eff. Mar. 31, 1981 ;-- Am. 1981, Act 225, Imd. Eff. Jan. 6, 1982 ;-- Am. 1988, Act 419, Eff. Mar. 30, 1989 ;-- Am. 1993, Act 295, Eff. Apr. 1, 1994 ;-- Am. 1996, Act 142, Imd. Eff. Mar. 25, 1996 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 426, Eff. Jan. 1, 2006 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2015, Act 78, Eff. Oct. 1, 2015 ;-- Am. 2019, Act 88, Imd. Eff. Sept. 30, 2019 ;-- Am. 2023, Act 129, Imd. Eff. Sept. 29, 2023 ;-- Am. 2024, Act 133, Eff. Oct. 8, 2025

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803b - Personalized Registration Plate; Use; Letters and Numbers; Material; Duplication Prohibited; Submission of Application; Payment, Disposition, and Use of Service Fee; Expiration Date; Letters and Numbers Given to Different Person in Subsequent Year; Other Sequence of Letters and Numbers; Temporary Permit.

***** 257.803b THIS SECTION IS AMENDED EFFECTIVE OCTOBER 8, 2025: See 257.803b.amended ***** Sec. 803b. (1) The secretary of state may issue 1 personalized vehicle registration plate that must be used on the passenger motor vehicle, pick-up truck, motorcycle, van, motor home, hearse, bus, trailer coach, or trailer for which the plate is issued instead of a standard plate. Personalized plates must bear letters and numbers as the secretary of state prescribes. The personalized plates must be made of the same material as standard plates. A personalized plate must not duplicate another registration plate. (2) An application for a personalized registration plate must be submitted to the secretary of state under section 217. Application for an original personalized registration plate must be accompanied with payment of a service fee of $8.00 for the first month and of $2.00 per month for each additional month of the registration period in addition to the regular vehicle registration fee. A second duplicate registration plate may be obtained by requesting that option on the application and paying an additional service fee of $5.00. The original and duplicate service fees must be deposited in the transportation administration collection fund created in section 810b through October 1, 2027. Application for the renewal of a personalized registration plate must be accompanied with payment of a service fee of $15.00 in addition to the regular vehicle registration fee. The service fee must be credited to the Michigan transportation fund established under, and must be allocated as prescribed under, section 10 of 1951 PA 51, MCL 247.660. The amount allocated to the state trunk line fund established under section 11 of 1951 PA 51, MCL 247.661, must be used by the state transportation department for litter pickup and cleanup on state roads and rights-of-way. (3) The expiration date for a personalized registration plate is as prescribed under section 226. Upon the issuance or renewal of a personalized registration plate, the secretary of state may issue a tab or tabs designating the month and year of expiration. Upon the renewal of a personalized registration plate, the secretary of state shall issue a new tab or tabs for the rear plate designating the next expiration date of the plate. Upon renewal, the secretary of state shall not issue the owner a new exact duplicate of the expired plate unless the plate is illegible and the owner pays the service fee and registration fee for an original personalized registration plate. (4) The sequence of letters or numbers or combination of letters and numbers on a personalized plate must not be given to a different person in a subsequent year unless the person to whom the plate was issued does not reapply before the expiration date of the plate. (5) An applicant who applies for a registration plate under section 217d, 803e, 803f, 803j, 803k, 803l, 803n, or 803o is eligible to request, and the secretary of state may issue, the registration plate with a sequence of letters and numbers otherwise authorized under this section. (6) The secretary of state may issue a temporary permit to a person who has submitted an application and the proper fees for a personalized registration plate if the applicant's vehicle registration may expire before receipt of the applicant's personalized registration plate. The temporary registration is valid for not more than 60 days after the date of issuance. The temporary permit must be issued without a fee. History:Add. 1972, Act 314, Imd. Eff. Jan. 2, 1973 ;-- Am. 1976, Act 49, Imd. Eff. Mar. 18, 1976 ;-- Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978 ;-- Am. 1978, Act 549, Imd. Eff. Dec. 22, 1978 ;-- Am. 1980, Act 476, Eff. Mar. 31, 1981 ;-- Am. 1981, Act 225, Imd. Eff. Jan. 6, 1982 ;-- Am. 1988, Act 419, Eff. Mar. 30, 1989 ;-- Am. 1993, Act 295, Eff. Apr. 1, 1994 ;-- Am. 1996, Act 142,

Imd. Eff. Mar. 25, 1996 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 426, Eff. Jan. 1, 2006 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2015, Act 78, Eff. Oct. 1, 2015 ;-- Am. 2019, Act 88, Imd. Eff. Sept. 30, 2019 ;-- Am. 2023, Act 129, Imd. Eff. Sept. 29, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803c - Personalized Registration Plates; Confiscation for Improper Use.

Sec. 803c. Use of personalized automobile registration plates on a vehicle other than the vehicle for which the plates were issued is a misdemeanor. The secretary of state shall confiscate the personalized automobile registration plates of any person who is in violation of this section. History:Add. 1972, Act 314, Imd. Eff. Jan. 2, 1973

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803d - Special Registration Plates for Disabled Persons or for Vehicles Used to Transport Disabled Persons; Inscription; Statements; Fees; Application; Violation; Penalty; "Disabled Person" Defined.

Sec. 803d. (1) A disabled person may make application to the secretary of state and the secretary of state may issue special registration plates inscribed with the official international wheelchair symbol or a reasonable facsimile of that symbol and special identification numbers. Vehicles registered under section 801(1)(a) may be issued special registration plates under this section. A vehicle that is used to transport disabled persons may qualify for these distinguishing plates when the registered owner of the vehicle resides at the same address as the disabled person, submits as part of his or her application for the plates a statement to the effect that the vehicle is used for that purpose, and provides the secretary of state with a medical statement attesting to the fact that the person being transported is a disabled person. The fees for the special registration plates shall correspond with the registration fees provided in section 801(1)(a). Application for the special plates shall be on a form prescribed by the secretary of state. As part of a penalty imposed for violation of the special privileges conferred by this section, a magistrate or judge may order the special plates confiscated and returned to the secretary of state together with a certified copy of the sentence imposed. The use of special plates on a vehicle other than the vehicle for which the plates are issued or by a person who does not qualify under this section is a misdemeanor. (2) As used in this section, "disabled person" means a person who is determined by a physician, a physician assistant, a physical therapist, or an optometrist as specifically provided in this section licensed to practice in this state to have 1 or more of the following physical characteristics: (a) Blindness as determined by an optometrist, a physician, or a physician assistant. (b) Inability to walk more than 200 feet without having to stop and rest. (c) Inability to do both of the following: (i) Use 1 or both legs or feet. (ii) Walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, or without the assistance of another person. (d) A lung disease from which the person's forced expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or from which the person's arterial oxygen tension is less than 60 mm/hg of room air at rest. (e) A cardiovascular condition that causes the person to measure between 3 and 4 on the New York heart classification scale, or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American heart association and approved by the department of public health. (f) An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk. (g) The persistent reliance upon an oxygen source other than ordinary air. History:Add. 1974, Act 41, Imd. Eff. Mar. 13, 1974 ;-- Am. 1976, Act 279, Imd. Eff. Oct. 14, 1976 ;-- Am. 1977, Act 19, Eff. Oct. 1, 1977 ;-- Am. 1984, Act 175, Imd. Eff. July 3, 1984 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2018, Act 62, Eff. June 12, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803e - Special Registration Plate; Inscription; Application; Form; Proof; Issuance of Plate; Exemption; Misdemeanor; Expiration of Plate; Application for Renewal; "Blue Star Family Member" and "Gold Star Family Member" Defined.

Sec. 803e. (1) A person who was a prisoner of war or a person whose spouse was a prisoner of war may apply to the secretary of state for a special registration plate inscribed with special identification numbers preceded by the letters "EX-POW" and the words "ex-prisoner of war" beneath the registration number. (2) A person who was a member of the United States Armed Forces during World War I may apply to the secretary of state for a special registration plate inscribed with special identification numbers preceded by the letters "WWI" and the words "World War I veteran" beneath the registration number. (3) A person who was a member of the United States Armed Forces during 1941, was stationed at a United States military or naval establishment at Pearl Harbor in the Hawaiian Islands, and survived the attack by Japan on Pearl Harbor on December 7, 1941 may apply to the secretary of state for a special registration plate inscribed with special identification numbers and the words "Pearl Harbor survivor" beneath the registration number. (4) A recipient of the Purple Heart Medal may apply to the secretary of state for a special registration plate inscribed with special identification numbers and the words "combat wounded veteran" beneath the registration number. In addition, the special registration plate described in this subsection must be inscribed with a vignette of the official Purple Heart Medal. (5) Application for a special registration plate must be on a form prescribed by the secretary of state and must be accompanied by any proof of the applicant having been a prisoner of war, World War I veteran, Pearl Harbor survivor, or recipient of the Purple Heart Medal that the secretary of state may require. Application for a "Gold Star Family" special registration plate described in subsection (9) or a "Blue Star Family" special registration plate described in subsection (10) must be on a form prescribed by the secretary of

state and must be accompanied by any proof of the applicant having been a gold star or blue star family member that the secretary of state may require. The application for the special registration plate must not require a service fee under section 804. (6) Upon proper application, the secretary of state shall issue 1 or more special registration plates under this section for each applicant for use on a passenger vehicle. A person who is disabled who applies for a special registration plate under this section must be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. One person in any household is entitled to 1 special registration plate issued under subsection (1) that is exempt from payment of the tax provided in section 801. The person who is issued an additional special registration plate under subsection (1) must be assessed the applicable tax provided for in section 801. A person issued 1 or more special registration plates under subsection (2), (3), (4), (9), or (10) must be assessed the applicable tax provided in section 801. (7) The use of a special registration plate issued under this section on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (8) The special registration plate issued under this section expires on the birthday of the vehicle owner in a year in which new plates are issued by the secretary of state. Application for renewal of the special registration plate must not require a service fee under section 804. The applicant is not required to furnish the proof provided in subsection (5). (9) A gold star family member may apply to the secretary of state for a special registration plate inscribed with special identification numbers preceded by a gold star and the words "Gold Star Family" beneath the registration number. (10) A blue star family member may apply to the secretary of state for a special registration plate inscribed with special identification numbers preceded by a Blue Star Families insignia and the words "Blue Star Family" beneath the registration number. (11) As used in this section: (a) "Blue star family member" means a person who is currently serving in the United States Armed Forces or in forces incorporated as part of the United States Armed Forces or a person who has an immediate family member serving in the United States Armed Forces or in forces incorporated as part of the United States Armed Forces. As used in this subdivision, "immediate family member" means a parent, stepparent, adoptive parent, foster parent standing in loco parentis, child, stepchild, adopted child, sibling, half-sibling, spouse, or grandparent. (b) "Gold star family member" means a person who has had an immediate family member die while serving in the United States Armed Forces or in forces incorporated as part of the United States Armed Forces if the immediate family member meets any of the eligibility criteria specified in 10 USC 1126(a)(1) to (3) for a gold star lapel button. History:Add. 1982, Act 152, Imd. Eff. May 17, 1982 ;-- Am. 1986, Act 260, Imd. Eff. Dec. 9, 1986 ;-- Am. 1988, Act 148, Eff. Nov. 11, 1988 ;-- Am. 1988, Act 149, Eff. Nov. 11, 1988 ;-- Am. 1988, Act 150, Eff. Nov. 11, 1988 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2003, Act 30, Imd. Eff. June 30, 2003 ;-- Am. 2011, Act 46, Eff. July 1, 2011 ;-- Am. 2020, Act 51, Imd. Eff. Mar. 3, 2020 ;-- Am. 2022, Act 143, Imd. Eff. July 11, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803f.amended - Special Registration Plates for Disabled Veterans and Surviving Spouses; Inscription; Application; Form; Service Fee Prohibited; Proof; Tax Exemption; Expiration of Plates; Renewal; Tab for Persons With Disabilities; Misdemeanor.

***** 257.803f.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 803f. (1) An individual who is a disabled veteran with an honorable discharge from the United States Armed Forces may apply to the secretary of state if the disabled veteran owns a private passenger motor vehicle, and the secretary of state may issue a special registration plate inscribed with special identification numbers preceded by the letters "DV" and the words "disabled veteran" beneath the registration number. (2) An application for a special registration plate described in subsection (1) must be on a form prescribed by the secretary of state, must not require a service fee under section 804, and must be accompanied by proof that the applicant was honorably discharged from the United States Armed Forces and 1 of the following: (a) If the applicant is a totally disabled veteran, that the applicant has been determined by the United States Department of Veterans Affairs to have a service-connected total or permanent total disability rating for compensation. (b) If the applicant is a totally disabled veteran, that the applicant has been determined to have a service-connected total or permanent total disability rating and is receiving disability retirement pay from a branch of the United States Armed Forces. (c) If the applicant is a partially disabled veteran, that the applicant has been determined by the United States Department of Veterans Affairs to have a service-connected disability rating of not less than 50%. (3) A special registration plate issued to a totally disabled veteran described in subsection (2)(a) or (b) is exempt from the payment of the tax provided for in section 801. (4) A special registration plate issued to a totally disabled veteran described in subsection (2)(a) or (b) expires on the birthday of the totally disabled veteran in a year in which new plates are issued by the secretary of state. Application for renewal of the special registration plate must not require a service fee under section 804. The applicant is not required to furnish the proof provided in subsection (2) for renewal. (5) A special registration plate issued to a partially disabled veteran described in subsection (2)(c) expires as provided in section 226, and a partially disabled veteran shall apply for renewal of the special registration plate as provided in section 226. The applicant is not required to furnish the proof provided in subsection (2) for renewal. (6) The surviving spouse of an individual who is a disabled veteran with a service-connected disability rating from the United States Department of Veterans Affairs of not less than 50% and an honorable discharge from the United States Armed Forces may use a special registration plate issued under this section after the death of the disabled veteran. The surviving spouse may renew a special registration plate issued under this section after the death of the disabled veteran in the same manner as provided under this section for a disabled veteran with the same service-connected disability rating as the deceased disabled veteran. If applicable, a surviving spouse must apply for registration of the vehicle on which the surviving

spouse wishes to place the disabled veteran plate before using or renewing the plate as described in this section. (7) If applicable, the secretary of state may issue to a disabled veteran who has been issued a special registration plate under this section a tab for persons with disabilities. The tab for persons with disabilities must be an adhesive tab that displays the international wheelchair symbol or a reasonable facsimile of that symbol. The tab for persons with disabilities may be attached only to the special registration plate issued to the disabled veteran under this section. (8) An application for a tab for persons with disabilities must be on a form prescribed by the secretary of state. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. If the surviving spouse of a disabled veteran is a disabled person, the surviving spouse may apply to the secretary of state for a tab for persons with disabilities in the same manner as provided for a disabled veteran under this subsection. (9) A tab for persons with disabilities issued under subsection (7) must be issued free of charge. (10) If a disabled veteran who has been issued a tab for persons with disabilities renews the disabled veteran's special registration plate under this section, the secretary of state shall issue a new tab for persons with disabilities to the disabled veteran, free of charge. The disabled veteran is not required to again furnish the proof required under subsection (8). (11) The use of a special registration plate or a tab for persons with disabilities issued under this section on a motor vehicle other than the motor vehicle for which the special registration plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (12) As used in this section, "private passenger motor vehicle" means a motor vehicle that is personally owned by a disabled veteran and is used for the primary purpose of transporting the disabled veteran and family members of the disabled veteran, but does not include a motor home. History:Add. 1985, Act 99, Imd. Eff. July 18, 1985 ;-- Am. 1986, Act 222, Eff. Oct. 1, 1986 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2018, Act 681, Eff. June 26, 2019 ;-- Am. 2022, Act 143, Imd. Eff. July 11, 2022 ;-- Am. 2024, Act 149, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803f - Special Registration Plates for Totally Disabled Veterans and Surviving Spouses; Inscription; Application; Form; Service Fee Prohibited; Proof; Tax Exemption; Expiration of Plates; Renewal; Tab for Persons With Disabilities; Misdemeanor.

***** 257.803f THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.803f.amended ***** Sec. 803f. (1) A person who is a totally disabled veteran with an honorable discharge from the United States Armed Forces may apply to the secretary of state if he or she owns a private passenger motor vehicle, and the secretary of state may issue a special registration plate inscribed with special identification numbers preceded by the letters "DV" and the words "disabled veteran" inscribed beneath the registration number. (2) Application for the special registration plate must be on a form prescribed by the secretary of state, must not require a service fee under section 804, and must be accompanied by proof that the applicant was honorably discharged from the armed services and either 1 of the following: (a) That the applicant has been determined by the United States Department of Veterans Affairs to have a service-connected total or permanent total disability rating for compensation. (b) That the applicant has been determined to have a service-connected total or permanent total disability rating and is receiving disability retirement pay from a branch of the uniformed armed services. (3) A special registration issued under this section is exempt from payment of the tax provided in section 801. (4) The special registration plate expires on the birthday of the disabled veteran in a year in which new plates are issued by the secretary of state. Application for renewal of the special registration plate must not require a service fee under section 804. The applicant is not required to furnish the proof provided in subsection (2) for renewal. (5) The surviving spouse of a person who is a totally disabled veteran with an honorable discharge from the United States Armed Forces may use a special registration plate issued under this section after the death of the totally disabled veteran and may renew a special registration plate issued under this section after the death of the totally disabled veteran in the same manner as provided under this section for a totally disabled veteran. If applicable, a surviving spouse shall apply for registration of the vehicle upon which he or she wishes to place the disabled veteran plate before using or renewing the plate as described in this section. (6) The secretary of state may issue to a disabled person who has been issued a special registration plate under this section a tab for persons with disabilities. The tab for persons with disabilities must be an adhesive tab displaying the international wheelchair symbol or a reasonable facsimile of that symbol. The tab for persons with disabilities may be attached only to the special registration plate issued to the disabled person under this section. (7) An application for a tab for persons with disabilities must be on a form prescribed by the secretary of state. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. If the surviving spouse of a totally disabled veteran is a disabled person, he or she may apply to the secretary of state for a tab for persons with disabilities in the same manner as provided for a totally disabled veteran under this subsection. (8) The tab for persons with disabilities must be issued free of charge. (9) When a disabled person who has been issued a tab for persons with disabilities renews his or her special registration plate under this section, the secretary of state shall issue a new tab for persons with disabilities to the disabled person, free of charge. The disabled person shall not be required to again furnish the proof required under subsection (7). (10) The use of the special registration plate or a tab for persons with disabilities issued under this section on a motor vehicle other than the motor vehicle for which the special registration plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (11) As used in this section, "private passenger motor vehicle" means a motor vehicle that is personally owned by the disabled veteran and is used for the primary purpose of transporting the disabled veteran and family members of the disabled veteran, but does not include a motor home. History:Add. 1985, Act 99, Imd. Eff. July 18, 1985 ;-- Am. 1986, Act 222, Eff. Oct. 1, 1986 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2018, Act 681, Eff. June 26,

2019 ;-- Am. 2022, Act 143, Imd. Eff. July 11, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803g - Special Registration for Member of Congress From Michigan; Issuance; Expiration; Fee.

Sec. 803g. The secretary of state may issue a special registration to a member of the United States congress from Michigan. The expiration date of a registration issued under this section shall be January 31. The fee for the special registration shall correspond with the registration fees provided in section 801(a) or (q). History:Add. 1987, Act 151, Imd. Eff. Oct. 29, 1987

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803h - Tab for Persons With Disabilities; "Disabled Person" Defined.

Sec. 803h. (1) The secretary of state may issue a tab for persons with disabilities to a disabled person who is issued or has been issued a Michigan motor vehicle registration plate other than a section 803d registration plate for persons with disabilities. The tab for persons with disabilities shall be an adhesive tab displaying the international wheelchair symbol or a reasonable facsimile of that symbol. The use of a tab for persons with disabilities on a registration plate other than the plate for which the tab was issued or by a person who does not qualify as a disabled person is a misdemeanor. (2) A tab for persons with disabilities shall not be used on a registration plate attached to a motor vehicle owned and operated by this state; a state institution; a municipality; a governmental unit; a nonprofit organization; the civil air patrol; or a nonprofit, nonpublic college or university; or on a commercial motor vehicle. A tab for persons with disabilities shall not be placed on a registration plate used for intransit-repair or repossession of a motor vehicle. (3) As used in this section, "disabled person" means a person who is determined by a physician, a physician assistant, a physical therapist, or an optometrist as specifically provided in this section licensed to practice in this state to have 1 or more of the following physical characteristics: (a) Blindness as determined by an optometrist, a physician, or a physician assistant. (b) Inability to walk more than 200 feet without having to stop and rest. (c) Inability to do both of the following: (i) Use 1 or both legs or feet. (ii) Walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, or without the assistance of another person. (d) A lung disease from which the person's forced expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or from which the person's arterial oxygen tension is less than 60 mm/hg of room air at rest. (e) A cardiovascular condition that causes the person to measure between 3 and 4 on the New York heart classification scale, or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American heart association and approved by the department of public health. (f) An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk. (g) The persistent reliance upon an oxygen source other than ordinary air. History:Add. 1988, Act 419, Eff. Mar. 30, 1989 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2018, Act 62, Eff. June 12, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803i - Special Registration Plate for Member of National Guard, Military Reserve, or Armed Forces; Display of Vignette; Inscription; Application Form; Proof; Issuance; Tab for Persons With Disabilities; Tax; Misdemeanor; Expiration; Renewal.

Sec. 803i. (1) A person who was or is a member of the National Guard may apply to the secretary of state for a special registration plate that displays an appropriate vignette preceding the registration numbers and has the words "national guard" inscribed beneath the registration numbers for passenger vehicles only. (2) A person who was or is a member of the United States Armed Forces Reserve may apply to the secretary of state for a special registration plate that displays an appropriate vignette preceding the registration numbers. (3) A person who was a member of any branch of the United States Armed Forces who has retired or been granted an honorable discharge from that branch of the United States Armed Forces and who is not otherwise eligible for a special registration plate under this act may apply to the secretary of state for a special registration plate that displays an appropriate vignette preceding the registration numbers. (4) Application for a special registration plate must be on a form prescribed by the secretary of state and must be accompanied by any proof of the applicant being or having been a member of the National Guard or the United States Armed Forces Reserve or a member as described in subsection (3) of the United States Armed Forces that the secretary of state may require. The application for a special registration plate must not require a service fee under section 804. (5) Upon proper application, the secretary of state shall issue 1 or more special registration plates under this section for each applicant for use on a passenger vehicle or, for the purposes of subsection (1) or (3), for use on a motorcycle. A person who is disabled who applies for a special registration plate under this section must be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued 1 or more special registration plates under subsection (1), (2), or (3) must be assessed the applicable tax provided in section 801. (6) The use of a special registration plate issued under this section on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (7) The special registration plate issued under this section expires on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate must not require a service fee under section 804. The applicant is not required to furnish the proof provided in subsection (4). History:Add. 1989, Act 19, Eff. Nov. 11, 1989 ;-- Am. 1992, Act 280, Imd. Eff. Dec. 18, 1992 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am.

1997, Act 12, Imd. Eff. May 28, 1997 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2011, Act 73, Imd. Eff. July 12, 2011 ;-- Am. 2011, Act 74, Imd. Eff. July 12, 2011 ;-- Am. 2022, Act 143, Imd. Eff. July 11, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803j - Special Registration Plate for Member or Spouse of Member of Armed Forces During Korean War; Display of Vignette; Inscription; Application Form; Proof; Issuance; Tab for Persons With Disabilities; Tax; Misdemeanor; Expiration; Renewal.

Sec. 803j. (1) A person who was a member of the United States Armed Forces or a person whose spouse was a member of the United States Armed Forces during the Korean War may make application to the secretary of state for a special registration plate that displays an appropriate vignette preceding the registration numbers and has the word "veteran" inscribed beneath the registration numbers. (2) Application for a special registration plate must be on a form prescribed by the secretary of state, and must be accompanied by any proof of the applicant or the applicant's spouse having been a Korean War veteran that the secretary of state may require. The application for a special registration plate must not require a service fee under section 804. (3) Upon proper application, the secretary of state shall issue 1 or more special registration plates under this section for each applicant for use on a passenger vehicle. A person who is disabled who makes application for a special registration plate under this section shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued 1 or more special registration plates under subsection (1) must be assessed the applicable tax provided in section 801. (4) The use of a special registration plate issued under this section on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (5) The special registration plate issued under this section expires on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate must not require a service fee under section 804. The applicant is not required to furnish the proof provided in subsection (2). History:Add. 1989, Act 17, Eff. Nov. 11, 1989 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 1999, Act 183, Imd. Eff. Nov. 24, 1999 ;-- Am. 2022, Act 143, Imd. Eff. July 11, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803k - Special Registration Plate for Member or Spouse of Member of Armed Forces During Vietnam War; Display of Vignette; Inscription; Application Form; Proof; Issuance; Tab for Persons With Disabilities; Tax; Misdemeanor; Expiration; Renewal.

Sec. 803k. (1) A person who was a member of the United States Armed Forces during the Vietnam War or a person whose spouse was a member of the United States Armed Forces during the Vietnam War may apply to the secretary of state for a special registration plate that displays an appropriate vignette preceding the registration numbers and has the word "veteran" inscribed beneath the registration numbers. (2) Application for a special registration plate must be on a form prescribed by the secretary of state, and must be accompanied by any proof of the applicant or applicant's spouse having been a Vietnam War veteran that the secretary of state may require. The application for a special registration plate must not require a service fee under section 804. (3) Upon proper application, the secretary of state shall issue 1 or more special registration plates under this section for each applicant for use on a passenger vehicle. A person who is disabled who makes application for a special registration plate under this section shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued 1 or more special registration plates under subsection (1) must be assessed the applicable tax provided in section 801. (4) The use of a special registration plate on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (5) The special registration plate issued under this section expires on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate must not require a service fee under section 804. The applicant is not required to furnish the proof provided in subsection (2). History:Add. 1989, Act 18, Eff. Nov. 11, 1989 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 1999, Act 183, Imd. Eff. Nov. 24, 1999 ;-- Am. 2022, Act 143, Imd. Eff. July 11, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803l - Special Registration Plate for Member or Spouse of Member of Armed Forces During World War II; Display of Vignette; Inscription; Application Form; Proof; Issuance; Tab for Persons With Disabilities; Tax; Misdemeanor; Expiration; Renewal.

Sec. 803l. (1) A person who was a member of the United States Armed Forces during World War II or a person whose spouse was a member of the United States Armed Forces during World War II may apply to the secretary of state for a special registration plate that displays an appropriate vignette preceding the registration numbers and has the word "veteran" inscribed beneath the registration numbers. (2) Application for a special registration plate must be on a form prescribed by the secretary of state, and must be accompanied by any proof of the applicant or applicant's spouse having been a World War II veteran that the secretary of state may require. The application for a special registration plate must not require a service fee under section 804. (3) Upon proper application, the secretary of state shall issue 1 special registration plate for each applicant for use on a passenger vehicle. A person who is disabled who makes application for a special registration plate under this section shall be issued a tab for persons with

disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued a special registration plate under subsection (1) must be assessed the applicable tax provided in section 801. (4) The use of a special registration plate issued under this section on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (5) The special registration plate issued under this section expires on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate must not require a service fee under section 804. The applicant is not required to furnish the proof provided in subsection (2). History:Add. 1989, Act 16, Eff. Nov. 11, 1989 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 1999, Act 183, Imd. Eff. Nov. 24, 1999 ;-- Am. 2000, Act 77, Eff. Oct. 1, 2000 ;-- Am. 2022, Act 143, Imd. Eff. July 11, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803m - Special Organization Plates.

Sec. 803m. (1) The secretary of state may issue 2 special organization motor vehicle registration plates to an applicant for use on a passenger motor vehicle, pickup truck, van, or motor home for which the plates are issued instead of standard plates. A special organization motor vehicle registration plate is a registration plate issued by the secretary of state that bears on its face the symbol or emblem of an organization. (2) Special organization plates shall bear letters and numbers as the secretary of state prescribes. Special organization plates may contain the symbol of the organization to the left of the plate number. The secretary of state shall not issue a letter combination or permit the use of a symbol which might carry a connotation offensive to good taste and decency. The special organization plates shall be made of the same material as standard plates. Special organization plates shall not be a duplication of another registration plate. (3) In order to qualify its members to receive special organization plates, an organization shall meet all of the following criteria: (a) Be a nonprofit fraternal or public service organization. (b) Certify that it consists of not less than 500 members and that not less than 500 members will apply for special organization registration plates. (c) Have a recognizable state, national, or international symbol or emblem of the organization. (d) Submit a service fee of $500.00 for the initial manufacture of the symbols or emblems for the special registration plates. (e) Not practice or influence others to practice any form of discrimination prohibited by the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804. (4) If an organization meets the criteria set forth in subsection (3), the organization may request the secretary of state to manufacture special organization registration plates for its members. A request shall be accompanied by all of the following: (a) A copy of the organization's charter and bylaws, if any. (b) A statement of the organization's consent to use of the organization's symbol or emblem on special organization plates. The statement shall be signed by the president or chief executive officer of the organization. (c) A sample of the organization's symbol or emblem. (d) The name of the organization's representative who will serve as a contact person with the secretary of state. (5) A member of an organization which has met the criteria set forth in subsection (3) shall individually make application for a special organization plate and submit with the application the organization's confirmation of membership on a form provided by the secretary of state. (6) An application for a special organization registration plate shall be submitted to the secretary of state pursuant to the procedures prescribed in section 217. In addition to the regular registration fee, each application for a new special organization plate shall be accompanied by a service fee of $25.00. The service fee prescribed in this subsection shall not be charged in connection with an application for a renewal tab for an existing special organization plate. A special organization registration plate shall expire as provided in section 226. (7) The secretary of state may issue a temporary registration permit to a person who submits an application and the proper fees for a special organization plate, if the applicant's current vehicle registration will expire before his or her receipt of an organization plate. The temporary registration shall expire upon the applicant's receipt of an organization plate or upon the expiration of 60 days after the date of issuance, whichever occurs first. A temporary permit issued under this subsection shall be issued without charge. (8) This section shall apply to an organization described in section 811c only to the extent provided by section 811c. History:Add. 1989, Act 111, Eff. Mar. 29, 1990 ;-- Am. 1994, Act 332, Imd. Eff. Oct. 18, 1994 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803n - Special Registration Plate for Member or Spouse of Member of National Guard, Reserve, or Branch of Armed Forces During Persian Gulf War or Conflicts in Grenada, Panama, or Lebanon; Display of Vignette; Inscription; Application Form; Proof; Issuance; Tab for Persons With Disabilities; Tax; Misdemeanor; Expiration; Renewal.

Sec. 803n. (1) A person who was a member or a person whose spouse was a member of the Michigan National Guard, the United States Armed Forces Reserve, or any branch of the United States Armed Forces and who was called to active duty during the Persian Gulf War may apply to the secretary of state for a special registration plate that displays an appropriate vignette preceding the registration numbers and has the word "veteran" inscribed beneath the registration numbers. (2) A person who was a member or a person whose spouse was a member of the United States Armed Forces during the conflict in Grenada, the conflict in Panama, or the conflict in Lebanon may apply to the secretary of state for a special registration plate that displays an appropriate vignette preceding the registration numbers and has the word "veteran" inscribed beneath the registration numbers. (3) Application for a special registration plate must be on a form prescribed by the secretary of state, and must be accompanied by any proof of the applicant or applicant's spouse having been a war or conflict veteran that the secretary of state may require. The application for a

special registration plate must not require a service fee under section 804. (4) Upon proper application, the secretary of state shall issue 1 or more special registration plates under this section for each applicant for use on a passenger vehicle. A person who is disabled who applies for a special registration plate under this section shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued 1 or more special registration plates under subsection (1) or (2) must be assessed the applicable tax provided in section 801. (5) The use of a special registration plate issued under this section on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (6) The special registration plate issued under this section expires on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate must not require a service fee under section 804. The applicant is not required to furnish the proof provided in subsection (3). History:Add. 1992, Act 280, Imd. Eff. Dec. 18, 1992 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 1999, Act 183, Imd. Eff. Nov. 24, 1999 ;-- Am. 2022, Act 143, Imd. Eff. July 11, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803o - Special Registration Plate for Member or Spouse of Member of National Guard, Reserve, or Branch of Armed Forces Called to Active Duty During Declared War or Armed Conflict; Display of Vignette; Inscription; Application Form; Proof; Issuance; Tab for Persons With Disabilities; Tax; Misdemeanor; Expiration; Renewal.

Sec. 803o. (1) A person who was a member or a person whose spouse was a member of the Michigan National Guard, the United States Armed Forces Reserve, or any branch of the United States Armed Forces and who was called to active duty during a declared war or an armed conflict in which the United States was a participant may apply to the secretary of state for a special registration plate that displays an appropriate vignette preceding the registration numbers and has the word "veteran" inscribed beneath the registration numbers. (2) Application for a special registration plate must be on a form prescribed by the secretary of state, and must be accompanied by any proof of the applicant or applicant's spouse having been a veteran of a declared war or an armed conflict in which the United States was a participant that the secretary of state may require. The application for a special registration plate must not require a service fee under section 804. (3) Upon proper application, the secretary of state shall issue 1 or more special registration plates under this section for each applicant for use on a passenger vehicle. A person who is disabled who applies for a special registration plate under this section shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued 1 or more special registration plates under subsection (1) must be assessed the applicable tax provided in section 801. (4) The use of a special registration plate issued under this section on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (5) The special registration plate issued under this section expires on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate must not require a service fee under section 804. The applicant is not required to furnish the proof provided in subsection (2). History:Add. 1992, Act 280, Imd. Eff. Dec. 18, 1992 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 1999, Act 183, Imd. Eff. Nov. 24, 1999 ;-- Am. 2022, Act 143, Imd. Eff. July 11, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803p - Authentic Michigan Registration Plate; Fee; Certification; Registration Certificate; Transferability; Validity; Revocation of Registration.

Sec. 803p. (1) The owner of an historic vehicle may use an authentic Michigan registration plate of the same year as the model year in which the vehicle was manufactured instead of an historic vehicle registration plate issued under section 803a by presenting the authentic plate number and year to the secretary of state at the time of registration. The owner of an historic vehicle may purchase an authentic Michigan registration plate from another person and restore the plate to its authentic condition for use pursuant to this section. An authentically restored plate shall be considered an authentic Michigan registration plate. (2) The owner of an historic vehicle applying to use an authentic Michigan registration plate under this section shall pay a fee of $35.00, shall certify that the vehicle for which the registration is requested is owned and operated solely as an historic vehicle, and shall certify that the vehicle has been inspected and found safe to operate on the highways of this state. The registration certificate need not specify the weight of the historic vehicle. The registration issued under this section is not transferable to another historic vehicle. (3) A registration issued under this section shall remain valid until the registrant either sells, transfers, or scraps the vehicle or modifies the vehicle in a manner that requires the issuance of a new certificate of title for the vehicle under this act. (4) After a hearing and for cause shown, the secretary of state may revoke a registration issued under this section for failure of the applicant to comply with this section, for use of the vehicle for which the registration was issued for purposes other than those enumerated in section 20a, or because the vehicle is not safe to operate on the highways of this state. History:Add. 1996, Act 404, Eff. Dec. 21, 1996

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803q - Special Registration Plate; “Honorary Consul” Designation; Fee; Tax; Prohibited Use; Violation as Misdemeanor; Expiration; Status or Immunity.

Sec. 803q. (1) A person who is designated an honorary consul by a diplomatic corps of a nation other than the United States that is recognized by the government of the United States and who is assigned or stationed in Michigan may make application to the secretary of state for a set of 2 special registration plates. Each special registration plate shall have the words "honorary consul" inscribed on the plate. (2) Application for the set of 2 special registration plates described in subsection (1) shall be on a form prescribed by the secretary of state, and shall be accompanied by proof that the applicant is designated as an honorary consul. The application for the set of 2 special registration plates shall also be accompanied by payment of a $35.00 consulate identification fee for the set of 2 special registration plates. The consulate identification fee shall be deposited in the state treasury and be credited to the Michigan transportation fund. It shall be used first to defray the expenses of the secretary of state in issuing these plates. (3) Upon proper application and payment of the appropriate consulate identification fee required under subsection (2), the secretary of state shall issue a set of 2 special registration plates described in subsection (1) for each applicant for use on a passenger vehicle. A person issued a set of 2 special registration plates under this section shall be assessed the applicable tax under section 801. (4) The use of a special registration plate described in subsection (1) on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (5) A special registration plate issued under this section shall expire on the birthday of the vehicle owner. (6) The issuance of a set of 2 special registration plates to an applicant under this section does not confer diplomatic status or diplomatic immunity upon the applicant. History:Add. 2000, Act 119, Eff. Oct. 1, 2000

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803r - Service Fees; Deposit Into Transportation Administration Collection Fund.

Sec. 803r. The secretary of state shall deposit the service fees collected under sections 803e, 803f, 803i, 803j, 803k, 803l, 803m, 803n, 803o, and 803s(2)(a) into the transportation administration collection fund created under section 810b through October 1, 2027. History:Add. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 78, Eff. Oct. 1, 2015 ;-- Am. 2019, Act 88, Imd. Eff. Sept. 30, 2019 ;-- Am. 2023, Act 129, Imd. Eff. Sept. 29, 2023 ;-- Am. 2023, Act 317, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803s - Legacy Registration Plates; Application; Fees.

Sec. 803s. (1) Not later than 1 year after the effective date of the amendatory act that added this section, the secretary of state shall develop and issue the following legacy registration plates: (a) A blue registration plate that replicates a registration plate issued by this state during the years 1983 to 2007 as determined by the secretary of state. (b) A black registration plate that replicates a registration plate issued by this state during the years 1979 to 1983 as determined by the secretary of state. (c) Only available for issue in the year 2026 to celebrate the United States' semiquincentennial, a red, white, and blue registration plate that replicates a registration plate issued by this state during the year 1976 as determined by the secretary of state. (2) An application for a legacy registration plate must be submitted to the secretary of state pursuant to the procedures prescribed in section 217. In addition to the regular registration fee, an application for a legacy registration plate under this section must be accompanied by the following, as applicable: (a) For a new legacy registration plate, a service fee of $5.00. (b) For a new legacy registration plate, an additional fee of $50.00. The additional fee must be deposited in the Michigan transportation fund established under section 10 of 1951 PA 51, MCL 247.660. (c) For a registration renewal of an existing legacy registration plate, an additional fee of $10.00. The additional fee must be deposited in the Michigan transportation fund established under section 10 of 1951 PA 51, MCL 247.660. (3) A legacy registration plate expires as provided in section 226. (4) The secretary of state shall determine the number of each legacy registration plate to be manufactured and issued under this section. (5) The secretary of state may, as determined necessary by the secretary of state, cease to issue legacy registration plates and duplicate replacements of legacy registration plates for use on vehicles. If the secretary of state ceases to issue legacy registration plates and duplicate replacements of legacy registration plates, the secretary of state may continue to renew legacy registration plates already issued. History:Add. 2023, Act 317, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803t.added - Special "Merchant Marine" Registration Plate.

***** 257.803t.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 803t. (1) An individual who was or is a member of the United States Merchant Marine may apply to the secretary of state for a special registration plate that displays an appropriate vignette preceding the registration numbers and has the words "Merchant Marine" inscribed beneath the registration numbers. (2) The application for a special registration plate must be on a form prescribed by the secretary of state and accompanied by any proof of the applicant being or having been a member of the United States Merchant Marine that the secretary of state may require. The application for a special registration plate must not require a service fee under section 804. (3) Upon proper application, the secretary of state shall issue 1 or more special registration plates under this section for each applicant for use on a passenger vehicle. An individual who is a disabled person and applies for a special registration plate under this section must be issued a tab for persons with disabilities as provided in section 803h for the applicant's special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person

as is required for issuance of a permanent windshield placard under section 675. An individual issued 1 or more special registration plates under subsection (1) must be assessed the applicable tax provided in section 801. (4) The use of a special registration plate issued under this section on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (5) The special registration plate issued under this section expires on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate must not require a service fee under section 804. The applicant is not required to furnish the proof provided in subsection (2). (6) As used in this section, "member of the United States Merchant Marine" means an individual who holds a past or present Merchant Mariner license or credential issued by the United States Coast Guard. History:Add. 2024, Act 88, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.803u.added - Special Registration for Woman Veteran; Issuance; Expiration.

***** 257.803u.added THIS ADDED SECTION IS EFFECTIVE NOVEMBER 10, 2025 ***** Sec. 803u. (1) A woman who meets either of the following requirements may apply to the secretary of state for a special registration plate that displays an appropriate vignette preceding the registration numbers and has the words "woman veteran" inscribed beneath the registration numbers: (a) Was a member of the Michigan National Guard, the United States Armed Forces Reserve, or any branch of the United States Armed Forces and was called to active duty during a declared war or an armed conflict in which the United States was a participant. (b) Was a member of any branch of the United States Armed Forces, including reservists and National Guard, and has retired or been granted an honorable discharge from that branch of the United States Armed Forces. (2) Application for a special registration plate must be on a form prescribed by the secretary of state and must be accompanied by any proof of the applicant meeting the requirements of subsection (1) that the secretary of state may require. The application for a special registration plate must not require a service fee under section 804. (3) On proper application, the secretary of state shall issue 1 or more special registration plates for each applicant for use on a passenger vehicle. An individual who is disabled who applies for a special registration plate under this section must be issued a tab for persons with disabilities as provided in section 803f for the special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuing a permanent windshield placard under section 675. A person issued 1 or more special registration plates under subsection (1) must be assessed the applicable tax provided in section 801. (4) The use of a special registration plate on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor. (5) The special registration plate issued under this section expires on the birthday of the vehicle owner. The applicant is not required to furnish the proof provided in subsection (2) for an application for renewal of the special registration plate. History:Add. 2024, Act 150, Eff. Nov. 10, 2025

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.804 - Fee for Distinctive or Commemorative Plate and Duplicate or Replacement License Plate; Deposit Into Transportation Administration Collection Fund.

Sec. 804. (1) Except as otherwise provided in this act, in addition to any other fees required under this act, the applicant shall pay a $5.00 service fee with each application for each distinctive or commemorative plate provided for in this act to cover manufacturing and issuance costs unless these costs are otherwise specifically provided for in this act. (2) Except as otherwise provided in this act, an applicant for a duplicate or replacement license plate provided for in this act shall pay the following service fee to the secretary of state, in addition to any other fees required under this act: (a) Five dollars for a standard or graphic standard plate, personalized registration plate, or other registration plate for which the duplicate or replacement fee has not been specified in this act. (b) Ten dollars for a set of plates provided for in section 803m. (c) Ten dollars for each fund-raising registration plate issued under section 811e or 811f, or collector plate described in section 811g. (3) The secretary of state shall deposit the service fees collected under this section in the transportation administration collection fund created in section 810b through October 1, 2027. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987 ;-- Am. 1989, Act 111, Eff. Mar. 29, 1990 ;-- Am. 1995, Act 129, Imd. Eff. June 30, 1995 ;-- Am. 2000, Act 77, Eff. Oct. 1, 2000 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2015, Act 78, Eff. Oct. 1, 2015 ;-- Am. 2019, Act 88, Imd. Eff. Sept. 30, 2019 ;-- Am. 2022, Act 143, Imd. Eff. July 11, 2022 ;-- Am. 2023, Act 129, Imd. Eff. Sept. 29, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VII - Chapter VII Registration Fees (257.801...257.821)Section 257.805 - Application for Issuance or Renewal of Motor Vehicle Registration or Replacement Registration Tab or Sticker; Recreation Passport Fee; Format and Language of Motor Vehicle Application; Transfer of Revenue; Adjustment of Amounts in Subsection (1); Annual Review; Registration Tab or Sticker; Payment as Personal Information; Definitions.

Sec. 805. (1) An applicant for the issuance or renewal of a motor vehicle registration or for a replacement registration tab or sticker may submit a state park and state-operated public boating access site passport fee to the secretary of state with the application. Subject to subsection (7), the amount of the recreation passport fee is as follows: (a) Except as provided in subdivision (b) or (c), $10.00. (b) For an individual who obtains a 2-year vehicle registration under section 226(14), $20.00. (c) For a motorcycle, $5.00.

(2) In addition to the requirements of section 217, an application for a motor vehicle registration must contain at least the following information, in substantially the following format and language, except that the amount of the recreation passport fee specified must be $20.00 for a vehicle registered for 2 years under section 226(14) and $5.00 for a motorcycle:$[Amount]— Annual vehicle registration or renewal.$10.00— Annual authorization to use this vehicle forunlimited entry into all Michigan state parksand recreation areas and DNR-operated stateboating access sites. (Check one of theboxes below.)____ I elect to pay this $10.00 fee.____ I elect not to pay this $10.00 fee.This vehicle will not be used to enter thefacilities described above.$_____— Total amount due.(3) The secretary of state may revise the format and language of an application for motor vehicle registration to reflect the fact that, under sections 74116 and 78119 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.74116 and 324.78119, payment of the recreation passport fee authorizes entry into all state parks and recreation areas and designated state-operated public boating access sites until expiration of the motor vehicle registration. (4) If the applicant applies by mail and, in addition to the registration fee, the applicant pays an amount equal to the recreation passport fee, the applicant shall be considered to have elected to pay the recreation passport fee regardless of whether such an election is indicated on the application. (5) Subsections (1) and (2) do not apply to any of the following: (a) An application submitted by a dealer under section 217 for a vehicle sold, leased, or exchanged by the dealer. (b) The issuance or renewal of a motor vehicle registration described in section 803e(1) and exempt under section 803e(6) from the registration tax or the issuance or renewal of a motor vehicle registration described in section 217d or 803f. (6) The secretary of state shall, at least monthly, transfer the revenue from recreation passport fees to the department of natural resources for deposit as provided in section 2045 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2045. (7) For each calendar year, the state treasurer shall adjust the amounts set forth in subsection (1) by an amount determined by the state treasurer to reflect the cumulative percentage change in the Consumer Price Index from October 1, 2010 to the October 1 immediately preceding that calendar year, using the most recent data available and rounded to the nearest dollar. (8) The legislature shall annually review the amount of revenue raised by the recreation passport fee to ensure that the amount is appropriate for the purposes for which the recreation passport fee is assessed and in compliance with law. (9) If the secretary of state issues a registration tab or sticker for a registration plate or personalized registration plate under section 224 or 803b for a motor vehicle that had a recreation passport fee paid under this section, the tab or sticker must be marked in a distinctive manner determined by the secretary of state after consultation with the director of the department of natural resources and the department of state police. Before discontinuing the issuance of a registration tab or sticker, the secretary of state shall consult with the director of the department of natural resources and establish an alternative method or procedure the department of natural resources can use to determine whether a recreation passport fee has been paid for a motor vehicle. (10) Whether or not an individual paid or indicated that he or she elected to pay or not to pay a recreation passport fee under this section is personal information for purposes of section 40b. (11) As used in this section: (a) "Consumer Price Index" means the most comprehensive index of consumer prices available for this state from the Bureau of Labor Statistics of the United States Department of Labor. (b) "Motor vehicle" does not include a commercial motor vehicle. (c) "Recreation passport fee" means the state park and state-operated public boating access site recreation passport fee as provided for in subsection (1). History:Add. 2010, Act 35, Eff. Oct. 1, 2010 ;-- Am. 2013, Act 82, Eff. May 1, 2014 ;-- Am. 2021, Act 96, Eff. Oct. 1, 2022Compiler's Notes:Former MCL 257.805, which pertained to disposition of registration, special, and duplicate fees, was repealed by Act 51 of 1951, Eff. June 1, 1951.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.901 - Violation as Misdemeanor; Penalty; Civil Infraction.

Sec. 901. (1) Except as otherwise provided in subsection (3), it is a misdemeanor for a person to violate this act, unless that violation is by this act or other law of this state declared to be a felony or a civil infraction. (2) Unless another penalty is provided in this act or by the laws of this state, a person convicted of a misdemeanor for the violation of this act shall be punished by a fine of not more than $100.00, or by imprisonment for not more than 90 days, or both. (3) Except as otherwise provided in this act, a violation of this act by the owner of a commercial quadricycle arising out of the ownership or operation of the commercial quadricycle is a civil infraction. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1969, Act 240, Eff. Mar. 20, 1970 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2015, Act 126, Imd. Eff. July 15, 2015

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.901a - Violation of MCL 257.311; Waiver of Fine and Costs; Certification.

Sec. 901a. If a person has received a citation for a violation of section 311, the court shall waive any fine and costs, upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, has produced his or her operator's or chauffeur's license and that the license was valid on the date the violation of section 311 occurred. History:Add. 1982, Act 433, Eff. Mar. 30, 1983

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.902 - Violation of Act; Felony, Penalty.

Sec. 902. Any person who is convicted of a violation of any of the provisions of this act declared to constitute a felony, unless a different penalty is expressly provided herein, shall be punished by imprisonment for not less than 1 year nor more than 5 years, or

by a fine of not less than $500.00 nor more than $5,000.00, or by both such fine and imprisonment. History:1949, Act 300, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.903 - False Certification as Felony; Penalty.

Sec. 903. (1) A person who makes a false certification to a matter or thing required by the terms of this act to be certified, including but not limited to an application for any type of driver license, dealer license, vehicle certificate of title, vehicle registration, vehicle inspection, self-insurance, personal information, or commercial driver training school, is guilty of a felony. A person who uses personal information for a purpose other than a permissible purpose identified in section 208c or 232 is guilty of a felony. (2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than $1,500.00 or more than $7,000.00, or both. (3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than $5,000.00 or more than $15,000.00, or both. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1980, Act 398, Eff. Mar. 31, 1981 ;-- Am. 1992, Act 309, Eff. Mar. 31, 1993 ;-- Am. 1997, Act 101, Imd. Eff. Aug. 7, 1997

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.904.amended - Operating Vehicle if License, Registration Certificate, or Vehicle Group Designation Suspended, Revoked, or Denied; Penalty; Extending Period of Suspension or Revocation; Enhanced Sentence; Furnishing Record to Court; Applicability.

***** 257.904.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 904. (1) An individual whose operator's or chauffeur's license or registration certificate has been suspended or revoked, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state. (2) A person shall not knowingly permit a motor vehicle owned by the person to be operated on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state by an individual whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this act. (3) Except as otherwise provided in this section, a person that violates subsection (1) or (2) is guilty of a misdemeanor punishable as follows: (a) For a first violation, by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle must be canceled by the secretary of state on notification by a peace officer. (b) For a violation that occurs after a prior conviction, by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be canceled by the secretary of state on notification by a peace officer. (4) An individual who operates a motor vehicle in violation of subsection (1) or an individual whose operator's or chauffeur's license or registration certificate has been suspended or revoked by another state who operates a motor vehicle during the period of suspension or revocation and who, by operation of that motor vehicle, causes the death of another individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. This subsection does not apply to an individual whose operator's or chauffeur's license was suspended because that individual failed to answer a citation or comply with an order or judgment under section 321a. (5) An individual who operates a motor vehicle in violation of subsection (1) or an individual whose operator's or chauffeur's license or registration certificate has been suspended or revoked by another state who operates a motor vehicle during the period of suspension or revocation and who, by operation of that motor vehicle, causes the serious impairment of a body function of another individual is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. This subsection does not apply to an individual whose operator's or chauffeur's license was suspended because that individual failed to answer a citation or comply with an order or judgment under section 321a. (6) In addition to being subject to any other penalty provided for in this act, if an individual is convicted under subsection (4) or (5), the court may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence. (7) A person shall not knowingly permit a motor vehicle owned by the person to be operated on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state, by an individual whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never been licensed except as permitted by this act. If an individual permitted to operate a motor vehicle in violation of this subsection causes the serious impairment of a body function of another individual by operation of that motor vehicle, the person that knowingly permitted the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 2 years, or a fine of not less than $1,000.00 or more than $5,000.00, or both. If an individual permitted to operate a motor vehicle in violation of this subsection causes the death of another individual by operation of that motor vehicle, the person that knowingly permitted the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not less than $1,000.00 or more than $5,000.00, or both. (8) If the prosecuting attorney intends to seek an enhanced sentence under this section because the defendant has 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district

court, circuit court, municipal court, or family division of circuit court, a statement that lists the defendant's prior convictions. (9) A prior conviction under this section must be established at or before sentencing by 1 or more of the following: (a) A copy of a judgment of conviction. (b) An abstract of conviction. (c) A transcript of a prior trial, plea, or sentencing. (d) A copy of a court register of action. (e) A copy of the defendant's driving record. (f) Information contained in a presentence report. (g) An admission by the defendant. (10) On receiving a record of an individual's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the individual's operator's or chauffeur's license is suspended or revoked, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the individual is approved for a license following a revocation. (11) On receiving a record of an individual's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the individual's operator's or chauffeur's license is indefinitely suspended or whose application for a license has been denied, the secretary of state immediately shall impose a 30-day period of suspension or denial. (12) On receiving a record of the conviction, bond forfeiture, or a civil infraction determination of an individual for unlawful operation of a motor vehicle that requires a vehicle group designation while the designation is suspended or revoked under section 319b, or while the individual is disqualified from operating a commercial motor vehicle by the United States Secretary of Transportation or under 49 USC 31301 to 31317, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the individual is approved for a license following a revocation. (13) If the secretary of state receives records of more than 1 conviction or civil infraction determination that results from the same incident, all of the convictions or civil infraction determinations must be treated as a single violation for purposes of imposing an additional period of suspension or revocation under subsection (10), (11), or (12). (14) Before an individual is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the individual's driving record from the secretary of state and shall furnish the record to the court. The driving record of the individual may be obtained from the secretary of state's computer information network. (15) This section does not apply to an individual who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential. (16) An individual whose vehicle group designation is suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within this state, except as permitted under this act, while any of those conditions exist is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. (17) If an individual has a second or subsequent suspension or revocation under this section within 7 years as indicated on the individual's Michigan driving record, the court shall proceed as provided in section 904d. (18) Any period of suspension or revocation required under subsection (10), (11), or (12) does not apply to an individual who has only 1 currently effective suspension or denial on the individual's Michigan driving record under section 321a and was convicted of or received a civil infraction determination for a violation that occurred during that suspension or denial. This subsection may only be applied once during the individual's lifetime. (19) For purposes of this section, an individual who never applied for a license includes an individual who applied for a license, was denied, and never applied again. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1967, Act 61, Eff. Nov. 2, 1967 ;-- Am. 1978, Act 380, Imd. Eff. July 27, 1978 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1988, Act 346, Imd. Eff. Oct. 25, 1988 ;-- Am. 1991, Act 98, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 1998, Act 341, Eff. Oct. 1, 1999 ;-- 1998, Act 342, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2000, Act 77, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2008, Act 461, Eff. Oct. 31, 2010 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2018, Act 50, Eff. Mar. 31, 2018 ;-- Am. 2018, Act 212, Eff. Sept. 24, 2018 ;-- Am. 2020, Act 383, Eff. Mar. 24, 2021 ;-- Am. 2024, Act 113, Eff. (sine die)Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

Suspension or Revocation; Enhanced Sentence; Furnishing Record to Court; Applicability.

***** 257.904 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.904.amended ***** Sec. 904. (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state. (2) A person shall not knowingly permit a motor vehicle owned by the person to be operated on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this act. (3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) is guilty of a misdemeanor punishable as follows: (a) For a first violation, by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state on notification by a peace officer. (b) For a violation that occurs after a prior conviction, by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be canceled by the secretary of state on notification by a peace officer. (4) A person who operates a motor vehicle in violation of subsection (1) or a person whose operator's or chauffeur's license or registration certificate has been suspended or revoked by another state who operates a motor vehicle during the period of suspension or revocation and who, by operation of that motor vehicle, causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment under section 321a. (5) A person who operates a motor vehicle in violation of subsection (1) or a person whose operator's or chauffeur's license or registration certificate has been suspended or revoked by another state who operates a motor vehicle during the period of suspension or revocation and who, by operation of that motor vehicle, causes the serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment under section 321a. (6) In addition to being subject to any other penalty provided for in this act, if a person is convicted under subsection (4) or (5), the court may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence. (7) A person shall not knowingly permit a motor vehicle owned by the person to be operated on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state, by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never been licensed except as permitted by this act. If a person permitted to operate a motor vehicle in violation of this subsection causes the serious impairment of a body function of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 2 years, or a fine of not less than $1,000.00 or more than $5,000.00, or both. If a person permitted to operate a motor vehicle in violation of this subsection causes the death of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not less than $1,000.00 or more than $5,000.00, or both. (8) If the prosecuting attorney intends to seek an enhanced sentence under this section based on the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions. (9) A prior conviction under this section shall be established at or before sentencing by 1 or more of the following: (a) A copy of a judgment of conviction. (b) An abstract of conviction. (c) A transcript of a prior trial, plea, or sentencing. (d) A copy of a court register of action. (e) A copy of the defendant's driving record. (f) Information contained in a presentence report. (g) An admission by the defendant. (10) Subject to section 732a(11)(c), on receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license is suspended or revoked, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the person is approved for a license following a revocation. (11) On receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license is indefinitely suspended or whose application for a license has been denied, the secretary of state immediately shall impose a 30-day period of suspension or denial. (12) On receiving a record of the conviction, bond forfeiture, or a civil infraction determination of a person for unlawful operation of a motor vehicle requiring a vehicle group designation while the designation is suspended or revoked under section 319b, or while the person is disqualified from operating a commercial motor vehicle by the United States Secretary of Transportation or under 49 USC 31301 to 31317, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the person is approved for a license following a revocation. (13) If the secretary of state receives records of more than 1 conviction or civil infraction determination resulting from the same incident, all of the convictions or civil infraction determinations shall be treated as

a single violation for purposes of imposing an additional period of suspension or revocation under subsection (10), (11), or (12). (14) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the person's driving record from the secretary of state and shall furnish the record to the court. The driving record of the person may be obtained from the secretary of state's computer information network. (15) This section does not apply to a person who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential. (16) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within this state, except as permitted under this act, while any of those conditions exist is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. (17) If a person has a second or subsequent suspension or revocation under this section within 7 years as indicated on the person's Michigan driving record, the court shall proceed as provided in section 904d. (18) Any period of suspension or revocation required under subsection (10), (11), or (12) does not apply to a person who has only 1 currently effective suspension or denial on his or her Michigan driving record under section 321a and was convicted of or received a civil infraction determination for a violation that occurred during that suspension or denial. This subsection may only be applied once during the person's lifetime. (19) For purposes of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1967, Act 61, Eff. Nov. 2, 1967 ;-- Am. 1978, Act 380, Imd. Eff. July 27, 1978 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1982, Act 310, Eff. Mar. 30, 1983 ;-- Am. 1988, Act 346, Imd. Eff. Oct. 25, 1988 ;-- Am. 1991, Act 98, Eff. Jan. 1, 1992 ;-- Am. 1991, Act 100, Eff. Jan. 1, 1993 ;-- Am. 1994, Act 450, Eff. May 1, 1995 ;-- Am. 1998, Act 341, Eff. Oct. 1, 1999 ;-- 1998, Act 342, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999 ;-- Am. 2000, Act 77, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2008, Act 461, Eff. Oct. 31, 2010 ;-- Am. 2015, Act 11, Eff. July 8, 2015 ;-- Am. 2018, Act 50, Eff. Mar. 31, 2018 ;-- Am. 2018, Act 212, Eff. Sept. 24, 2018 ;-- Am. 2020, Act 383, Eff. Mar. 24, 2021Compiler's Notes:Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”Section 2 of Act 346 of 1988 provides:“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”Section 2 of Act 173 of 1989 provides:“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.904a - Operation of Motor Vehicle by Unlicensed Person as Misdemeanor; Penalty; Second Offense.

Sec. 904a. Any person, not exempt from license under this act, who operates a motor vehicle on the highways of this state and who is unable to show that he or she has been issued a license to operate a motor vehicle by any state or foreign country valid within the last 3 years before operating the vehicle, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than $50.00 or more than $100.00, or both. Any person convicted of a second offense under this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of $100.00, or both. History:Add. 1965, Act 264, Eff. Mar. 31, 1966 ;-- Am. 1985, Act 53, Imd. Eff. June 14, 1985 ;-- Am. 2020, Act 383, Eff. Mar. 24, 2021

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.904b - Order of Impoundment.

Sec. 904b. (1) When a person is convicted of an offense punishable under section 904(1)(b) or (c) or a local ordinance substantially corresponding to section 904(1)(b) or (c) for operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked, or denied, the court shall order the motor vehicle, if it is owned in whole or in part or leased by that person, impounded for not less than a period the court orders but not more than 120 days from the date of judgment. (2) When a person is convicted of an offense punishable under section 904(1)(a) or a local ordinance substantially corresponding to section 904(1)(a) for operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked, or denied, the court may order the motor vehicle, if it is owned in whole or in part or leased by that person, impounded for not more than 120 days from the date of judgment. (3) An order for the impounding of a motor vehicle issued pursuant to this section is valid throughout the state. Any peace officer may execute the impoundment order. The order shall include the implied consent of the owner of the vehicle to the storage for insurance coverage purposes. (4) The owner of a motor vehicle impounded pursuant to this section is liable for expenses incurred

in the removal and storage of the vehicle whether or not the vehicle is returned to him or her. The vehicle shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the vehicle is not returned as provided in this section within 30 days after the time set in the impoundment order for return of the vehicle, the vehicle shall be considered an abandoned vehicle and disposed of as provided in section 252a. (5) This section does not affect the rights of a conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of another person as owner who becomes subject to this act. History:Add. 1968, Act 197, Eff. Nov. 15, 1968 ;-- Am. 1969, Act 83, Eff. Mar. 20, 1970 ;-- Am. 1991, Act 98, Eff. Jan. 1, 1992 ;-- Am. 1993, Act 319, Eff. Apr. 1, 1994

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.904c - Vehicle Immobilization Required; Duties of Peace Officer; Validity of Temporary Vehicle Registration; Duration.

Sec. 904c. (1) When a peace officer detains the driver of a motor vehicle for a violation of a law of this state or local ordinance for which vehicle immobilization is required, the peace officer shall do all of the following: (a) Immediately confiscate the vehicle's registration plate and destroy it. (b) Issue a temporary vehicle registration plate for the vehicle in the same form prescribed by the secretary of state for temporary registration plates issued under section 226a or 226b. (c) Place the temporary vehicle registration plate on the vehicle in the manner required by the secretary of state. (d) Notify the secretary of state through the law enforcement information network in a form prescribed by the secretary of state that the registration plate was confiscated and destroyed, and a temporary plate was issued. (2) A temporary vehicle registration plate issued under this section is valid until the charges against the person are dismissed, the person pleads guilty or nolo contendere to those charges, or the person is found guilty of or is acquitted of those charges. History:Add. 1998, Act 359, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.904d - Vehicle Immobilization; Order; "Vehicle Immobilization" and "Prior Conviction" Defined.

Sec. 904d. (1) Vehicle immobilization applies as follows: (a) For a conviction under section 625(1), (3), (7), or (8) or a local ordinance substantially corresponding to section 625(1) or (3) with no prior convictions, or, beginning October 31, 2010, for a conviction under section 626(3) or (4), the court may order vehicle immobilization for not more than 180 days. (b) For a conviction under section 625(4) or (5) with no prior convictions, the court shall order vehicle immobilization for not more than 180 days. (c) For a conviction under section 625(1), (3), (4), (5), (7), or (8) within 7 years after a prior conviction, or, beginning October 31, 2010, for a conviction under section 625l(2), the court shall order vehicle immobilization for not less than 90 days or more than 180 days. (d) Before October 31, 2010, for a conviction under section 625(1), (3), (4), (5), (7), or (8) after 2 or more prior convictions within 10 years, or, beginning October 31, 2010, for a conviction under section 625(1), (3), (4), (5), (7), or (8) after 2 or more prior convictions, the court shall order vehicle immobilization for not less than 1 year or more than 3 years. (2) For a conviction or civil infraction determination resulting from a violation that occurred during a period of suspension, revocation, or denial, the following apply: (a) Except as provided in subdivision (b), for 1 prior suspension, revocation, or denial under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court may order vehicle immobilization for not more than 180 days. (b) Except as provided in subdivisions (c) and (d), if the person is convicted under section 904(4) or (5), the court shall order vehicle immobilization for not more than 180 days. (c) For any combination of 2 or 3 prior suspensions, revocations, or denials under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court shall order vehicle immobilization for not less than 90 days or more than 180 days. (d) For any combination of 4 or more prior suspensions, revocations, or denials under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court shall order vehicle immobilization for not less than 1 year or more than 3 years. (3) The defendant shall provide to the court the vehicle identification number and registration plate number of the vehicle involved in the violation. (4) The court may order vehicle immobilization under this section under either of the following circumstances: (a) The defendant is the owner, co-owner, lessee, or co-lessee of the vehicle operated during the violation. (b) The owner, co-owner, lessee, or co-lessee knowingly permitted the vehicle to be operated in violation of section 625(2) or section 904(2) regardless of whether a conviction resulted. (5) Except as otherwise provided in subsections (11) and (13), an order required to be issued under this section shall not be suspended. (6) If a defendant is ordered imprisoned for the violation for which immobilization is ordered, the period of immobilization shall begin at the end of the period of imprisonment. (7) This section does not apply to any of the following: (a) A suspension, revocation, or denial based on a violation of the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. (b) A vehicle that is registered in another state or that is a rental vehicle. (c) A vehicle owned by the federal government, this state, or a local unit of government of this state. (d) A vehicle not subject to registration under section 216. (e) Any of the following: (i) A violation of chapter II. (ii) A violation of chapter V. (iii) A violation for failure to change address. (iv) A parking violation. (v) A bad check violation. (vi) An equipment violation. (vii) A pedestrian, passenger, or bicycle violation, other than a violation of section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b. (viii) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (i) to (vii). (8) As used in this section: (a) Subject to subsections (9) and (10), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another

state substantially corresponding to a law of this state: (i) Except as otherwise provided in subsection (10), a violation or attempted violation of any of the following: (A) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content. (B) Section 625m. (C) Former section 625b. (ii) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes. (iii) Beginning October 31, 2010, a violation of section 601d or section 626(3) or (4). (b) "Vehicle immobilization" means requiring the motor vehicle involved in the violation immobilized in a manner provided in section 904e. (9) If 2 or more convictions described in subsection (8)(a) are convictions for violations arising out of the same incident, only 1 conviction shall be used to determine whether the person has a prior conviction. (10) Only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction. (11) Beginning October 31, 2010, if the person obtains a restricted operator's or chauffeur's license from the secretary of state and an ignition interlock device is properly installed in the vehicle, the court shall suspend the immobilization order issued under subsection (1)(c) for a conviction under section 625l(2). (12) Beginning October 31, 2010, the court may reinstate vehicle immobilization issued under subsection (1)(c) for a conviction under section 625l(2) if an ignition interlock device is tampered with, circumvented, or disabled, or if the person's restricted operator's or chauffeur's license is suspended or revoked. (13) Vehicle immobilization under this section is subject to section 304 if the defendant obtains a restricted license under section 304. History:Add. 1998, Act 358, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 51, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999 ;-- Am. 2000, Act 460, Eff. Mar. 28, 2001 ;-- Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001 ;-- Am. 2003, Act 61, Eff. Sept. 30, 2003 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2010, Act 155, Eff. Jan. 1, 2011

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.904e - Vehicle Immobilization; Manner; Storage; Removal; Impoundment.

Sec. 904e. (1) A court shall order a vehicle immobilized under section 904d by the use of any available technology approved by the court that locks the ignition, wheels, or steering of the vehicle or otherwise prevents any person from operating the vehicle or that prevents the defendant from operating the vehicle. If a vehicle is immobilized under this section, the court may order the vehicle stored at a location and in a manner considered appropriate by the court. The court may order the person convicted of violating section 625 or a suspension, revocation, or denial under section 904 to pay the cost of immobilizing and storing the vehicle. (2) A vehicle subject to immobilization under this section may be sold during the period of immobilization, but shall not be sold to a person who is exempt from paying a use tax under section 3(3)(a) of the use tax act, 1937 PA 94, MCL 205.93, without a court order. (3) A defendant who is prohibited from operating a motor vehicle by vehicle immobilization shall not purchase, lease, or otherwise obtain a motor vehicle during the immobilization period. (4) A person shall not remove, tamper with, or bypass or attempt to remove, tamper with, or bypass a device that he or she knows or has reason to know has been installed on a vehicle by court order for vehicle immobilization or operate or attempt to operate a vehicle that he or she knows or has reason to know has been ordered immobilized. (5) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. (6) To the extent that a local ordinance regarding the storage or removal of vehicles conflicts with an order of immobilization issued by the court, the local ordinance is preempted. (7) If a peace officer stops a vehicle that is being operated in violation of an immobilization order, the vehicle shall be impounded pending an order of a court of competent jurisdiction. (8) The court shall require the defendant or a person who provides immobilization services to the court under this section to certify that a vehicle ordered immobilized by the court is immobilized as required. History:Add. 1998, Act 358, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 73, Eff. Oct. 1, 1999

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.904f - Vehicle Registration Records; Disclosure.

Sec. 904f. The vehicle registration records of the secretary of state shall disclose which vehicles are assigned a temporary registration plate under section 904c or are immobilized under this act. History:Add. 1998, Act 358, Eff. Oct. 1, 1999

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.905 - Violation of Financial Responsibility Chapter; Penalty.

Sec. 905. (1) Any person who forges or, without authority, signs any evidence of ability to respond in damages as required by the secretary of state under chapter 5, and any person who violates any provisions of chapter 5 for which no penalty is otherwise provided, is guilty of a misdemeanor punishable by a fine of not less than $100.00 or more than $1,000.00, or imprisonment for not more than 90 days, or both. (2) Any person whose operator's or chauffeur's license or registration card or other privilege to operate a motor vehicle has been suspended or revoked and restoration or issuance of a new license or registration is contingent on the furnishing of proof of financial responsibility, and who during the suspension or revocation or in the absence of full authorization from the secretary of state drives any motor vehicle on any highway, or knowingly permits any motor vehicle owned by the person

to be operated by another person on any highway except as permitted under this act, is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 1 year, or both. History:1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 2020, Act 383, Eff. Mar. 24, 2021Compiler's Notes:Sections 2 and 4 of Act 510 of 1978 provide as follows:“Section 2. Sections 727a and 905 of Act No. 300 of the Public Acts of 1949, being sections 257.727a and 257.905 of the Compiled Laws of 1970, are repealed.”“Section 4. This amendatory act shall not take effect until August 1, 1979.”Sections 2 and 4 of Act 66 of 1979 provide as follows:“Section 2. Section 2 of Act No. 510 of the Public Acts of 1978 is repealed.”“Section 4. Except for section 2 of this act, this act shall take effect August 1, 1979.”Act 66 of 1979 was ordered to take immediate effect on July 25, 1979.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.906 - Right of Police Officer to Enter Upon Private Road.

Sec. 906. Notwithstanding any other provision of law, a police officer may enter upon such a private road to enforce violations of this act. History:Add. 1974, Act 138, Imd. Eff. June 5, 1974

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.907.amended - Civil Infraction; Payment of Civil Fine and Costs; Certification of Repair of Defective Equipment; Collection of Civil Fines or Costs; Waiver of Fine, Cost, and Assessment; Civil Infraction Arising Out of Ownership or Operation of Commercial Quadricycle; "Moving Violation" Defined.

***** 257.907.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 907. (1) A violation of this act, or a local ordinance that substantially corresponds to a provision of this act, that is designated a civil infraction must not be considered a lesser included offense of a criminal offense. (2) Permission may be granted for payment of a civil fine and costs to be made within a specified period of time or in specified installments but, unless permission is included in the order or judgment, the civil fine and costs must be payable immediately. Except as otherwise provided, a person found responsible or responsible "with explanation" for a civil infraction must pay costs as provided in subsection (4) and 1 or more of the following civil fines, as applicable: (a) Except as otherwise provided, for a civil infraction under this act or a local ordinance that substantially corresponds to a provision of this act, the person must be ordered to pay a civil fine of not more than $100.00. (b) If the civil infraction was a moving violation that resulted in an at-fault collision with another vehicle, an individual, or any other object, the civil fine ordered under this section is increased by $25.00 but the total civil fine must not be more than $100.00. (c) For a violation of section 240, the civil fine ordered under this section is $15.00. (d) For a violation of section 312a(4)(a), the civil fine ordered under this section must not be more than $250.00. (e) For a first violation of section 319f(1), the civil fine ordered under this section must not be less than $2,500.00 or more than $2,750.00; for a second or subsequent violation, the civil fine must not be less than $5,000.00 or more than $5,500.00. (f) For a violation of section 319g(1)(a), the civil fine ordered under this section must not be more than $10,000.00. (g) For a violation of section 319g(1)(g), the civil fine ordered under this section must not be less than $2,750.00 or more than $25,000.00. (h) For a violation of section 602b, the civil fine ordered under this section must be as follows: (i) For a violation of section 602b(1), either of the following: (A) If the violation does not involve an accident, $100.00 for a first offense and $250.00 for a second or subsequent offense. (B) If the violation involves an accident, $200.00 for a first offense and $500.00 for a second or subsequent offense. (ii) For a violation of section 602b(2), either of the following: (A) If the violation does not involve an accident, $200.00 for a first offense and $500.00 for a second or subsequent offense. (B) If the violation involves an accident, $400.00 for a first offense and $1,000.00 for a second or subsequent offense. (i) For a violation of section 627c, the civil fine ordered under this section must not be more than $150.00 for a second violation as described in section 627c(2)(b) and $300.00 for a third or subsequent violation described in section 627c(2)(c). (j) For a violation of section 674(1)(s) or a local ordinance that substantially corresponds to section 674(1)(s), the civil fine ordered under this section must not be less than $100.00 or more than $250.00. (k) For a violation of section 676a(3), the civil fine ordered under this section must not be more than $10.00. (l) For a violation of section 676c, the civil fine ordered under this section is $1,000.00. (m) For a violation of section 682 or a local ordinance that substantially corresponds to section 682, the civil fine ordered under this section must not be less than $100.00 or more than $500.00. (n) For a violation of section 710d, the civil fine ordered under this section must not be more than $10.00, subject to subsection (11). (o) For a violation of section 710e, the civil fine and court costs ordered under this subsection must be $25.00. (3) Except as otherwise provided in this section, if an individual is determined to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance that substantially corresponds to a provision of this act while driving a commercial motor vehicle, the individual must be ordered to pay costs as provided in subsection (4) and a civil fine of not more than $250.00. (4) If a civil fine is ordered under subsection (2) or (3), the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction, up to the entry of judgment. Costs must not be ordered in excess of $100.00. A civil fine ordered under subsection (2) or (3) must not be waived unless costs ordered under this subsection are waived. Except as otherwise provided by law, costs are payable to the general fund of the plaintiff. (5) In addition to a civil fine and costs ordered under subsection (2) or (3) and subsection (4) and the justice system assessment ordered under subsection (12), the judge or district court magistrate may order the individual to attend and

complete a program of treatment, education, or rehabilitation. (6) A district court magistrate shall impose the sanctions permitted under subsections (2), (3), and (5) only to the extent expressly authorized by the chief judge or only judge of the district court district. (7) Each district of the district court and each municipal court may establish a schedule of civil fines, costs, and assessments to be imposed for civil infractions that occur within the respective district or city. If a schedule is established, it must be prominently posted and readily available for public inspection. A schedule need not include all violations that are designated by law or ordinance as civil infractions. A schedule may exclude cases on the basis of a defendant's prior record of civil infractions or traffic offenses, or a combination of civil infractions and traffic offenses. (8) The state court administrator shall annually publish and distribute to each district and court a recommended range of civil fines and costs for first-time civil infractions. This recommendation is not binding on the courts that have jurisdiction over civil infractions but is intended to act as a normative guide for judges and district court magistrates and a basis for public evaluation of disparities in the imposition of civil fines and costs throughout this state. (9) If a person has received a civil infraction citation for defective safety equipment on a vehicle under section 683, the court shall waive a civil fine, costs, and assessments on receipt of certification by a law enforcement agency that repair of the defective equipment was made before the appearance date on the citation. (10) A default in the payment of a civil fine or costs ordered under subsection (2), (3), or (4) or a justice system assessment ordered under subsection (12), or an installment of the fine, costs, or assessment, may be collected by a means authorized for the enforcement of a judgment under chapter 40 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or under chapter 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098. (11) Before the effective date of 2024 PA 22, the court may waive any civil fine, cost, or assessment against an individual who received a civil infraction citation for a violation of section 710d if the individual, before the appearance date on the citation, supplies the court with evidence of acquisition, purchase, or rental of a child seating system meeting the requirements of section 710d. Beginning on the effective date of 2024 PA 22, the court may waive any civil fine, cost, or assessment against an individual who received a civil infraction citation for a violation of section 710d if the individual, before the appearance date on the citation, supplies the court with evidence of acquisition of a child seating system that meets the requirements of section 710d and evidence that the individual has received education from a certified child passenger safety technician. (12) In addition to any civil fines or costs ordered to be paid under this section, the judge or district court magistrate shall order the defendant to pay a justice system assessment of $40.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are $10.00 or less. On payment of the assessment, the clerk of the court shall transmit the assessment collected to the state treasury to be deposited into the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909. (13) If a person has received a citation for a violation of section 223, the court shall waive any civil fine, costs, and assessment on receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, produced a valid registration certificate that was valid on the date the violation of section 223 occurred. (14) If a person has received a citation for a violation of section 328(1) for failing to produce a certificate of insurance under section 328(2), the court may waive the fee described in section 328(3)(c) and shall waive any fine, costs, and any other fee or assessment otherwise authorized under this act on receipt of verification by the court that the person, before the appearance date on the citation, produced valid proof of insurance that was in effect when the violation of section 328(1) occurred. Insurance obtained after the violation occurred does not make the person eligible for a waiver under this subsection. (15) If a person is determined to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance that substantially corresponds to a provision of this act and the civil infraction arises out of the ownership or operation of a commercial quadricycle, the person must be ordered to pay costs as provided in subsection (4) and a civil fine of not more than $500.00. (16) As used in this section, "moving violation" means an act or omission prohibited under this act or a local ordinance that substantially corresponds to this act that involves the operation of a motor vehicle and for which a fine may be assessed. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 459, Imd. Eff. Jan. 15, 1981 ;-- Am. 1981, Act 117, Eff. Mar. 31, 1982 ;-- Am. 1982, Act 51, Eff. Mar. 30, 1983 ;-- Am. 1982, Act 301, Imd. Eff. Oct. 12, 1982 ;-- Am. 1984, Act 30, Eff. Apr. 28, 1984 ;-- Am. 1984, Act 364, Eff. Mar. 29, 1985 ;-- Am. 1985, Act 1, Eff. July 1, 1985 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1989, Act 89, Eff. Sept. 19, 1989 ;-- Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996 ;-- Am. 1998, Act 103, Eff. Aug. 15, 1998 ;-- Am. 2001, Act 214, Imd. Eff. Dec. 27, 2001 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2003, Act 34, Eff. Oct. 1, 2003 ;-- Am. 2003, Act 73, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 52, Eff. May 1, 2004 ;-- Am. 2004, Act 62, Eff. May 3, 2004 ;-- Am. 2004, Act 493, Eff. Oct. 1, 2005 ;-- Am. 2005, Act 1, Imd. Eff. Mar. 24, 2005 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2010, Act 59, Eff. July 1, 2010 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2013, Act 35, Eff. Aug. 20, 2013 ;-- Am. 2014, Act 303, Eff. Jan. 7, 2015 ;-- Am. 2015, Act 126, Imd. Eff. July 15, 2015 ;-- Am. 2020, Act 382, Eff. Oct. 1, 2021 ;-- Am. 2023, Act 40, Eff. June 30, 2023 ;-- Am. 2024, Act 22, Eff. (sine die) ;-- Am. 2024, Act 164, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.907 - Civil Infraction; Payment of Civil Fine and Costs; Certification of Repair of Defective Equipment; Collection of Civil Fines or Costs; Waiver of Fine, Cost, and Assessment; Civil Infraction Arising Out of Ownership or Operation of Commercial Quadricycle; "Moving Violation" Defined.

***** 257.907 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.907.amended ***** Sec. 907. (1) A violation of this act, or a local ordinance that substantially

corresponds to a provision of this act, that is designated a civil infraction must not be considered a lesser included offense of a criminal offense. (2) Permission may be granted for payment of a civil fine and costs to be made within a specified period of time or in specified installments but, unless permission is included in the order or judgment, the civil fine and costs must be payable immediately. Except as otherwise provided, a person found responsible or responsible "with explanation" for a civil infraction must pay costs as provided in subsection (4) and 1 or more of the following civil fines, as applicable: (a) Except as otherwise provided, for a civil infraction under this act or a local ordinance that substantially corresponds to a provision of this act, the person shall be ordered to pay a civil fine of not more than $100.00. (b) If the civil infraction was a moving violation that resulted in an at-fault collision with another vehicle, an individual, or any other object, the civil fine ordered under this section is increased by $25.00 but the total civil fine must not be more than $100.00. (c) For a violation of section 240, the civil fine ordered under this subsection is $15.00. (d) For a violation of section 312a(4)(a), the civil fine ordered under this section must not be more than $250.00. (e) For a first violation of section 319f(1), the civil fine ordered under this section must not be less than $2,500.00 or more than $2,750.00; for a second or subsequent violation, the civil fine must not be less than $5,000.00 or more than $5,500.00. (f) For a violation of section 319g(1)(a), the civil fine ordered under this section must not be more than $10,000.00. (g) For a violation of section 319g(1)(g), the civil fine ordered under this section must not be less than $2,750.00 or more than $25,000.00. (h) For a violation of section 602b, the civil fine ordered under this section must be as follows: (i) For a violation of section 602b(1), either of the following: (A) If the violation does not involve an accident, $100.00 for a first offense and $250.00 for a second or subsequent offense. (B) If the violation involves an accident, $200.00 for a first offense and $500.00 for a second or subsequent offense. (ii) For a violation of section 602b(2), either of the following: (A) If the violation does not involve an accident, $200.00 for a first offense and $500.00 for a second or subsequent offense. (B) If the violation involves an accident, $400.00 for a first offense and $1,000.00 for a second or subsequent offense. (i) For a violation of section 674(1)(s) or a local ordinance that substantially corresponds to section 674(1)(s), the civil fine ordered under this section must not be less than $100.00 or more than $250.00. (j) For a violation of section 676a(3), the civil fine ordered under this section must not be more than $10.00. (k) For a violation of section 676c, the civil fine ordered under this section is $1,000.00. (l) For a violation of section 682 or a local ordinance that substantially corresponds to section 682, the civil fine ordered under this section must not be less than $100.00 or more than $500.00. (m) For a violation of section 710d, the civil fine ordered under this section must not be more than $10.00, subject to subsection (11). (n) For a violation of section 710e, the civil fine and court costs ordered under this subsection must be $25.00. (3) Except as provided in this section, if an individual is determined to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance that substantially corresponds to a provision of this act while driving a commercial motor vehicle, the individual must be ordered to pay costs as provided in subsection (4) and a civil fine of not more than $250.00. (4) If a civil fine is ordered under subsection (2) or (3), the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction, up to the entry of judgment. Costs must not be ordered in excess of $100.00. A civil fine ordered under subsection (2) or (3) must not be waived unless costs ordered under this subsection are waived. Except as otherwise provided by law, costs are payable to the general fund of the plaintiff. (5) In addition to a civil fine and costs ordered under subsection (2) or (3) and subsection (4) and the justice system assessment ordered under subsection (12), the judge or district court magistrate may order the individual to attend and complete a program of treatment, education, or rehabilitation. (6) A district court magistrate shall impose the sanctions permitted under subsections (2), (3), and (5) only to the extent expressly authorized by the chief judge or only judge of the district court district. (7) Each district of the district court and each municipal court may establish a schedule of civil fines, costs, and assessments to be imposed for civil infractions that occur within the respective district or city. If a schedule is established, it must be prominently posted and readily available for public inspection. A schedule need not include all violations that are designated by law or ordinance as civil infractions. A schedule may exclude cases on the basis of a defendant's prior record of civil infractions or traffic offenses, or a combination of civil infractions and traffic offenses. (8) The state court administrator shall annually publish and distribute to each district and court a recommended range of civil fines and costs for first-time civil infractions. This recommendation is not binding on the courts having jurisdiction over civil infractions but is intended to act as a normative guide for judges and district court magistrates and a basis for public evaluation of disparities in the imposition of civil fines and costs throughout this state. (9) If a person has received a civil infraction citation for defective safety equipment on a vehicle under section 683, the court shall waive a civil fine, costs, and assessments on receipt of certification by a law enforcement agency that repair of the defective equipment was made before the appearance date on the citation. (10) A default in the payment of a civil fine or costs ordered under subsection (2), (3), or (4) or a justice system assessment ordered under subsection (12), or an installment of the fine, costs, or assessment, may be collected by a means authorized for the enforcement of a judgment under chapter 40 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or under chapter 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098. (11) The court may waive any civil fine, cost, or assessment against an individual who received a civil infraction citation for a violation of section 710d if the individual, before the appearance date on the citation, supplies the court with evidence of acquisition, purchase, or rental of a child seating system meeting the requirements of section 710d. (12) In addition to any civil fines or costs ordered to be paid under this section, the judge or district court magistrate shall order the defendant to pay a justice system assessment of $40.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are $10.00 or less. On payment of the assessment, the clerk of the court shall transmit the assessment collected to the state treasury to be deposited into the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for

purposes of section 909. (13) If a person has received a citation for a violation of section 223, the court shall waive any civil fine, costs, and assessment, on receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, produced a valid registration certificate that was valid on the date the violation of section 223 occurred. (14) If a person has received a citation for a violation of section 328(1) for failing to produce a certificate of insurance under section 328(2), the court may waive the fee described in section 328(3)(c) and shall waive any fine, costs, and any other fee or assessment otherwise authorized under this act on receipt of verification by the court that the person, before the appearance date on the citation, produced valid proof of insurance that was in effect at the time the violation of section 328(1) occurred. Insurance obtained subsequent to the time of the violation does not make the person eligible for a waiver under this subsection. (15) If a person is determined to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance that substantially corresponds to a provision of this act and the civil infraction arises out of the ownership or operation of a commercial quadricycle, the person must be ordered to pay costs as provided in subsection (4) and a civil fine of not more than $500.00. (16) As used in this section, "moving violation" means an act or omission prohibited under this act or a local ordinance that substantially corresponds to this act that involves the operation of a motor vehicle and for which a fine may be assessed. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 459, Imd. Eff. Jan. 15, 1981 ;-- Am. 1981, Act 117, Eff. Mar. 31, 1982 ;-- Am. 1982, Act 51, Eff. Mar. 30, 1983 ;-- Am. 1982, Act 301, Imd. Eff. Oct. 12, 1982 ;-- Am. 1984, Act 30, Eff. Apr. 28, 1984 ;-- Am. 1984, Act 364, Eff. Mar. 29, 1985 ;-- Am. 1985, Act 1, Eff. July 1, 1985 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1989, Act 89, Eff. Sept. 19, 1989 ;-- Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996 ;-- Am. 1998, Act 103, Eff. Aug. 15, 1998 ;-- Am. 2001, Act 214, Imd. Eff. Dec. 27, 2001 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2003, Act 34, Eff. Oct. 1, 2003 ;-- Am. 2003, Act 73, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 52, Eff. May 1, 2004 ;-- Am. 2004, Act 62, Eff. May 3, 2004 ;-- Am. 2004, Act 493, Eff. Oct. 1, 2005 ;-- Am. 2005, Act 1, Imd. Eff. Mar. 24, 2005 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006 ;-- Am. 2008, Act 463, Eff. Oct. 31, 2010 ;-- Am. 2010, Act 59, Eff. July 1, 2010 ;-- Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011 ;-- Am. 2013, Act 35, Eff. Aug. 20, 2013 ;-- Am. 2014, Act 303, Eff. Jan. 7, 2015 ;-- Am. 2015, Act 126, Imd. Eff. July 15, 2015 ;-- Am. 2020, Act 382, Eff. Oct. 1, 2021 ;-- Am. 2023, Act 40, Eff. June 30, 2023

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.907a.added - Work Zone Safety Fund.

***** 257.907a.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 907a. (1) The work zone safety fund is created in the state treasury. (2) The state treasurer shall deposit money and other assets received from any other source in the fund. The state treasurer shall direct the investment of money in the fund and credit interest and earnings from the investments to the fund. (3) The state transportation department is the administrator of the fund for audits of the fund. (4) Subject to subsection (5), the state transportation department shall expend money from the fund, on appropriation, only for any of the following expenses: (a) Paying the third-party vendor contracted under section 627c(1) to install and use an automated speed detection system. (b) Administering the fund. (c) Paying the cost of mailing written warnings and citations in enforcing section 627c. (5) At the end of each fiscal year, after paying the expenses described in subsection (4), any money remaining in the fund shall be applied to the support of public libraries and county law libraries under section 909(1). (6) As used in this section, "fund" means the work zone safety fund created in subsection (1). History:Add. 2024, Act 164, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.908 - Default as Civil Contempt; Penalty.

Sec. 908. (1) If a defendant defaults in the payment of a civil fine, costs, or both, or of any installment, as ordered pursuant to section 907(2), the court, upon the motion of the plaintiff or upon its own motion, may require the defendant to show cause why the default should not be treated as in civil contempt and may issue a summons or order to show cause or a bench warrant of arrest for the defendant's appearance. (2) When a corporation or an association is ordered to pay a civil fine or costs, the persons authorized to make disbursement shall pay the fine or costs, and their failure to do so shall be civil contempt unless they make the showing required in this section. (3) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until the civil fine, costs, or both, or a specified part thereof, is paid. (4) If it appears that the default in the payment of a civil fine or costs does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment, or revoking the fine or costs or the unpaid portion thereof in whole or in part. (5) The term of imprisonment on civil contempt for nonpayment of a civil fine or costs shall be specified in the order of commitment, and shall not exceed 1 day for each $10.00 of the fine and costs. A person committed for nonpayment of a civil fine or costs shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of $10.00 per day. (6) A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine or costs shall not be discharged from custody until 1 of the following occurs: (a) The defendant has been credited with the amount due pursuant to subsection (5). (b) The amount due has actually been collected through execution of process or otherwise. (c) The amount due has been satisfied pursuant to a combination of subdivisions (a) and (b). (7) The civil contempt shall be purged upon discharge of the defendant pursuant to subsection (6). History:Add. 1978, Act 510, Eff. Aug. 1, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.909.amended - Application and Allocation of Civil Fines to Public and County Law Libraries; Allocation of Civil Fines Under MCL 257.682 to School Districts; Allocation of Civil Fines Under 257.907 to Work Zone Safety Fund.

***** 257.909.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 909. (1) Except as provided in subsections (2), (3), and (6), a civil fine that is ordered under section 907 for a violation of this act or other state statute must be exclusively applied to the support of public libraries and county law libraries in the same manner as is provided by law for penal fines assessed and collected for violation of a penal law of this state. Except as provided in subsection (4), a civil fine ordered for a violation of a code or ordinance of a local authority regulating the operation of commercial motor vehicles and substantially corresponding to a provision of this act must be paid to the county treasurer and must be allocated as follows: (a) Seventy percent to the local authority in which the citation is issued. (b) Thirty percent for library purposes as provided by law. (2) Subsection (1) is intended to maintain a source of revenue for public libraries that previously received penal fines for misdemeanor violations of this act that are now civil infractions. (3) A civil fine ordered for a violation of section 682 that is a camera-based violation as defined in section 682 must be paid to the county treasurer or the county treasurer's designee and be distributed by the county treasurer or the county treasurer's designee to the school district that operates the school bus and be used for school transportation safety-related purposes as provided in section 682. (4) A civil fine ordered for a violation of a code or ordinance of a local authority that substantially corresponds to section 682 that is a camera-based violation as defined in section 682 must be paid to the county treasurer or the county treasurer's designee and be distributed by the county treasurer or the county treasurer's designee to the school district that operates the school bus and be used for school transportation safety-related purposes as provided in section 682. (5) A county treasurer may enter into a contract with and designate a private vendor to process a civil fine described in subsection (3) or (4). A private vendor described in this subsection may be a private vendor contracted by a school district to install, operate, and provide support to a stop-arm camera system on a school bus under section 20 of the pupil transportation act, 1990 PA 187, MCL 257.1820. (6) A civil fine that is ordered under section 907 for a violation of section 627c must be paid to the state transportation department. The state transportation department shall deposit any civil fines described in this subsection into the work zone safety fund created in section 907a. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2000, Act 94, Imd. Eff. May 15, 2000 ;-- Am. 2024, Act 161, Eff. (sine die) ;-- Am. 2024, Act 164, Eff. (sine die)

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.909 - Application and Allocation of Civil Fines to Public and County Law Libraries.

***** 257.909 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 257.909.amended ***** Sec. 909. (1) Except as provided in subsection (2), a civil fine which is ordered under section 907 for a violation of this act or other state statute shall be exclusively applied to the support of public libraries and county law libraries in the same manner as is provided by law for penal fines assessed and collected for violation of a penal law of the state. A civil fine ordered for a violation of a code or ordinance of a local authority regulating the operation of commercial motor vehicles and substantially corresponding to a provision of this act shall be paid to the county treasurer and shall be allocated as follows: (a) Seventy percent to the local authority in which the citation is issued. (b) Thirty percent for library purposes as provided by law. (2) Subsection (1) is intended to maintain a source of revenue for public libraries which previously received penal fines for misdemeanor violations of this act which are now civil infractions. History:Add. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 2000, Act 94, Imd. Eff. May 15, 2000

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1949 - Michigan Vehicle Code (257.1 - 257.923)300-1949-VIII - Chapter VIII Penalties (257.901...257.910)Section 257.910 - Conviction Based on Plea of Nolo Contendere; Treatment.

Sec. 910. A conviction based on a plea of nolo contendere shall be treated in the same manner as a conviction based on a plea of guilty. History:Add. 1991, Act 98, Eff. Jan. 1, 1992 ;-- Am. 1994, Act 450, Eff. May 1, 1995

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1301 - Short Title.

Sec. 1. This act shall be known and may be cited as the "motor vehicle service and repair act". History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1302 - Definitions; a to L.

Sec. 2. As used in this act: (a) "Administrator" means the secretary of state or any individual designated by the secretary of state to act in his or her place. (b) "Advertise" means to advise, announce, apprise, command, give notice of, inform, make known, or publish any material that calls to the attention of the public the availability of parts and services. (c) "Approved educational institution" means a school, academy, or other similar establishment approved by the administrator under section 13a to provide

training to mechanics or mechanical trainees under this act. (d) "Automobile or light truck" means a motor vehicle that has a gross vehicle weight rating of less than 14,000 pounds. (e) "BAIID mechanic" means a specialty mechanic who holds a certification from the department under section 10 to perform BAIID service. (f) "BAIID service" means the installation, removal, repair, or other servicing of breath alcohol ignition interlock devices. (g) "Breath alcohol ignition interlock device" or "BAIID" means that term as defined in section 20d of the Michigan vehicle code, 1949 PA 300, MCL 257.20d. (h) "Contract" means a written or oral agreement, or a similar understanding or arrangement, in which a person agrees that another person will perform work, labor, diagnosis, repair, reconditioning, replacement, adjustment, or alteration, directly or indirectly, on a motor vehicle. (i) "Customer" means the owner or operator of a motor vehicle. (j) "Department" means the department of state. (k) "Distressed vehicle" means that term as defined in section 12a of the Michigan vehicle code, 1949 PA 300, MCL 257.12a. (l) "Estimate" means a written statement that itemizes as closely as possible the price for labor, by showing the labor price per hour, the number of hours required to perform the work, and the price of parts necessary for a specific repair. (m) "Facility" or "motor vehicle repair facility" means a place of business that is required to register under this act and that, for compensation, is engaged in the business of performing, or employs individuals who perform, maintenance, diagnosis, vehicle body work, or repair service, or, beginning July 1, 2016, BAIID service, on a motor vehicle. The term does not include any of the following: (i) A person that engages only in the business of repairing the motor vehicles of a single commercial or industrial establishment or governmental agency. (ii) An individual who is repairing his or her own or a family member's motor vehicle. (iii) A business that does not diagnose the operation of a motor vehicle, does not remove parts from a motor vehicle to be remachined, and does not install finished machined or remachined parts on a motor vehicle. This subparagraph does not apply to a motor vehicle repair facility that engages in the business of performing, or employing individuals who perform, vehicle body work. (iv) A BAIID facility described in section 625k(14)(d) of the Michigan vehicle code, 1949 PA 300, MCL 257.625k. (n) "Heavy-duty truck" means a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or more and includes both single-unit and combination tractor trailer or tractor semitrailer vehicles. (o) "Late model vehicle" means that term as defined in section 24b of the Michigan vehicle code, 1949 PA 300, MCL 257.24b. (p) "Lien" means a security interest in or other encumbrance on a motor vehicle. The term includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien on a vehicle. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 1988, Act 254, Eff. Oct. 1, 1989 ;-- Am. 2016, Act 33, Eff. June 6, 2016 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017 ;-- Am. 2020, Act 227, Imd. Eff. Oct. 16, 2020

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1302a - Definitions; M to W.

Sec. 2a. As used in this act: (a) "Major component part" means any of the following parts of a motor vehicle: (i) The engine. (ii) The transmission. (iii) The right or left front fender. (iv) The hood. (v) A door that allows entrance to or egress from the passenger compartment of the vehicle. (vi) The front or rear bumper bar. (vii) The right or left rear quarter panel. (viii) The deck lid, tailgate, or hatchback. (ix) The trunk floor pan. (x) The cargo box of a pickup. (xi) The frame, or if the vehicle has a unitized body, the parts identified by the motor vehicle manufacturer as structural components. (xii) The cab of a truck. (xiii) The body of a passenger vehicle. (xiv) Airbags and seatbelts. (b) "Master mechanic" means any of the following: (i) A motor vehicle mechanic or specialty mechanic who is certified by the department under this act in all of the specific repair or service categories applicable to automobiles or light trucks described in section 10(5). (ii) A motor vehicle mechanic or specialty mechanic who is certified by the department under this act in all of the specific repair categories applicable to heavy-duty trucks described in section 10(6). (iii) A master motorcycle mechanic who is certified by the department to engage in motorcycle repair and is described in section 10b(5). (iv) A recreational trailer mechanic who is certified by the department to engage in the installation, service, and repair of recreational vehicle equipment and is described in section 10b(6). (c) "Material fact" means a fact that is used by a person as a premise on which a conclusion is based. (d) "Mechanic trainee" means an individual who desires to become a motor vehicle mechanic, a specialty mechanic, or a master mechanic and receives a permit from the administrator under this act. (e) "Minor repair services" means lubrication; oil changes; installing, changing, or otherwise servicing the antifreeze or other coolant; body repairing, except for unitized body structural repair; or the replacement, adjustment, repair, or servicing of any of the following parts and assemblies: (i) Air cleaner element. (ii) Accessory drive belt. (iii) Air pump hose. (iv) Twelve-volt battery. (v) Ground cable for 12-volt battery. (vi) Hold-down strap for 12-volt battery. (vii) Positive cable for 12-volt battery. (viii) Battery-to-starter relay cable for 12-volt battery. (ix) Crankcase vent air cleaner. (x) Crankcase vent air cleaner hose. (xi) Engine oil filter. (xii) Exhaust pipe, muffler, catalytic converter, or tail pipe and associated attaching parts. (xiii) Fuel filter. (xiv) Fuel line flex hose or line. (xv) Fuel tank, except for a tank that contains a fuel pump. (xvi) Fuse. (xvii) Heater hose. (xviii) Horn. (xix) Idler pulley, adjust only. (xx) Ignition coil output wire. (xxi) Lightbulb or headlamp. (xxii) Motor or transmission mount. (xxiii) Ornamental accessories. (xxiv) Positive crankcase ventilation control valve. (xxv) Radiator. (xxvi) Radiator hose, upper or lower. (xxvii) Radiator reserve tank. (xxviii) Rear spring, leaf or coil, except a MacPherson strut-type assembly. (xxix) Shock absorber that is not built in combination with other parts of the suspension. (xxx) Analog speedometer. (xxxi) Vapor canister hose. (xxxii) Wheel, except alignment. (xxxiii) Windshield washer hose. (xxxiv) Windshield washer tank. (xxxv) Wiper blade. (f) "Motor vehicle" means a vehicle that is self-propelled, a vehicle that is propelled by electric power, a motorcycle, or a trailer as those terms are defined in the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. The term does not include the dwelling or sleeping portions of a motor home, trailer, or any recreational vehicle that has similar facilities that are not directly connected with the drive mechanism of the vehicle or other areas of repair that would require certification of motor vehicle mechanics under this act or rules promulgated under this act. (g) "Motor

vehicle mechanic" means a technician or other individual who, for compensation, repairs motor vehicles, including the reconditioning, replacement, adjustment, or alteration of the operating condition, of any component or subassembly of a motor vehicle. (h) "Person" means an individual, corporation, limited liability company, partnership, association, or any other legal entity. The term includes a motor vehicle repair facility. (i) "Recreational trailer" means a travel trailer, camper trailer, or other special purpose or utility trailer or semitrailer designed or intended to be drawn on the highway by an automobile or light truck that has a gross towing vehicle weight of less than 10,000 pounds. (j) "Repair" means the reconditioning, adjustment, alteration, maintenance, or diagnosis of the operating condition of a motor vehicle, with or without the replacement of any component or subassembly of a motor vehicle, for compensation or under the terms of a warranty. (k) "Repair category" means a category of motor vehicle repair work, listed in section 10b, that certification under this act is required to perform. (l) "Representation" means a statement made by a facility to a customer in regard to some past, present, or future fact, circumstance, or set of facts pertinent to a contract. (m) "Salvageable part" means a major component part of a late model vehicle or a vehicle manufactured in the current model year, if the part can be reused. (n) "Specialty mechanic" means a motor vehicle mechanic who is certified by the department for a specific repair or service category or categories described in section 10(1). (o) "Vehicle body work" means the business or activity of repairing physical damage to a motor vehicle by repairing, mending, straightening, or replacing a major component part, except for the engine or transmission. (p) "Warranty" means a guarantee given by a motor vehicle repair facility, in writing or by implication, of the merchantability, of the integrity of the subject of a contract, or of the responsibility of the person that makes the warranty for the replacement or repair of defective parts or services, or both, assuring performance, product, or conditions as promised or declared by the person that makes the warranty. History:Add. 1988, Act 254, Eff. Oct. 1, 1989 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1303 - Act Inapplicable to Gasoline Service Stations Exclusively Engaged in Selling Motor Fuel and Lubricants; Minor Repair Services Subject to Act; Exception.

Sec. 3. Unless the means of doing or engaging in a motor vehicle repair business including the operating of a motor vehicle repair facility is adopted for the purposes of evading this act, and except as otherwise provided in this act, this act does not apply to gasoline service stations exclusively engaged in the business of selling motor fuel and lubricants. However, a person, including a gasoline service station, that provides minor repair services or activities incidental to the business of selling motor fuel and lubricants is a motor vehicle repair facility and is subject to this act, except that an employee of the person may perform minor repair services without a certification or permit from the department under this act. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1304 - Act Inapplicable to Certain Persons.

Sec. 4. Unless the act or practice of repairing, servicing, reconditioning, or engaging in the activity of a master or specialty mechanic is adopted for the purposes of evading this act, this act shall not apply to a person who: (a) Repairs, replaces, reconditions, adjusts, analyzes, diagnoses, or alters the operating condition of his or her own or a family member's motor vehicle and for which there is evidence of ownership of that motor vehicle. (b) Is a master or specialty mechanic, a motor vehicle mechanic, a mechanic trainee, or technician who is in the full-time employ of an automotive manufacturer and is engaged solely in that capacity on motor vehicles owned by or being produced by the manufacturer. (c) Engages solely in the business of repairing the motor vehicles for compensation of a single commercial, industrial, or governmental establishment, or 2 or more establishments related by common ownership or corporate affiliation. (d) Engages solely in the business of repairing, replacing, reconditioning, adjusting, analyzing, diagnosing, or altering the operating condition of a motor vehicle or trailer not required to be registered and not titled under Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws. The state treasurer shall reimburse a person exempted under this subdivision money paid by the person as a registration fee or renewal registration fee under section 30. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 1980, Act 151, Imd. Eff. June 10, 1980

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1305 - Motor Vehicle Repair Facility; Certified Specialty or Master Mechanic Required; Inspection and Approval of Work Performed by Noncertified Mechanic; Waiver.

Sec. 5. (1) Effective December 31, 1977, all motor vehicle repair facilities must have at least 1 specialty or master mechanic in its employ certified in each category of repair which it provides. (2) After January 1, 1978 any work concerning major service or repair performed by a noncertified mechanic shall be inspected and approved by 1 who is certified in the pertinent specialty. (3) Effective December 31, 1980, a person shall not engage in the business or activity of a specialty or master mechanic unless the person is certified pursuant to this act. (4) Following December 31, 1977, if a customer voluntarily requests services or parts for the repair of a motor vehicle without delay, due to an emergency, from a repair facility in a repair category for which that facility does not have a master or specialty mechanic, that facility may obtain from the customer a waiver of the customer's rights to have the repair work performed by a master or specialty mechanic. The waiver shall be executed in duplicate with 1 copy to be given to the customer requesting the repairs and shall read as follows: "_____(customer) has voluntarily requested _____(repair person) of _____(facility) to provide services or parts in the repair of the below described

motor vehicle because of an emergency and thereby waives any claim or cause of action he may have against either _____(repair person) or _____(facility) as a result. Motor vehicle description: Customer signature _____ Dated _____ Time _____ ." (5) This waiver shall not be effective unless given by the customer voluntarily and with the knowledge of the implications of the waiver. A motor vehicle repair facility or anyone in its employ, including a specialty or master mechanic or mechanic trainee shall not make use of the waiver of liability in an attempt to evade this act. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1306 - Motor Vehicle Repair Facility; Registration Required.

Sec. 6. Unless the act or practice is otherwise exempt by this act, a person shall not engage in the business or activity of a motor vehicle repair facility unless the person registers the facility with the administrator pursuant to this act. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1306a - Motor Vehicle Repair Facility Providing Baiid Service; Approval of Department; Requirements; Term; Inspection.

Sec. 6a. (1) A motor vehicle repair facility shall not provide BAIID service without the approval of the department under this section and under section 625k of the Michigan vehicle code, 1949 PA 300, MCL 257.625k. (2) The department may approve a motor vehicle repair facility as a facility that is authorized to perform BAIID service, or renew an approval under this section, if all of the following requirements are met: (a) The facility operates at a fixed location in this state. (b) The facility employs at least 1 mechanic who holds a specialty certification in BAIID service under section 10(1) and who is properly trained as a BAIID technician by the BAIID manufacturer for which the facility is a vendor. (c) The facility maintains and makes available for inspection records that prove that each mechanic who holds a specialty certification in BAIID service under section 10(1) and is employed by the facility is properly trained by the BAIID manufacturer to service the BAIID for which the facility is a vendor. (d) The facility provides a designated waiting area for customers that is separate from the area in which BAIID service is performed. (e) Only a mechanic who holds a specialty certification in BAIID service under section 10(1), a representative of the manufacturer, or a representative of the department is allowed to observe the installation or removal of a BAIID. (f) The facility takes adequate security measures to ensure that unauthorized personnel cannot gain access to proprietary materials or files of any BAIID manufacturer for which the facility is a vendor. (g) The facility informs the department of any change in its business address at least 15 days before the date of any relocation. (h) An application for approval is for a single location. A separate application for approval is required for each location at which the facility will provide BAIID service. (i) If requested by the department, the facility allows the department to conduct an on-site evaluation to ensure compliance with the requirements in this act. (3) The term of an original or renewal approval of a motor vehicle repair facility under this section is 1 year. (4) The department may conduct an inspection of a motor vehicle repair facility that provides BAIID service to ensure compliance with this act and section 625k of the Michigan vehicle code, 1949 PA 300, MCL 257.625k, and rules promulgated to implement this act and that section. The motor vehicle repair facility shall pay for the actual costs to the department in conducting an inspection under this subsection. History:Add. 2016, Act 33, Eff. June 6, 2016

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1307 - Prohibited Conduct.

Sec. 7. A motor vehicle repair facility that is subject to this act, or a person that is an owner or operator of a motor vehicle repair facility that is subject to this act, shall not, directly or through an agent or employee, do any of the following: (a) Enter into a contract with a customer that uses a waiver to circumvent or evade this act. (b) Enter into a contract that takes advantage of a customer's inability to reasonably protect his or her interests because of his or her illiteracy or inability to understand the language of an agreement, if the facility knows or reasonably should know of the customer's illiteracy or inability to understand. (c) Enter into a contract with a customer that has gross discrepancies between the oral representations of the facility and the written agreement covering the same transaction. (d) Make, either written or orally, an untrue or misleading statement of a material fact to a customer. (e) Fail to reveal a material fact to a customer that the customer could not reasonably know if that omission tends to mislead or deceive the customer. (f) Enter into a contract with a customer that attempts to abrogate, disclaim, or disallow the legal rights, obligations, or remedies of the customer. (g) Allow a customer to sign an acknowledgment, certificate, or other writing that affirms acceptance, delivery, compliance with a requirement of law, or other performance, if the facility knows or has reason to know that the statement is not true. (h) Set up contractual provisions with a customer, including the statement of repairs and waivers, that are not specific in language, clearly described, or reasonably legible. (i) Attempt to avoid or evade the law through a contract with a customer or any provision of a contract with a customer. (j) If a contract with a customer is rescinded, canceled, or otherwise terminated under the terms of the contract or under this act, fail to promptly return any deposit, down payment, or other payment to the person that is entitled to receive it. (k) Allow a customer to sign a document in blank relating to the repair of a motor vehicle. (l) Fail to give a customer a copy of a document evidencing the engagement of a facility at the time the document is executed by the customer. (m) When returning a repaired vehicle to a customer, fail to give a written statement of repairs to the customer that discloses all of the following: (i) The repairs needed, as determined by the facility. (ii) The repairs requested by the customer. (iii) The repairs authorized by the customer. (iv) The facility's estimate of repair costs. (v) The actual costs of repairs. (vi) The repairs or

services performed, including a detailed identification of all parts that were replaced and a specification of which parts are new OEM, new, used, rebuilt, OEM surplus, or reconditioned. (vii) A certification that authorized repairs were completed properly or a detailed explanation of an inability to complete repairs properly. The owner of the facility, or an individual designated by the owner to represent the facility, shall sign the certification statement. The statement shall include the name of the mechanic who performed the diagnosis and the repair. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1307a - Prohibited Conduct.

Sec. 7a. A motor vehicle repair facility that is subject to this act, or a person that is an owner or operator of a motor vehicle repair facility that is subject to this act, shall not, directly or through an agent or employee, do any of the following: (a) Charge for repairs that are in fact not performed. (b) Perform repairs that are in fact not necessary, unless the customer insists that the facility perform the repair and disregards the facility's advice that the repair is unnecessary. (c) Represent, directly or indirectly, that repairs are necessary when in fact they are not. (d) Perform and charge for repairs that are not specifically authorized. (e) Fail to perform promised repairs within the period of time agreed, or within a reasonable time, unless circumstances beyond the control of the facility prevent the timely performance of the repairs and the facility did not have reason to know of those circumstances at the time the contract was made. (f) Represent, either directly or indirectly, that a replacement part used in the repair of a vehicle is new or of a particular manufacture when in fact it is used, rebuilt, reconditioned, deteriorated, or of a different manufacture, or otherwise fail to disclose in writing, before beginning a repair, the use of used, rebuilt, or reconditioned parts. (g) Subsequent to a diagnosis requested by a customer for which a charge is made, fail to disclose a diagnosed or suspected malfunction, the recommended remedy for the malfunction, and any test, analysis, or other procedure employed to determine the malfunction. History:Add. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1307b - Prohibited Conduct.

Sec. 7b. A motor vehicle repair facility that is subject to this act, or a person that is an owner or operator of a motor vehicle repair facility that is subject to this act, shall not, directly or through an agent or employee, do any of the following: (a) Disclaim or limit the implied warranty of merchantability or fitness for use, unless excluded or modified under section 2316 of the uniform commercial code, 1962 PA 174, MCL 440.2316. (b) Fail to extend the period of a facility's own warranty for repairs and services, if the customer was deprived of the use or enjoyment of the subject of the warranty because of a failure on the part of the facility to comply completely with the terms of the warranty, for a period of time that is equal to or greater than the period of the deprivation. (c) Fail to honor a warranty on a new part by replacing it with a used part or replacing it with a rebuilt or remanufactured part that does not meet original equipment quality, standards, or specifications, or that does not comply with the warranty repair requirements of the warrantor. (d) Fail to honor an express warranty. (e) Fail to disclose in written language, that is clear as to the nature or scope of the warranty, all material aspects and the intent of a warranty, including, but not limited to, what is warranted, the person that will honor the warranty, the duration of the warranty, the obligations, if any, of the person to which the warranty is extended, and any exceptions and exclusions from the terms of the written warranty agreement. History:Add. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1307c - Prohibited Conduct.

Sec. 7c. A motor vehicle repair facility that is subject to this act, or a person that is an owner or operator of a motor vehicle repair facility that is subject to this act, shall not, directly or through an agent or employee, advertise or represent, either directly or indirectly, any of the following: (a) Reduced prices for products or services and not sell them at the advertised price during the period of the offering. (b) Products or services at a particular price during a particular period and fail to extend the offer beyond that period to any person that seeks but does not obtain the products or services during the advertised period because the facility has failed to prepare for the reasonably expected public demand. (c) That a customer will receive products or services "free" or "without charge", or using words of similar import, if there are undisclosed conditions, terms, or limitations attached to the offer of those products or services. (d) Products or services while failing to reveal a material fact that a customer could not reasonably know, if the omission of that fact tends to mislead or deceive the customer. (e) That a customer will receive a rebate, discount, or other benefit as an inducement for entering into a contract, if the benefit is contingent on the occurrence of an event after the transaction is completed. (f) That a facility has the ability to perform repair services using personnel who are qualified in specific repair specialties, including those specialties enumerated in sections 10 and 10b of this act, if in fact the facility does not employ mechanics who are legally certified in those specialties. (g) Products or services, if there is a material contingency, condition, or limitation on the offer of those products or services, unless the contingency, condition, or limitation is stated contemporaneously with the offer in a manner clearly and easily understood by the customer. (h) Products or services in a language other than English, unless the advertisement or representation includes any required disclosures or limitations on the offer in the language principally used in the advertisement or representation. (i) That mechanics employed by a facility are "certified", "licensed", or otherwise qualified if that representation tends to give the impression that all mechanics employed by the facility are certified or licensed if in fact they are not. (j) That a customer's failure to act quickly or within a certain period of time to procure products or services will result in the loss of opportunity to procure them at a particular price, if in fact it is untrue. (k) Credit availability, in a manner that

creates a likelihood of confusion or misunderstanding of the terms or conditions of credit, or that credit availability or the terms of credit are "easy", or using words of similar import to describe credit availability or terms, if in fact that is untrue. (l) That products or services are sold under the terms of "satisfaction guaranteed or money back", or using words of similar import, if in fact the customer's declaration of dissatisfaction is not a sufficient basis for obtaining a refund of the purchase price for those products or services. (m) The necessity, desirability, or advantage to a prospective customer of dealing with a facility by misrepresenting the facility's alleged advantages of size. (n) That a document that a customer signs is something other than what it is. (o) An aspect of a repair transaction in a manner that causes a likelihood of confusion, or of misunderstanding, with respect to the authority of a mechanic, salesperson, representative, or agent to negotiate the final terms of the transaction. (p) An aspect of a repair transaction in a manner that causes a likelihood of confusion, or of misunderstanding, of the legal rights, obligations, or remedies of a party to the transaction. (q) That service on an offered product is available under a warranty if in fact it is not available or there are undisclosed limitations or conditions on the availability of that service. (r) A free or low-cost inspection or diagnosis that requires the removal or dismantling, or both, of a part or assembly and failing to disclose before the transaction a charge for replacement or reassembly if the customer declines to authorize a recommended repair. (s) A product or service at a reduced rate and, if the facility fails to provide it at the offered price during the period of the offering to a customer seeking it, failing to offer and provide the customer the opportunity to obtain the product or service at the same reduced rate within a reasonable period of time after the expiration of the original offer. (t) Products or services, or the availability of products or services, in a manner that involves the solicitation of waivers by the facility. (u) Products or services that fail to meet the reasonably expected public demand for the duration of the advertised offering, unless the advertisement has clearly expressed a specific limitation on the quantity of the advertised products or services. (v) The words "certification", "licensing", or "registration", or the use of words of similar import, of a motor vehicle repair facility or mechanic, by an organization, association, governmental entity, or other program or authority other than the administrator, without clearly and conspicuously disclosing the source of the certification, licensing, or registration, and without adding the disclaimer "not the Michigan department of state". (w) The desirability or advantages of certification or licensing by a federal, state, or local governmental agency, or that a motor vehicle repair facility or mechanic is approved or sanctioned by the administrator. History:Add. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1307d - Prohibited Conduct.

Sec. 7d. A motor vehicle repair facility that is subject to this act, or a person that is an owner or operator of a motor vehicle repair facility that is subject to this act, shall not, directly or through an agent or employee, do any of the following: (a) Assert, claim, or impose a mechanic's or similar type lien if the facility has violated this act or rules promulgated under this act with respect to the transaction on which the lien is based. (b) Seek the repossession of a motor vehicle if the facility has violated this act or rules promulgated under this act with respect to the transaction on which the repossession is based. (c) Seek to assert or enforce a lien by refusing to return a vehicle if the facility has violated this act or rules promulgated under this act with respect to the transaction on which the refusal is based. (d) Fail to return a customer's vehicle if there is a dispute and the customer has paid the amount of the written estimate and any amount in excess of that amount that was agreed to either orally or in writing by the customer. History:Add. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1307e - Prohibited Conduct.

Sec. 7e. A motor vehicle repair facility that is subject to this act, or a person that is an owner or operator of a motor vehicle repair facility that is subject to this act, shall not, directly or through an agent or employee, do any of the following: (a) Unless legally waived by the customer, fail to give the customer a written estimate before beginning work on a motor vehicle. (b) Charge for work done or parts supplied in excess of the estimated price without the knowing consent, orally or in writing, of the customer. (c) Fail to give a customer an estimate for the cost, if any, of reassembly, disassembly, or diagnosis. (d) Fail to inform a customer, at a time before the customer executes a document or engages the facility for the work, by the use of a notice required under section 33, of his or her right to receive or inspect replaced parts for which he or she will be charged in the repair of his or her motor vehicle. (e) Fail to retain a customer waiver with the records retained by the facility concerning the transaction. (f) Charge a customer storage charges if there is a dispute concerning repair charges. If a delay in repairs is caused by a lack of parts, a facility may charge for storage after informing the customer of the approximate length of the anticipated delay and of the daily storage charge rate and obtaining the customer's consent to the delay and the storage charges. (g) Fail to comply with the truth in lending act, 15 USC 1601 to 1667f, and the retail installment sales act, 1966 PA 224, MCL 445.851 to 445.873, if the customer finances repairs through the facility. (h) Fail in practice to comply with advertised or stated payment policies. (i) Conspire with another to fix prices. (j) Conspire with another to allocate the market between them. (k) Fail to notify a customer of an exchange agreement and charges for exchange parts if the customer wishes to have those parts returned. (l) Fail to disclose, on the customer's request, the method used by a facility to compute labor charges. History:Add. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1307f - Prohibited Conduct.

Sec. 7f. A motor vehicle repair facility that is subject to this act, or a person that is an owner or operator of a motor vehicle repair

facility that is subject to this act, shall not, directly or through an agent or employee, do any of the following: (a) Improperly utilize waivers in a manner that suggests or implies, directly or indirectly, orally or by action, that signing a waiver will improve or expedite service or repairs or will reduce the price. (b) Exaggerate the seriousness of a malfunction to induce a customer to agree to a repair. (c) Suggest or imply, directly or indirectly, orally or by action, that service will be improved or expedited or that the price will be reduced if the customer agrees that the facility is not required to return for inspection any parts that the facility replaced. (d) Misrepresent that because of some defect in the customer's motor vehicle, the health, safety, and lives of the customer or his or her family are in danger if parts or repair services are not purchased, if in fact the defect does not exist or the installation of the parts or the performance of the services would not remove the danger. History:Add. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1308 - Administration of Act; Nonaffiliation With Facility.

Sec. 8. The secretary of state or his designee shall administer this act. A person designated by the secretary of state to act in his place shall not be affiliated with a motor vehicle repair facility. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1309 - Powers and Duties of Administrator; Rules.

Sec. 9. The administrator shall do all of the following: (a) Certify master and specialty mechanics and issue permits to mechanic trainees who are subject to this act. (b) Register motor vehicle repair facilities that are subject to this act. (c) Keep a complete register of motor vehicle repair facilities, and make that register available for public inspection at the office of the secretary of state. (d) Keep an accurate listing by name and by certificate number of each specialty and master mechanic who is certified by the administrator at the office of the secretary of state. (e) Engage in a public information program to inform the public of their rights and remedies under this act. (f) Inform registered motor vehicle repair facilities at least annually of the rules promulgated under this act, of representative disciplinary hearings, orders, or judgments issued or obtained by the administrator, and suspensions or revocations of registrations or licenses. A motor vehicle repair facility shall inform the mechanics in its employ of these actions. (g) Establish procedures for receiving complaints relating to alleged violations of this act or rules promulgated under this act. (h) Establish and collect fees for certification examinations administered by the administrator. (i) Promulgate any rules that are necessary to implement this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (j) Issue declaratory rulings to implement this act. All of the following apply to a declaratory ruling under this subdivision: (i) The administrator may issue a declaratory ruling concerning the applicability of this act or rules promulgated under this act to an actual statement of facts if the administrator receives a request for a declaratory ruling from an interested person and the interested person submits a clear and concise statement of facts to the administrator. The interested person may submit to the administrator a brief or other reference to legal authorities on which the interested person relies concerning the applicability of this act or rules promulgated under this act to the statement of facts. (ii) If he or she decides to issue a declaratory ruling, the administrator shall provide the interested person that requested the ruling a statement that he or she will issue a declaratory ruling and the date by which the administrator will issue the ruling. (iii) A declaratory ruling shall include the actual statement of facts provided by the interested person that requested the ruling, the legal authority on which the administrator relies for his or her ruling, if any, and the ruling of the administrator. (iv) After it is issued, a declaratory ruling is binding on the administrator and he or she may not retroactively change the ruling. However, this subdivision does not prohibit the administrator from prospectively changing a declaratory ruling. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017Admin Rule:R 257.101 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1310 - Certification as Specialty Mechanic; Certification Fee; Initial Specialty Mechanic's Certificate in Baiid Service; Examination; Qualification Certificate as Master Mechanic for Automobiles, Light Trucks, or Heavy-Duty Trucks.

Sec. 10. (1) Subject to subsection (3) and section 10b(3) and (4), an individual may become certified as a specialty mechanic in 1 or more repair categories described in section 10b(1) or (2) if that individual takes 1 or more examinations, developed or approved by the administrator, and receives scores, as determined by the administrator, that indicate competency to perform motor vehicle repairs in the repair category or categories. (2) An individual may apply for a specialty mechanic's certificate in any or all repair categories but he or she is only required to pay 1 certification fee if the individual applies for more than 1 category at 1 time. (3) On application, the department shall issue an initial specialty mechanic's certificate in BAIID service, without examination, to an individual who holds a valid specialty mechanic's certificate in electrical systems repair on June 5, 2016. (4) By October 4, 2016, the administrator shall develop or adopt an examination for specialty mechanic certification in the repair or service category described in section 10b(1)(l) for an individual who is engaged, for compensation, in BAIID service. (5) An individual may apply for and receive a certificate as a master mechanic for automobiles or light trucks if he or she is qualified as a specialty mechanic in all of the repair categories described in section 10b(1), except that qualification in a specialty category described in section 10b(1)(i), (j), (k), or (l) is not necessary for a master mechanic's certificate. (6) An individual may apply for and receive a certificate as a master mechanic for heavy-duty trucks if that individual is qualified as a specialty mechanic in all repair categories described in section 10b(2), except that certification in the repair category described in section 10b(2)(g) is not necessary for a master mechanic's

certificate described in this subsection. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 2000, Act 366, Imd. Eff. Jan. 2, 2001 ;-- Am. 2016, Act 33, Eff. June 6, 2016 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1310a - Performance of Baiid Service; Certificate Required; Requirements; Written Installation Verification.

Sec. 10a. (1) Beginning July 1, 2016, an individual shall not perform BAIID service in this state unless he or she has a specialty mechanic's certificate in BAIID service from the department under section 10 and certification as a BAIID installer under section 625k of the Michigan vehicle code, 1949 PA 300, MCL 257.625k. (2) A BAIID mechanic shall perform BAIID service in a workmanlike manner and, in performing BAIID service, shall comply with the requirements of this section, the standards described in section 625k of the Michigan vehicle code, 1949 PA 300, MCL 257.625k, and the requirements of the BAIID manufacturer. (3) A motor vehicle repair facility and BAIID mechanic shall ensure that a BAIID that is installed is in working order; that it performs in a manner that meets the requirements of this section and the standards described in section 625k of the Michigan vehicle code, 1949 PA 300, MCL 257.625k; and that all connections are soldered and covered with a tamper seal. (4) When he or she completes the installation of a BAIID, a BAIID mechanic shall provide the customer with written installation verification. The department shall establish the form and format of this verification. History:Add. 2016, Act 33, Eff. June 6, 2016

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1310b - Certification as Specialty or Master Mechanic for Automobiles and Light Trucks or Heavy-Duty Trucks; Certification as Master Motorcycle Mechanic; Certification as Recreational Trailer Mechanic; Eligibility.

Sec. 10b. (1) The administrator may issue a certification to perform repair work as a specialty or master mechanic for automobiles and light trucks in 1 or more of the following repair categories: (a) Engine repair. (b) Automatic transmission. (c) Manual transmission, front and rear drive axle. (d) Front end, suspension, and steering systems. (e) Brakes and braking systems. (f) Electrical systems. (g) Heating and air-conditioning. (h) Engine tune-up and performance. (i) Collision-related mechanical repair. (j) Unitized body structural repair. (k) Pre-1973 automobile or light truck repair. As used in this subdivision, "pre-1973 automobile or light truck repair" means the repair of an automobile or light truck manufactured before 1973 or the reconditioning, replacement, adjustment, or alteration of the operating condition of any component or subassembly of an automobile or light truck manufactured before 1973. (l) BAIID service. (2) The administrator may issue a certification to perform repair work as a specialty or master mechanic for heavy-duty trucks in 1 or more of the following repair categories: (a) Engine repair, gasoline. (b) Engine repair, diesel. (c) Drivetrains. (d) Brakes and braking systems. (e) Suspension and steering systems. (f) Electrical systems. (g) Collision-related mechanical repair. (3) An individual who is applying for certification as a specialty automobile or light truck mechanic is eligible for that certification if he or she passes an examination in the repair category that relates to that specialty. An individual who is applying for certification as a master automobile or light truck mechanic is eligible for that certification if he or she passes the examinations in all repair categories listed in subsection (1)(a) to (h). (4) An individual who is applying for certification as a specialty heavy-duty truck mechanic is eligible for that certification if he or she passes an examination in the repair category that relates to that specialty. An individual who is applying for certification as a master heavy-duty truck mechanic is eligible for that certification if he or she passes the examinations in all repair categories listed in subsection (2)(a) to (f). (5) An individual who is applying for certification as a master motorcycle mechanic is eligible for that certification if he or she passes an examination pertaining to all mechanical aspects of motorcycle repair. (6) An individual who is applying for certification as a recreational trailer mechanic is eligible for that certification if he or she passes an examination pertaining to all mechanical aspects of the installation, service, and repair of recreational trailer equipment. As used in this subsection, "recreational trailer equipment" includes recreational trailer brakes, suspension, wheels, or axles; adaptations and alterations made to towing vehicles; and other items of equipment on a recreational trailer required under sections 683 to 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.711. History:Add. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1311 - Application for Specialty or Master Mechanic's Certificate; Form; Contents; Terms; Renewal.

Sec. 11. (1) An individual shall not engage or offer to engage in employment as a specialty or master mechanic if he or she has not applied for and received a certificate for that employment from the department. An applicant for a specialty or master mechanic's certificate shall submit to the administrator, on a form provided by the department, all of the following information and the results of the required examinations: (a) The name and home address of the applicant. (b) The repair category or categories for which the applicant is applying. (c) The number of years the applicant has worked as a motor vehicle mechanic for compensation and the education or training he has had to prepare him for work as a motor vehicle mechanic, specialty mechanic, or master mechanic. (d) The states or jurisdictions in which the applicant is licensed or certified to work as a motor vehicle mechanic, specialty mechanic, or master mechanic. (e) A copy of an irrevocable appointment of the secretary of state as the applicant's agent for service of process. (f) Other relevant information required by the administrator. (2) The term of a master mechanic's certificate is 1 year. An individual may renew a master mechanic's certificate by providing all of the information described in subsection (1)(a) to (f), on a form

provided by the administrator, and paying the renewal fee described in section 30. (3) The term of a specialty certificate is 1 year. The administrator may only renew a specialty certificate if the individual who is applying for renewal provides all of the information described in subsection (1)(a) to (f), on a form provided by the administrator, pays the renewal fee described in section 30, and, if applicable, meets 1 of the following: (a) If he or she is seeking to renew a certification as a mechanic in the area of automobile and light truck engine tune-up and performance, in the 1998 calendar year or in any fifth calendar year after 1998, does 1 of the following: (i) Takes and passes a test given or approved by the administrator. (ii) Presents proof that he or she has successfully completed an acceptable course of training in automobile and light truck engine tune-up and performance provided by an approved educational institution, motor vehicle manufacturer, or distributor. (iii) Presents a valid, current certification in automobile and light truck engine tune-up and performance, or a comparable category, from the National Institute for Automotive Service Excellence or another mechanic certification organization approved by the administrator. (b) If he or she is seeking to renew a certification as a mechanic in the area of automobile and light truck electrical systems, in the 1999 calendar year or in any fifth calendar year after 1999, does 1 of the following: (i) Takes and passes a test given or approved by the administrator. (ii) Presents proof that he or she has successfully completed an acceptable course of training in automobile and light truck engine electrical systems provided by an approved educational institution, motor vehicle manufacturer, or distributor. (iii) Presents a valid, current certification in automobile and light truck engine electrical systems, or a comparable category, from the National Institute for Automotive Service Excellence or another mechanic certification organization approved by the administrator. (c) If he or she is seeking to renew a certification as a mechanic in the area of automobile and light truck brakes and braking systems, in the 2000 calendar year or in any fifth calendar year after 2000, does 1 of the following: (i) Takes and passes a test given or approved by the administrator. (ii) Presents proof that he or she has successfully completed an acceptable course of training in automobile and light truck engine brakes and braking systems provided by an approved educational institution, motor vehicle manufacturer, or distributor. (iii) Presents a valid, current certification in automobile and light truck brakes and braking systems, or a comparable category, from the National Institute for Automotive Service Excellence or another mechanic certification organization approved by the administrator. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1312 - Examination.

Sec. 12. All of the following apply to a certification examination under this act: (a) An examination shall be written, except that the administrator may allow an individual to take an oral or practical examination if the administrator determines that the individual meets 1 of the following: (i) He or she has special language problems that preclude the possibility of passing a standard English language examination. (ii) He or she was unsuccessful on the written examination. (b) The administrator shall review examinations that are being given by private or public agencies, including the department of education. If the administrator approves an agency for the purposes of administering examinations, an applicant may take an examination administered by that agency, and the testing agency shall forward the results to the administrator for review and verification, or the prospective applicant may take the examination developed and given by the administrator, if any. (c) An examination shall be given at places and times determined by the administrator. (d) The results of an examination are not final until approved by the administrator. The administrator shall forward the results of an examination to the applicant or to the applicant's authorized representative. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1313 - Mechanic Trainee Permit; Duration; Supervision; Educational Institution.

Sec. 13. (1) If an individual is unable to obtain a certificate as a specialty or master mechanic under this act, and that individual desires to become a specialty or master mechanic, he or she may apply for a mechanic trainee permit on a form prescribed or approved by the administrator. (2) If an individual is unable to renew a specialty certification as a mechanic in the area of automobile and light truck engine tune-up and performance, automobile and light truck electrical systems, or automobile and light truck brakes and braking systems because he or she does not meet the requirements of section 11(3)(a), (b), or (c), he or she may apply for a mechanic trainee permit, on a form prescribed or approved by the administrator, if he or she meets all legal requirements for the permit and was not issued a mechanic trainee permit by the administrator in the 3-year period before the administrator receives his or her application for the mechanic trainee permit under this subsection. (3) All of the following apply to a mechanic trainee described in this section: (a) An individual who qualifies as a mechanic trainee may retain that status for a period of not more than 2 years. (b) A mechanic trainee who is employed by a motor vehicle repair facility is required to work under the direct supervision of a specialty or master mechanic during the full time of his or her employment. (c) The administrator shall select 1 or more approved educational institutions to engage in mechanic trainee training. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1313a - Training to Mechanics or Mechanic Trainees; Approval of School, Academy, or Similar Establishment; Contract.

Sec. 13a. (1) The administrator shall evaluate and may approve a school, academy, or other similar establishment that intends to provide training to mechanics or mechanic trainees under this act. (2) All of the following apply to the approval of a school,

academy, or similar establishment by the administrator under subsection (1): (a) An establishment seeking approval shall submit an application for approval to the administrator. The administrator shall determine the form and content of the application. The application shall include supporting materials required by the administrator. (b) The administrator shall review an application and supporting materials submitted under subdivision (a) and shall approve, deny approval of, or withdraw approval from the training program offered to mechanics and mechanic trainees by the establishment. (c) In evaluating an establishment for approval, the administrator shall consider all of the following factors: (i) Accreditation or lack of accreditation by a recognized accreditation agency. (ii) Quantity and quality of classroom training provided. (iii) Course objectives. (iv) Number, quality, and age of tools, equipment, and materials made available to students. (v) Percentage of class time spent in hands-on training. (vi) Qualifications of instructors and other staff. (vii) Quality, quantity, and accessibility of records maintained by the establishment. (viii) Class size and location. (ix) Quality of testing administered. (x) Other related factors the administrator considers relevant. (3) The administrator may contract with approved educational institutions to provide training or testing required under this act. History:Add. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1313b - Display of Current and Valid Certificate; Name and Certification Number to Be Affixed to Statement of Repairs; Compliance With Accepted Motor Vehicle Repair Industry Standards; Violation of Subsection (3).

Sec. 13b. (1) A certified specialty or master mechanic shall display, in a conspicuous location in the place of business where he or she is employed or engaged to perform repairs, a current and valid certificate issued by the administrator. (2) If a certified mechanic works on, inspects and approves, or supervises a repair, he or she shall affix his or her name and certification number, as assigned by the administrator, to the written statement of repairs given the customer under section 34. (3) A certified specialty or master mechanic or mechanic trainee shall not depart from, or disregard in any material respect, accepted motor vehicle repair industry standards. Compliance with published vehicle manufacturer, parts manufacturer, equipment manufacturer, or recognized aftermarket repair manual specifications creates a presumption that the mechanic or mechanic trainee has followed accepted motor vehicle repair industry standards. (4) If the administrator, after notice and a hearing, determines that a specialty or master mechanic or mechanic trainee has violated subsection (3), the administrator may, under section 21, require that the specialty or master mechanic or mechanic trainee do both of the following: (a) Successfully complete a designated training course or program as a prerequisite to continued certification. (b) Only perform specific motor vehicle repairs or repair procedures identified by the administrator until the training course or program described in subdivision (a) is completed. History:Add. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1314 - Registration Form; Contents.

Sec. 14. The owner of a motor vehicle repair facility shall register the facility by providing all of the following information to the administrator, on a registration form provided by the administrator, accompanied by a registration fee in an amount determined under section 30: (a) The name, address, and form of ownership of the facility, and if the owner is a corporation, the date and place of incorporation. (b) The name and address of each of the owner's resident agents, officers, directors, and partners in this state, as applicable. (c) The principal occupation or business for the past 5 years of all of the following, as applicable: (i) Each person that owns 10% or more of the facility. (ii) For each owner described in subparagraph (i), every officer and director if the owner is a corporation; every partner if the owner is a partnership; and any other person that occupies a similar status or performs similar functions. (d) A description of the facility that includes all of the following: (i) The type of service business the facility operates. (ii) The type of repairs the facility performs. (iii) The type of vehicles the facility services. (iv) The number of mechanics the facility employs who perform repairs. (v) The range of gross revenue received by the facility from performing repairs, including revenue from parts and goods sold in conjunction with repairs, for the most recent federal income tax year. (vi) Measured in square feet, the size of that part of the facility utilized for performing repairs. (e) An irrevocable appointment of the secretary of state as the agent for the facility for service of process. (f) A copy of each instrument, form, contract, or other document used by the applicant in dealing with the public in the repair of motor vehicles, including, but not limited to, all of the following: (i) Any document on which the facility routinely requires the customer's signature. (ii) Any document used by the facility in connection with providing estimates, diagnoses, or repairs. (iii) Any invoices, warranties, or waivers. (iv) Any other document used by the facility to comply with this act or rules promulgated under this act. (g) Any other relevant information required by the administrator. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1315 - Registration; Expiration; Renewal; Operation Pending Renewal Approval; Fee; Single Registration Form for More Than 1 Facility.

Sec. 15. (1) A motor vehicle repair facility registration under this act takes effect on the date it is approved by the administrator and expires 1 year after that date. The owner of a motor vehicle repair facility shall renew its registration annually and shall submit an application for renewal of the registration, accompanied by a registration fee in an amount determined under section 30, with the administrator at least 30 days before the expiration of its then-current registration. (2) A motor vehicle repair facility may continue to operate after the expiration date of its then-current registration, pending approval of the renewal application by the administrator,

if the renewal application and renewal fee are received by the administrator on or before the expiration date. If a renewal application and renewal fee are filed after the expiration date, the facility may operate from the day on which the application and appropriate fee are received by the administrator, pending approval of the renewal application. The administrator shall charge a fee of 1-1/2 times the normal registration fee if the renewal application is received by the administrator after the expiration date. (3) A person that owns more than 1 motor vehicle repair facility shall file a single registration form for all of those facilities annually, that along with the other information required under this act, clearly indicates the location of and the individual in charge of each facility, and shall pay a separate registration fee for each of those facilities. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1316 - Change in Ownership or Name and Address of Facility; Notice; Owner as Corporation; "Change of Ownership" Defined.

Sec. 16. (1) If there is a change in ownership of a motor vehicle repair facility, a new registration and payment of a new registration fee is required and the facility shall not operate until its registration application is approved by the administrator and the fee is paid. If a name or address of the motor vehicle repair facility changes, and there is not a change of ownership, the facility shall notify the administrator in writing of the change and shall make the appropriate changes on the next renewal registration when due. (2) If the owner of a motor vehicle repair facility is a corporation, and 10% or more of the stock of the corporation is sold or transferred, the owner shall notify the administrator of that change within 30 days of the sale or transfer. (3) As used in this section, "change of ownership" means a sale of all or part of a facility to a new owner. The term includes a sale or transfer of a partnership interest in the owner of a facility if the owner is a partnership. The term does not include the sale or transfer of stock in the owner of a facility if the owner is a corporation. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1317 - Inspection; "Reasonable Business Records" Defined.

Sec. 17. (1) The owner of a facility that is registered or is required to register under this act shall ensure that the facility is open to inspection by the administrator and other law enforcement officials during reasonable business hours. During reasonable business hours, the administrator and other law enforcement officials may make periodic unannounced inspections of the premises, parts records, and parts inventories of a facility. (2) A person shall not hinder, obstruct, or otherwise prevent an inspection under this section or section 18 or 18a. (3) As used in this section, "reasonable business hours" includes any posted or advertised business hours of a facility. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1988, Act 254, Eff. Oct. 1, 1989 ;-- Am. 2002, Act 464, Imd. Eff. June 21, 2002 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1318 - Records; Inspection; "Reasonable Business Records" Defined; Retention; Time Periods; Records to Be Maintained by Facility Engaging in Body Work; Contents; Police Book; Dealer's License Required.

Sec. 18. (1) The owner of a motor vehicle repair facility shall maintain reasonable business records for the facility and ensure that those records are open for reasonable inspection by the administrator or other law enforcement officials. As used in this subsection, "reasonable business records" includes those documents and records described in subsection (2)(a) to (c). (2) The owner of a motor vehicle repair facility shall retain the records of the facility for the following time periods: (a) The owner shall retain copies of each instrument, form, contract, or other document used in connection with a repair transaction, including, but not limited to, all of the following for at least 3 years after completion of the repair transaction: (i) Any document on which the facility required the customer's signature. (ii) Any document used by the facility in connection with providing an estimate, diagnosis, or repair. (iii) Any invoice, warranty, or waiver. (iv) Any other document used by the facility to record or convey the terms of the transaction. (v) Any other document required under this act or rules promulgated under this act in connection with a repair transaction. (b) If a facility is advised by the administrator that he or she has received a complaint about a repair transaction performed by the facility, and the facility is under investigation by the administrator, the owner shall retain records relating to the transaction or otherwise relevant to the complaint until the date the administrator advises the facility in writing that the complaint is closed, or for 3 years after the completion of the repair transaction, whichever is later. (c) If a repair transaction involves the assumption by the facility of an obligation extending beyond 3 years, the owner shall retain records or documents relating to that obligation for at least the term of the obligation. (d) For any other document or record than those described in subdivision (a), (b), or (c), the owner shall retain that document or record for at least 3 years. (3) A facility that engages in vehicle body work shall maintain records in a form prescribed by the administrator. The records shall contain the date of purchase or acquisition of each distressed vehicle, a description of the vehicle, and the name and address of the person from which the vehicle was acquired. If the vehicle is sold, the record shall contain the date of sale and the name and address of the purchaser. The record shall indicate whether a certificate of title or salvage certificate of title was obtained by the facility for the vehicle. If the vehicle is a late model vehicle, the facility shall maintain a record of the purchase or sale of each major component part purchased or acquired by the facility for the vehicle. The record shall contain the date of purchase or acquisition of the part, a description of the part, the identification number assigned to the part, and the name and address of the person to or from which the part was purchased, acquired, or sold. (4) A facility shall maintain or attach the record of a sale, purchase, or acquisition of a major component part to a police book described in section 251 of the Michigan

vehicle code, 1949 PA 300, MCL 257.251. A facility shall make its police book and its records of vehicle part sales, purchases, or acquisitions immediately available for inspection by the administrator and other law enforcement officials if a request for inspection is made. (5) This section does not authorize a facility to engage in the business of dealing in vehicles or salvageable parts without a dealer's license under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1988, Act 254, Eff. Oct. 1, 1989 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017Admin Rule:R 257.101 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1318a - Records of Air Bag Sales, Purchases, or Acquisitions; Period of Time Records Required to Be Maintained.

Sec. 18a. (1) A facility that repairs or replaces air bags in a motor vehicle shall maintain a record of the purchase or sale of each used or reconditioned air bag purchased or acquired by the facility. The record shall contain the date of purchase or acquisition of each air bag, a description of each air bag, the identification number assigned to each air bag, and the name and address of the person to or from whom each air bag was purchased, acquired, or sold. The record of the sale, purchase, or acquisition of each air bag shall be maintained in or attached to a police book as described in section 251 of the Michigan vehicle code, 1949 PA 300, MCL 257.251. The facility's police book and the records of air bag sales, purchases, or acquisitions shall immediately be made available for inspection by the administrator and other law enforcement officials after a request for inspection is made. (2) Records required under this section shall be maintained by the facility for not less than 5 years. History:Add. 1997, Act 9, Imd. Eff. May 16, 1997

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1319 - Loss, Destruction, or Mutilation of Registration, Certificate, or Trainee Permit; Replacement.

Sec. 19. In the event of loss, destruction, or mutilation of a registration, certificate, or trainee permit, the person to which it was issued may obtain a replacement by furnishing satisfactory proof of the loss, destruction, or mutilation and paying the fee required under section 30. An application for a replacement registration, certificate, or trainee permit shall include all of the following information: (a) The name and address of the applicant. (b) An explanation of the loss, destruction, or mutilation of the original registration, certificate, or permit. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1320 - Specialty or Master Mechanic Certificate; Date of Approval; Expiration; Renewal; Conduct Pending Renewal.

Sec. 20. (1) A certification as a specialty or master mechanic under this act takes effect on the date it is approved by the administrator and expires 1 year after that date. A specialty or master mechanic may annually renew his or her certification by submitting an application for renewal, accompanied by the certification fee described in section 30, with the administrator on or before the expiration date of his or her then-current certification. (2) A mechanic may continue to function as a certified mechanic after the expiration date of his or her then-current certification, pending approval of the renewal application by the administrator, if the renewal application and renewal fee are received by the administrator on or before the expiration date. If a renewal application and renewal fee are filed after the expiration date, the mechanic may temporarily engage in repairs without a certificate from the day on which the application and appropriate fee are received by the administrator, pending approval of the renewal application. The administrator shall charge a fee of 1-1/2 times the normal renewal fee if the renewal application is received by the administrator after the expiration date. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1321 - Cease and Desist Order.

Sec. 21. (1) If the administrator determines after notice and a hearing that a person has violated this act or a rule promulgated under this act, directly or through an agent or employee, he or she may issue an order requiring the person to cease and desist from the violation or to take an affirmative action that in the judgment of the administrator would carry out the purposes of this act. (2) If the administrator makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, he or she may issue a temporary cease and desist order. Before issuing the temporary cease and desist order, the administrator when possible by telephone or otherwise shall give notice of the proposal to issue a temporary cease and desist order to the facility. A temporary cease and desist order shall include in its terms a provision that on request the administrator shall hold a hearing within 30 days to determine whether or not the order shall become permanent. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1321a - Summary Suspension of Registration, Certificate, or Mechanic Trainee Permit; Affidavit; Hearing; Setting Aside, Continuing, or Modifying Order of Summary Suspension.

Sec. 21a. (1) The administrator may order a summary suspension of a registration, certificate, or mechanic trainee permit pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, upon an affidavit by a person familiar with the facts set forth in the affidavit that there is a violation of 1 or more of the following: (a) Section 17. (b) Section 18. (c) Section 2 of Act No. 119 of the Public Acts of 1986, being section 257.1352 of the Michigan Compiled Laws. (2) The facility or mechanic to whom the order is directed may apply to the administrator and shall be granted a hearing within 30 days of application pursuant to Act No. 306 of the Public Acts of 1969. (3) At the hearing, the order of summary suspension shall be set aside, continued, or modified. History:Add. 1988, Act 254, Eff. Oct. 1, 1989

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1322 - Administrative Action Against Certain Conduct; Violation of Subsection (1); Powers of Administrator; Probation; Conditions; Other Lawful Remedies and Sanctions.

Sec. 22. (1) The administrator may take any administrative action described in subsection (2) if the administrator determines that a facility, mechanic, or trainee, or a stockholder, officer, director, or partner of a facility that is a corporation or partnership, does 1 or more of the following: (a) Makes an untrue statement of a material fact. (b) Violates this act or a rule promulgated under this act. (c) Violates a condition of probation. (d) Makes unnecessary repairs or repairs not authorized by the customer. (e) Refuses to honor warranties made by a facility. (f) Causes or allows a customer to sign a document in blank relating to the repair of a motor vehicle. (g) Is enjoined by a court of competent jurisdiction from engaging in the trade or business of repairing motor vehicles or from a violation of this act or a rule promulgated under this act. (h) Fails to comply with the terms of a final cease and desist order. (i) Is convicted of a violation of this act. (j) Uses the waiver of liability provision in an attempt to evade this act. (k) Is convicted of a violation of 1986 PA 119, MCL 257.1351 to 257.1355. (l) Is convicted under section 413, 415, 535, 535a, or 536a of the Michigan penal code, 1931 PA 328, MCL 750.413, 750.415, 750.535, 750.535a, and 750.536a, or has been convicted in another state of a violation of a law substantially corresponding to 1 of those sections of the Michigan penal code. (2) After notice and opportunity for a hearing, the administrator may do 1 or more of the following if he or she determines that a facility, mechanic, or trainee, or a stockholder, officer, director, or partner of a facility that is a corporation or partnership, violates subsection (1): (a) Place a limitation on a registration, certificate, or mechanic trainee permit. (b) Suspend a registration, certificate, or mechanic trainee permit. (c) Deny a registration, certificate, or mechanic trainee permit or renewal of a registration, certificate, or mechanic trainee permit. (d) Revoke a registration, certificate, or mechanic trainee permit. (e) Censure the person that holds a registration, certificate, or mechanic trainee permit. (3) As an alternative or in addition to administrative action under subsection (2) for a violation or alleged violation of subsection (1), the administrator may, by written agreement with a person that holds a registration, certificate, or mechanic trainee permit, place a registration, certificate, or mechanic trainee permit on probation and include conditions of probation in the agreement. (4) The remedies and sanctions under this act are independent and cumulative. The use of a remedy or sanction under this act, including, but not limited to, administrative action by the administrator under subsection (2) or an agreement for probation under subsection (3), does not bar other lawful remedies and sanctions against a person and does not limit a person's criminal or civil liability under law. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 1988, Act 254, Eff. Oct. 1, 1989 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017Admin Rule:R 257.101 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1323 - Action by Attorney General or County Prosecutor.

Sec. 23. If it appears that a person has engaged, is engaging, or is about to engage in a method, act, or practice in violation of this act or the rules promulgated hereunder, the attorney general or county prosecutor, may after receiving notice of an alleged violation of this act, with or without prior administrative proceedings having occurred, bring an action in the name of the people of this state to enjoin that method, act, or practice. The action shall be brought in the county where the person resides, or does business. If a person is not established in any one county, the action may be brought in Ingham county. Upon a proper showing, temporary or permanent injunctions may be issued including the appointment of a receiver or conservator. The state is not required to post a bond in a court proceeding. In addition the court may suspend or revoke a registration, certificate, or permit. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1324 - Notice of Alleged Violation.

Sec. 24. The attorney general or prosecuting attorney after receiving notice of an alleged violation of this act or a violation of an injunction, order, decree or judgment issued in an action brought pursuant to this act or an assurance under this act shall immediately forward written notice of the alleged violation together with any information he may have to the office of the administrator. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1325 - Action by Administrator Not Restricted by Expiration or Absence of Registration, Certificate, or Permit.

Sec. 25. The expiration or absence of a registration, certificate, or permit of a facility or person shall not restrict the administrator

from proceeding with an investigation, petition, disciplinary proceeding, or other action authorized by this act against a facility or person. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1326 - Public or Private Investigation by Administrator; Additional Powers of Administrator.

Sec. 26. (1) The administrator shall on his own initiative or in response to complaints, make reasonable and necessary public or private investigations within or outside of this state and gather evidence against a person who violated or is about to violate this act or a rule or order hereunder. (2) The administrator may: (a) Require or permit a person to file a statement in writing or otherwise as the administrator determines as to all the facts and circumstances concerning the matter to be investigated. (b) Mediate disputes between parties arising from violations of this act or an administrative rule. (c) Develop conditions of probation or operation for the facility or mechanic mutually agreed upon and signed by the facility or the mechanic and the administrator instead of further disciplinary proceedings. (d) On his own initiative, conduct spot check investigations of motor vehicle repair facilities registered or required to be registered throughout the state on a continuous basis to determine whether or not the facility is in compliance with this act and rules promulgated hereunder. The administrator may not alter the odometer on a vehicle employed in such investigations or deliberately misrepresent the condition of the vehicle. (e) Conduct mechanical and diagnostic examinations of vehicles when there are reasonable grounds to believe that an unlawful act or practice was used to produce the repair or to make the repair. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1327 - Voluntary Assurance of Discontinuance of Alleged Violation.

Sec. 27. In mediating a dispute between parties contesting a violation of this act or administrative rule, the administrator may take from a motor vehicle repair facility a voluntary assurance that the facility will discontinue an alleged violation of this act or an administrative rule. The assurance shall be filed in the records of the administrator, shall be open for public inspection, and shall not constitute on the part of the facility making the assurance an admission of any issue of law or fact. The assurance subject to agreement by all parties, may contain provisions whereby: (a) The facility will refund to an individual consumer an amount of money agreed upon by the parties. (b) A facility shall take such affirmative action as is appropriate in the judgment of the administrator to correct an alleged violation of this act or a rule. (c) A facility shall place in escrow a sum of money for the purposes of restitution to an aggrieved consumer pending the outcome of an action pursuant to this act. If the facility accepts the administrator's suggestions and performs accordingly, that fact shall be given due consideration in any subsequent disciplinary proceeding. The assurance shall constitute a contract which may be enforced by the parties in the circuit court upon application being made to the court for that purpose. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1328 - Oaths or Affirmations; Subpoena; Order Compelling Compliance; Contempt.

Sec. 28. (1) For the purpose of an investigation or proceeding under this act, the administrator or an officer designated by him may administer oaths or affirmations, and upon motion of the attorney general or upon the motion of a party to a proceeding, make application to the circuit court for Ingham county for a subpoena, and if in the judgment of the court there is reasonable grounds to believe a subpoena should be issued, the court shall issue a subpoena to compel the attendance of the designated person, take evidence, or require the production of any matter which is relevant to the investigation or proceeding before the administrator or other officer conducting a proceeding. (2) Upon failure to obey a subpoena of the court or to answer questions propounded by the administrator or other officer conducting the investigation or proceeding, after reasonable notice to the persons affected thereby, an application may be made to the circuit court for Ingham county for an order compelling compliance. Failure to comply with the order of the court shall be punished as a contempt. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1329 - Service of Process.

Sec. 29. If a person, including a nonresident of this state, engages in conduct prohibited by this act or a rule or order and has not filed an irrevocable appointment of the secretary of state as an agent for service of process, and personal jurisdiction over him cannot otherwise be obtained in this state, the conduct itself authorizes the administrator to receive service of process in a noncriminal proceeding against that person or his successor, if that proceeding originates in conduct that is a violation of this act or an administrative rule hereunder. The service shall have the same force and validity as if served on the person personally. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1330 - Fees.

Sec. 30. (1) The registration fee for the registration of a facility is determined by a sliding fee scale that is based on the gross annual revenue of the facility, as follows:GROSS ANNUAL REVENUEFEEunder $5,000.00$25.00$5,001.00 to

$15,000.0050.00$15,001.00 to $25,000.0075.00$25,001.00 to $40,000.00100.00$40,001.00 to $60,000.00125.00$60,001.00 to $80,000.00150.00$80,001.00 to $100,000.00175.00$100,001.00 to $120,000.00200.00$120,001.00 to $140,000.00225.00$140,001.00 to $160,000.00250.00$160,001.00 to $180,000.00275.00$180,001.00 to $200,000.00300.00$200,001.00 to $220,000.00325.00$220,001.00 to $240,000.00350.00$240,001.00 to $260,000.00375.00$260,001.00 to $280,000.00400.00$280,001.00 to $300,000.00425.00$300,001.00 to $320,000.00450.00$320,001.00 to $340,000.00475.00over $340,000.00500.00(2) The examination, application, certificate, and renewal fees for the certification of mechanics are as follows: (a) Each certification examination administered by the administrator, $6.00. (b) Application for original certificate, $25.00. However, any of the following may apply for an original specialty or master mechanic certificate without paying a fee under this subdivision: (i) An individual who is currently certified by the administrator in at least 1 repair category may apply for certification in 1 or more additional repair categories without paying a fee under this subdivision. (ii) A mechanic trainee who presents proof that he or she has successfully completed 30 or more hours of continuing mechanic education courses given by an approved educational institution during the 5-year period immediately preceding the date the trainee submits the application for certification. (iii) An individual who served in the armed forces; was separated from that service; and provides to the administrator a form DD214, a form DD215, or any other form that is satisfactory to the administrator that demonstrates that the individual was separated from that service, with an honorable character of service or under honorable conditions (general) character of service. (c) Application for renewal certificate, $20.00. (d) Replacement certificate, $5.00. (3) The permit fees for a mechanic trainee are as follows: (a) Application for a mechanic trainee permit, $20.00. However, either of the following may apply for a mechanic trainee permit without paying a fee under this subdivision: (i) An individual who is currently certified by the administrator in at least 1 repair category. (ii) A student who is currently enrolled in a vocational education or special education program that includes employment by a motor vehicle repair facility; that is approved by the department of education; and for which the student receives credit toward the award of a high school or special education diploma. (b) Replacement of trainee permit, $5.00. (4) As used in this section: (a) "Armed forces" means that term as defined in section 2 of the veteran right to employment services act, 1994 PA 39, MCL 35.1092. (b) "Gross annual revenue" means a facility's gross revenue from performing repairs, including parts and goods sold in conjunction with repairs, in its most recently completed federal income tax year, or, if the facility has not been in business for a complete federal income tax year, the facility's reasonably anticipated gross revenue for its first full federal income tax year of operation. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 1988, Act 254, Eff. Oct. 1, 1989 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017Admin Rule:R 257.101 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1331 - Acts or Practices Barring Action on Contract, Action for Collection of Compensation, or Assertion of Lien; Recovery of Amount Paid Unregistered Facility.

Sec. 31. A person who engages or attempts to engage in the business or trade of a motor vehicle repair facility or specialty or master mechanic without a registration or certificate, or engages in an act or practice in violation of this act or a rule is barred from bringing or maintaining an action at law or equity on a contract or for the collection of compensation for work performed or materials or parts provided to any other person. In addition, the person is barred from asserting a mechanic's, garageman's, or similar lien upon a motor vehicle, including the repossession of a motor vehicle. A customer is entitled to recover any amount paid to an unregistered facility for the repair of a motor vehicle belonging to that customer. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1332 - Written Estimate Required; Consent to Excess Charge; Payment of Actual Cost if Cost Less Than Estimate; Cost of Returning Vehicle to Original Condition; Cost of Diagnosis; Waiver of Rights; Display of Certificate of Repair Facility Registration; Inclusion of Registration Number on Document.

Sec. 32. (1) Before beginning repair work, a motor vehicle repair facility shall give to the customer a written estimate that itemizes as closely as possible the price for labor and parts necessary for the work. A facility shall not charge for work done or parts supplied in excess of the estimated price, or in excess of the limit stated by the customer in the waiver described in subsection (3), without the knowing written or oral consent of the customer, obtained at some time after the facility determines that the estimated price or stated limit is insufficient and before any work that is not estimated or is in excess of the limit is done or the parts that are not estimated or are in excess of the limit are supplied. If a waiver is not signed under subsection (3) and the estimated price is exceeded by not more than 10% or $50.00, whichever is lesser, the facility is not required to obtain the written or oral consent of the customer for the excess charge unless specifically requested by the customer. This section shall not be construed as requiring a motor vehicle repair facility, mechanic, or mechanic trainee to give a written estimated price if the facility, mechanic, or trainee agrees not to perform the requested repair. If the actual cost of a repair is less than the agreed on estimated cost, the customer shall pay only the actual cost. (2) If a facility or mechanic informs the customer that the price for repair will exceed the written estimate or the stated limit in the waiver and the customer does not want the repair work performed, the customer is responsible for all reasonable costs to return the vehicle to the condition it was in at the time it entered the facility. The facility shall indicate those costs in written form, itemizing the costs as closely as possible with a copy given to the customer. The cost of a diagnosis made by the facility, whether or not the customer authorizes the facility to perform those repairs, shall be included in the written estimate before the diagnosis is undertaken. (3) If a customer initiates a request for service or parts for the repair of a motor vehicle without receiving a written estimate and

voluntarily agrees to pay all reasonable costs of repair up to an amount stated by the customer, a facility may obtain from the customer a waiver of his or her right to receive a prior estimate of repair costs. The waiver shall be in 14 point or larger bold capital type face and executed with 1 copy to the customer who is requesting the repairs. The waiver shall read as follows: "I, _____, voluntarily authorize _____ to provide services or parts in the repair of the below described motor vehicle without receiving an estimate of repair costs. By signing this form, I understand that I will give up my right to: 1. Receive a written estimate of the cost for repairs; 2. Approve in advance any repairs or costs with a total cost under $ _____; and 3. Refuse to pay for repairs with a total cost less than the amount stated above. The facility may exceed the amount stated above only after I give my written or oral approval. Motor vehicle description: Customer signature _____ Date _____ Time _____". (4) A waiver described in subsection (3) is not effective unless it is given by the customer voluntarily and with full knowledge of the implications of the waiver. A motor vehicle repair facility or anyone in its employ shall not make use of a waiver described in subsection (3) in an attempt to evade this act. (5) A motor vehicle repair facility shall at all times display, in a place and manner conspicuous to its customers, a current and valid certificate of repair facility registration issued by the administrator. (6) A motor vehicle repair facility shall include its registration number, as assigned by the administrator, on each copy of any instrument, form, contract, or other document used by the applicant in dealing with the public in the repair of motor vehicles, including, but not limited to, all of the following: (a) Any document on which the facility routinely requires the customer's signature. (b) Any document used by the facility in connection with providing estimates, diagnoses, or repairs. (c) Any invoices, warranties, or waivers. (d) Any other document used by the facility to comply with this act or rules promulgated under this act. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1332a - Consumer Information Sign.

Sec. 32a. (1) A motor vehicle repair facility shall display a consumer information sign. The sign shall contain 12 lines of lettering worded substantially as follows: "THIS ESTABLISHMENT IS REGISTERED WITH THE MICHIGAN DEPARTMENT OF STATE AND IS REQUIRED BY LAW TO FURNISH A CUSTOMER WITH A: (1) WRITTEN ESTIMATE IF REPAIRS WILL BE $50 OR MORE OR ON REQUEST IF REPAIRS WILL BE LESS THAN $50. (2) DETAILED STATEMENT OF LABOR AND PARTS SUPPLIED. QUESTIONS REGARDING SERVICE WORK SHOULD BE DIRECTED FIRST TO THE MANAGER OF THIS REPAIR FACILITY. MICHIGAN DEPARTMENT OF STATE P.O. BOX _____, LANSING, MI 489____ TOLL-FREE TELEPHONE: 800 _____ MON.-FRI., 8:30 A.M. - 4:30 P.M. DEPARTMENT OF STATE WEBSITE: _____." (2) All of the following apply to a sign required under subsection (1): (a) It shall be rectangular in shape and at least 28 inches high by 24 inches wide. (b) It shall be constructed of durable material. (c) The background of the sign shall be white. (d) Print and other markings on the sign shall be black. (e) The wording of the sign shall be printed in bold, block, capital letters that are 1-inch high and 1/2-inch wide in lines 1, 2, 8, 9, 10, and 12; 3/4-inch high and 1/2-inch wide in line 11; and 1/2-inch high and 3/8-inch wide in lines 3 to 7. (f) The sign shall be laid out in a clearly legible fashion, with the lettering arranged so that there is at least a 1/8-inch space between any 2 letters within a line and at least a 1/2-inch space between any 2 lines. (g) The sign shall include the address, telephone numbers, and Internet website address of the department in lines 9, 10, and 12, as provided by the administrator. (3) All of the following apply to the display of a sign required under subsection (1) by a motor vehicle repair facility: (a) The facility shall display the sign at each entrance to the facility and at each cashier station. As used in this subsection, "entrance to the facility" means each location in or about the facility where customer repair service orders are initially executed. (b) The facility shall ensure that the sign is unobstructed and clearly and readily visible to customers. (c) If the facility is not enclosed or is a mobile facility, the facility shall ensure that it is placed in an area where it is easily noticeable to customers who are transacting business with the facility. (4) The administrator may require that a facility replace any sign that does not meet all of the requirements of this section or is no longer readily legible, or that the facility reposition any sign that is improperly displayed. History:Add. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1333 - Right to Receive or Inspect Replaced Parts; Notice; Exchange Agreement; Disposition of Replaced Parts; Display of Sign at Entrance of Facility.

Sec. 33. (1) A motor vehicle repair facility shall return replaced parts to the customer at the time the repair work is completed. All of the following apply to the obligation to return replaced parts under this subsection: (a) A facility is not required to return any of the following replaced parts to the customer: (i) Parts that are exempted from the return requirement by the administrator because of size, weight, or similar factors. However, a facility shall not prevent a customer from removing any heavy or large part, by the customer's own means and at his or her expense. (ii) Subject to subsection (3), parts that the motor vehicle repair facility or mechanic is required to return to the manufacturer or distributor under a warranty or exchange arrangement. (iii) For reasons of safety, a gasoline tank or any other container-type part that was filled with or was otherwise in appreciable contact with flammable fuels, unless that part is rendered nonflammable. (b) If any returned part presents an actual danger of flammability or explosiveness, the facility shall clearly inform the customer of that danger. (c) When the repair work is completed, if requested by the customer, the facility shall reasonably clean the replaced parts that are to be returned or inspected by the customer. The facility shall place portable parts in a suitable container. The facility shall store any parts that it identifies as not portable in a suitable place in the facility for the customer's inspection. (d) If a facility charges a fee to a customer in connection with the return of replaced parts, the facility must

disclose that fee to the customer in writing before the customer engages the facility to replace the part. (2) A customer shall be informed of his right to receive or inspect replaced parts as provided in this section before the customer executes any document or engages the facility or mechanic for the work. Subject to subsection (5), the facility shall provide this information to the customer by providing the following notice to the customer, printed or displayed on the face of any contract, work order form, or other document that evidences the engagement of the facility or mechanic in at least 12-point boldfaced letters that are at least 4 points larger that the principal size of the letters in that document, or providing the notice in a separate written document in at least 12-point, boldfaced, capital letters, as follows: YOU ARE ENTITLED BY LAW TO THE RETURN OF ALL PARTS REPLACED, EXCEPT THOSE WHICH ARE TOO HEAVY OR LARGE, AND THOSE REQUIRED TO BE SENT BACK TO THE MANUFACTURER OR DISTRIBUTOR BECAUSE OF WARRANTY WORK OR AN EXCHANGE AGREEMENT. YOU ARE ENTITLED TO INSPECT THE PARTS WHICH CANNOT BE RETURNED TO YOU. (3) If a facility is obligated to return a replaced part to the manufacturer or a distributor under a warranty agreement, or, subject to subsection (4), under an exchange agreement, the facility is not required to return that part to the customer. However, the facility or mechanic shall offer the customer an opportunity to inspect the replaced part. If the customer accepts the offer to inspect the part, or otherwise requests to inspect the part, the facility or mechanic shall allow the customer to inspect the part when the repair work is completed. A facility is not required to show a replacement part to a customer if the replacement is made without charge to the customer. (4) If replacement of a part is contingent on the facility keeping the part under an exchange agreement, the facility shall explain, in a manner understandable to the customer, the precise terms of the exchange agreement, including if applicable a disclosure of the price to the customer if he or she wishes to reclaim the part. If a customer raises a question or dispute with the facility within 2 business days after the delivery of the repaired vehicle to the customer and the dispute involves an exchange part for which the facility required the customer pay a deposit in the amount of the facility's obligation, the facility shall refund the deposit to the customer if he or she returns the part to the facility. (5) A facility that displays the notice described in subsection (2) on a clearly legible sign with lettering at least 1 inch high, conspicuously displayed in the part of the facility where customers routinely contract for repairs, is not required to provide the notice to a customer in the form of a document described in subsection (2). (6) All of the following apply to the disposition of replaced parts that are not returned to the customer: (a) Unless subdivision (b) applies, the facility shall not dispose of the parts for at least 2 business days after the customer takes possession of the repaired vehicle, unless the customer has specifically authorized immediate disposition of the parts. (b) If a customer questions or disputes repairs performed by a facility or the charges for those repairs within 2 days after the customer takes possession of the repaired vehicle, the facility shall not dispose of the replaced parts until the question or dispute is resolved. If the dispute involves the replaced part, the facility shall, in the presence of the customer, immediately affix to the part a permanent mark sufficient to identify the part. (7) If requested by a customer, a facility shall explain exactly why a replaced part is defective or nonfunctional, or otherwise why it was replaced. (8) The motor vehicle repair facility shall display a clearly legible sign in a conspicuous place at the entrance of the facility that indicates that customers may make inquiries concerning repair service or complaints to the administrator and states the address and telephone number of the department. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1334 - Written Statement Required Upon Return of Repaired Vehicle.

Sec. 34. A motor vehicle repair facility, including a gasoline service station which performs any of the repairs listed in the repair categories of certification for specialty mechanics or developed by the administrator by rule, shall give to each customer a written statement upon return of the repaired vehicle to the customer. The statement shall disclose: (a) Repairs needed, as determined by the facility. (b) Repairs requested by the customer. (c) Repairs authorized by the customer. (d) The facility's estimate of repair costs. (e) The actual cost of repairs. (f) The repairs or services performed, including a detailed identification of all parts that were replaced and a specification as to which are new, used, rebuilt, or reconditioned. (g) A certification that the repairs were completed properly or a detailed explanation of an inability to complete repairs properly. The statement shall be signed by the owner of the facility or by a person designated by the owner to represent the facility. The name of the mechanic or mechanics who performed the diagnosis and the repair shall also appear on the statement. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1334a - Written Estimate Not Required if Total Cost Less Than $50.00; Statement Including Actual Cost of Repairs.

Sec. 34a. Unless otherwise requested by the customer, the requirement to furnish a written estimate under section 32 does not apply to repair work performed by a motor vehicle repair facility if the total cost for services and parts is less than $50.00. This section does not apply to or limit a facility's obligation to furnish to the customer a written statement under section 34 that includes the actual cost of repairs. History:Add. 1976, Act 12, Imd. Eff. Feb. 20, 1976 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1335 - False Statement, Misrepresentation, or Failure to Comply With Cease and Desist Order.

Sec. 35. A resident agent, director, officer, or partner of a motor vehicle repair facility who knowingly authorizes, directs or makes a false statement or misrepresentation concerning the method or price of repair of a motor vehicle, or who knowingly fails to comply

with the terms of a final cease and desist order is subject to penalties under this act. Each violation constitutes a separate offense. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1336 - Liability for Damage or Injury.

Sec. 36. A facility that violates this act is liable as provided in this act, to a person that suffers damage or injury as a result of that violation, in an amount equal to the damages plus reasonable attorney fees and costs. If the damage or injury to the person occurs as the result of a willful and flagrant violation of this act, the person shall recover double the damages plus reasonable attorney fees and costs from the facility. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1337 - Mechanic or Mechanic Trainee as Agent; Joint and Several Liability; Right to Contribution.

Sec. 37. (1) If a mechanic or mechanic trainee is employed by, or enters into a contract with, a motor vehicle repair facility, that mechanic or mechanic trainee for the purposes of a civil action brought pursuant to this act shall be considered to be an agent of the motor vehicle repair facility and the methods, acts, and practices of the mechanic or mechanic trainee shall be construed as the methods, acts, and practices of the motor vehicle repair facility. (2) A person who directly or indirectly controls a motor vehicle repair facility or its employees, as well as a general partner, officer, or director of the facility shall be jointly and severally liable among themselves for a violation of this act, unless that person can demonstrate that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the violation occurred. There is a right to contribution as in cases of contract among persons so liable. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1338 - Violation; Penalty.

Sec. 38. Any person, agent, or employee of a registrant under this act who knowingly violates this act is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than $1,000.00, or both, for the first conviction under this act and not more than 1 year or a fine of not more than $5,000.00, or both, for any subsequent conviction. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1339 - Rescission of R 257.101 to R 257.173.

Sec. 39. R 257.101 to 257.173 of the Michigan Administrative Code are rescinded. History:1974, Act 300, Eff. Apr. 1, 1975 ;-- Am. 2016, Act 430, Eff. Apr. 4, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 300 of 1974 - Motor Vehicle Service and Repair Act (257.1301 - 257.1340)Section 257.1340 - Disposition of Fees.

Sec. 40. The fees collected pursuant to this act shall be credited to the general fund of the state. History:1974, Act 300, Eff. Apr. 1, 1975

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2101 - Short Title.

Sec. 1. This act shall be known and may be cited as the "limousine, taxicab, and transportation network company act". History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2102 - Definitions.

Sec. 2. As used in this act: (a) "Department" means the department of licensing and regulatory affairs. (b) "Dispatch system" means any hardware, software, mobile device, or online-enabled application used by a limousine carrier or a taxicab carrier to connect limousine drivers or taxicab drivers to potential passengers. (c) "Dispatch system provider" means a person operating in this state that uses any device, method, means, or arrangement, including a dispatch system, to connect potential passengers with a limousine carrier, taxicab carrier, limousine driver, or taxicab driver. Dispatch system provider does not include a limousine carrier or a taxicab carrier. (d) "Limousine" means a self-propelled motor vehicle used in the carrying of passengers and the baggage of the passengers for hire with a seating capacity of 8 passengers or fewer, including the driver. Limousine does not include a commercial vehicle. Limousine also does not include a vehicle operated by any of the following: (i) A county, city, township, or village as provided by law, or other authority incorporated under 1963 PA 55, MCL 124.351 to 124.359. (ii) An authority incorporated under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, or that operates a transportation service pursuant to an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512. (iii) Operating under a contract entered into under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, or 1951 PA 35, MCL

124.1 to 124.13. (iv) An authority incorporated under the public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit corporation organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, that provides transportation services. (v) An authority financing public improvements to transportation systems under the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140. (vi) A person that is only operating limousines to provide the transportation of passengers for funerals. (vii) An employer that is only using the vehicle, or on whose behalf the vehicle is being used, to transport its employees to and from their place of employment. (e) "Limousine carrier" means a person who, either directly or through any device, dispatch system, or arrangement, holds himself or herself out to the public as willing to transport passengers for hire by limousine. (f) "Limousine driver" means an individual who uses a limousine to provide transportation services to potential passengers. (g) "Person" means an individual, sole proprietorship, partnership, corporation, association, or other legal entity. (h) "Personal vehicle" means a motor vehicle with a seating capacity of 8 passengers or fewer, including the driver, that is used by a transportation network company driver that satisfies both of the following: (i) The vehicle is owned, leased, or otherwise authorized for use by the transportation network company driver. (ii) The vehicle is not a taxicab, limousine, or commercial vehicle. (i) "Taxicab" means a motor vehicle with a seating capacity of 8 passengers or fewer, including the driver, that is equipped with a roof light and that carries passengers for a fee usually determined by the distance traveled. Taxicab does not include a commercial vehicle. (j) "Taxicab carrier" means a person who, either directly or through any device, dispatch system, or arrangement, holds himself or herself out to the public as willing to transport passengers for hire by taxicab. (k) "Taxicab driver" means an individual who uses a taxicab to provide transportation services to potential passengers. (l) "Transportation network company" means a person operating in this state that uses a digital network to connect transportation network company riders to transportation network company drivers who provide transportation network company prearranged rides. Transportation network company does not include a taxi service, transportation service arranged through a transportation broker, ridesharing arrangement, or transportation service using fixed routes at regular intervals. (m) "Transportation network company digital network" means an online-enabled application, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers. (n) "Transportation network company driver" means an individual who satisfies all of the following: (i) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company. (ii) Uses a personal vehicle to offer or provide transportation network company prearranged rides to transportation network company riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee. (o) "Transportation network company prearranged ride" means the provision of transportation by a transportation network company driver to a transportation network company rider, beginning when a transportation network company driver accepts a ride requested by a transportation network company rider through a digital network controlled by a transportation network company, continuing while the transportation network company driver transports the requesting transportation network company rider, and ending when the last requesting transportation network company rider departs from the personal vehicle. Transportation network company prearranged ride does not include a shared-expense carpooling or vanpooling arrangement or transportation provided using a taxicab, limousine, or other vehicle. (p) "Transportation network company rider" means an individual who uses a transportation network company's digital network to connect with a transportation network company driver who provides a transportation network company prearranged ride to the transportation network company rider in the transportation network company driver's personal vehicle between points chosen by the transportation network company rider. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2103 - Rules.

Sec. 3. The department may promulgate rules to administer this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2104 - Limousine Carrier, Taxicab Carrier, or Transportation Network Company; Registration Required; Fees; Application; Expiration; Renewal; Records; Audit; Public Record; Exception; Application as Void; Cessation of Fees.

Sec. 4. (1) A limousine carrier, taxicab carrier, or transportation network company shall not operate in this state without first having registered with the department under this act. (2) An application for registration must be made on a form provided by the department and accompanied by a fee of $25.00 if the applicant registers 10 or fewer vehicles under this section, a fee of $50.00 if the applicant registers between 11 and 25 vehicles under this section, and a fee of $100.00 if the applicant registers more than 25 vehicles under this section. (3) The department shall issue a registration to an applicant that meets the requirements of this act and pays the application fee described in subsection (2) and an annual registration fee of $100.00 for the first vehicle registered under this act and $50.00 per vehicle for the second through ninth vehicles registered under this act. If the applicant registers more than 9 vehicles under this act, the applicant shall pay a registration fee according to the following schedule:10 vehicles$550.0011 to 25 vehicles$1,000.0026 to 100 vehicles$2,500.00101 to 500 vehicles$5,000.00501 to 1,000 vehicles$10,000.00More than 1,000 vehicles$30,000.00The department shall expend money received from registration fees under this subsection to defray the costs of enforcing and administering this act. (4) Fees collected by the department under this act must be retained by the department to enforce and administer this act, and do not lapse to the general fund. (5) To obtain a registration under this act, a limousine carrier,

taxicab carrier, or transportation network company must submit an application, on a form developed by the department, to the department that includes all of the following information: (a) Proof that the applicant has satisfied the insurance requirements of this act. (b) Whether the applicant is an individual, a sole proprietorship, a partnership, a corporation, a limited liability company, or other type of business entity. An applicant that is a sole proprietorship or a general partnership must be registered at the county level and shall provide to the department a copy of its certificate of conducting business under an assumed name or certificate of co-partnership. If the applicant is a business entity, the applicant must be a Michigan entity in good standing or a foreign entity that has a certificate of authority and is authorized to do business in this state, and shall provide to the department its full legal name, a copy of its articles of incorporation, articles of organization, or certificate of authority, and its federal employer identification number. (c) The name, telephone number, mailing address, and email address of a designated contact person for the applicant. (d) The number of vehicles the applicant operates, according to the following schedule: (i) Zero to 10. (ii) 11 to 25. (iii) 26 to 100. (iv) 101 to 500. (v) 501 to 1,000. (vi) More than 1,000. (e) If applicable, proof that the applicant has satisfied any penalties or conditions imposed by disciplinary action in this state. (6) A registration granted under this section expires on August 31 of each year. The department shall renew a registration granted under this section upon payment of the annual registration fee provided for in subsection (3) and receipt of a completed renewal form provided by the department. The department may request any additional information it considers necessary for the administration of this act at the time of renewal. (7) The department may audit the records of a registrant under this act, including, but not limited to, conducting a random sample of the registrant's records related to drivers, subject to all of the following: (a) The audit described in this subsection may be conducted no more than 2 times per year. (b) The audit may take place at a third-party location agreed upon by the department and the registrant. (8) Subject to subsection (9), records obtained by the department or filed under this act, including a record contained in or filed with an application or report, are public records and must be made available for public examination. (9) All of the following records are not public record and must not be made available for public examination as provided in subsection (8): (a) A record obtained by the department in connection with an audit required under subsection (7). (b) Part of a report prepared in connection with an audit under subsection (7) that contains trade secrets or confidential information, if the registrant has asserted a claim of confidentiality or privilege that is authorized by law. (c) A record that is not required to be provided to the department or filed under this act and is provided to the department only on the condition that the record will not be subject to public examination or disclosure. (10) Unless otherwise provided by this act or rules promulgated under this act, an applicant for registration under this act shall complete all requirements for registration within 1 year after receipt of the registration application by the department or mailing of a notice of an incomplete registration to the last known address on file with the department, whichever is later. If the applicant does not complete the requirements of this act within the time period provided in this subsection, any fees paid by the applicant are forfeited to the department and the application for registration is void. An applicant whose application is void under this subsection and who wishes to register under this act shall submit a new application and fees and shall meet the standards in effect on the date of receipt by the department of the new application for registration. (11) Beginning September 30, 2027, the department shall cease to impose the fees provided for in this section. History:2016, Act 345, Eff. Mar. 21, 2017 ;-- Am. 2019, Act 72, Imd. Eff. Sept. 30, 2019 ;-- Am. 2022, Act 268, Imd. Eff. Dec. 22, 2022

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2105 - Disclosure of Information.

Sec. 5. A limousine carrier, taxicab carrier, or transportation network company shall disclose to the department on an annual basis and in the event of a material reduction in insurance coverage maintained by the limousine carrier, taxicab carrier, or transportation network company on behalf of each driver providing transportation services for that limousine carrier, taxicab carrier, or transportation network company all of the following information: (a) The automobile insurance coverage, including the types of coverage and limits for each type of coverage, that the limousine carrier, taxicab carrier, or transportation network company maintains on behalf of each driver while he or she operates a limousine, operates a taxicab, or uses a personal vehicle in connection with a transportation network company's digital network. (b) If the person subject to this act is a transportation network company, whether the transportation network company maintains comprehensive and collision insurance that covers a transportation network company driver's personal vehicle and, if such coverage is maintained by the transportation network company, the limits of coverage, applicable deductible, and conditions under which the coverage applies to a vehicle operated by a transportation network company driver. (c) As used in this section, "material reduction in insurance coverage" does not include the replacement of insurance coverage with substantially similar insurance coverage from a different insurer by a transportation network company. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2107 - Operation of Limousine or Taxicab on Behalf of Carrier or Company; Application; Submission; Requirements; Duties of Carrier or Company; Operation Prohibited; Conditions; Records Subject to Audit.

Sec. 7. (1) Before an individual may operate a limousine or taxicab on behalf of a limousine carrier or taxicab carrier or accept transportation network company prearranged ride requests as a transportation network company driver using a transportation network company's digital network, he or she shall submit an application to the limousine carrier, taxicab carrier, or transportation network company. The application required under this subsection shall include, but is not limited to, the applicant's name, address,

age, operator's license number, driving history, motor vehicle registration information, and automobile liability insurance information. A limousine carrier, taxicab carrier, or transportation network company receiving an application under this subsection shall do both of the following before allowing the applicant to operate a limousine or taxicab or accept transportation network company prearranged ride requests as a transportation network company driver using the transportation network company's digital network: (a) Annually conduct, or use a third party to annually conduct, a local and national criminal background check of the applicant. The background checks required under this subdivision shall include a search of all of the following: (i) A multistate or multijurisdiction criminal records locator or similar commercial nationwide database with validation. (ii) The national sex offender registry database. (b) Annually obtain and review a driving history research report for the applicant. (2) A limousine carrier, taxicab carrier, or transportation network company shall not allow an individual to operate a limousine or taxicab or accept transportation network company prearranged ride requests as a transportation network company driver using its digital network if any of the following apply: (a) The individual has had more than 4 moving violations or 1 major violation in the 3-year period before the date of the application. As used in this subdivision, "major violation" includes, but is not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license. (b) The individual has a felony conviction within 5 years before the date of the application of any of the following: (i) Driving under the influence of drugs or alcohol. (ii) Fraud. (iii) A sexual offense. (iv) Use of a motor vehicle to commit a felony. (v) A crime involving property damage. (vi) Theft. (vii) An act of violence. (viii) An act of terror. (c) The individual is listed on the national sex offender registry database. (d) The individual does not possess a valid operator's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a valid operator's license issued by another state. (e) The individual does not possess proof of registration issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or proof of registration issued by another state for each personal vehicle that he or she intends to use to provide transportation network company prearranged rides. This subdivision applies only to a transportation network company. (f) The individual does not possess proof of automobile liability insurance for each personal vehicle that he or she intends to use to provide transportation network company prearranged rides. This subdivision applies only to a transportation network company. (g) The individual is under 19 years of age. (3) All background records of drivers described in this section are subject to audit by the department at any time. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2109 - Vehicle Safety Inspection.

Sec. 9. (1) A limousine carrier or taxicab carrier shall not operate a limousine or taxicab, and a transportation network company shall not allow a transportation network company driver to accept trip requests through that transportation network company's digital network, unless the limousine, taxicab, or personal vehicle has undergone a safety inspection conducted annually by a mechanic licensed by this state before being used to provide transportation services. Each limousine carrier and taxicab carrier shall maintain, and each transportation network company driver shall provide to the transportation network company, documentation of the inspection required by this section showing that all of the following vehicle components were inspected: (a) Foot brakes. (b) Parking brakes. (c) Steering mechanism. (d) Windshield. (e) Rear window and other glass. (f) Windshield wipers. (g) Headlights. (h) Taillights. (i) Brake lights. (j) Front seat adjustment mechanism. (k) Doors. (l) Turn signal lights. (m) Horn. (n) Speedometer. (o) Bumpers. (p) Muffler and exhaust system. (q) Tires, including tread depth. (r) Interior and exterior mirrors. (s) Safety belts. (t) Defrosting system. (2) The vehicle inspections described in this section are subject to audit by the department at any time. (3) The vehicle inspections described in this section only apply to vehicles that are 5 years old or older. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2111 - Signage, Emblem, or Department of Licensing and Regulatory Affairs Registration Number.

Sec. 11. (1) Subject to subsection (2), a vehicle subject to this act shall display a consistent and distinctive signage or emblem at all times while the vehicle is being used to provide transportation services or while the vehicle is being used by a transportation network company driver for a transportation network company prearranged ride or while the transportation network company driver is available to receive a transportation request. Subject to subsection (2), a vehicle subject to this act may also display a department of licensing and regulatory affairs registration number. The signage, emblem, or department of licensing and regulatory affairs registration number shall satisfy both of the following: (a) The signage, emblem, or department of licensing and regulatory affairs registration number shall be color-contrasted to be visible during daylight hours from a distance of at least 50 feet. (b) The signage, emblem, or department of licensing and regulatory affairs registration number shall sufficiently identify the limousine carrier, taxicab carrier, transportation network company, or dispatch system provider with which the vehicle is affiliated. (2) If a limousine carrier, taxicab carrier, or transportation network company is providing services in association with a dispatch system provider, the limousine carrier, taxicab carrier, or transportation network company shall display its signage or emblem or the signage or emblem of the dispatch system provider. If a limousine carrier, taxicab carrier, or transportation network company displays the signage or emblem of a dispatch system provider as provided in this subsection, it shall also display its department of licensing and regulatory affairs registration number. (3) If a limousine carrier, taxicab carrier, or transportation network company displays a department of licensing and regulatory affairs registration number, the 10-digit registration number shall be displayed with the "#" symbol prior to the registration number and shall use numbers and symbols that are at least 1-1/2 inches in height. History:2016, Act 345, Eff. Mar.

21, 2017 ;-- Am. 2018, Act 150, Eff. Aug. 14, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2113 - Records.

Sec. 13. A limousine driver, taxicab driver, or transportation network company shall maintain all of the following records, as applicable: (a) Individual trip records. A limousine driver, taxicab driver, or a transportation network company shall maintain an individual trip record for a period of at least 1 year after the date the trip was provided. An individual trip record shall contain all of the following information: (i) Pickup and drop-off location. (ii) Duration of the trip, distance traveled, and fee. (b) Individual records of limousine, taxicab, or transportation network company drivers. An individual driver record shall be maintained for a period of at least 1 year after the driver ceases to operate a limousine or taxicab for a limousine carrier or taxicab carrier or the driver ceases to provide transportation network company prearranged rides using the transportation network company's digital network. An individual driver record shall contain all of the following information: (i) The name and contact information of the driver. (ii) The make, model, and registration plate number of the vehicle operated by the driver. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2115 - Imposition of Tax, Fee, or License by Local Unit of Government; Validity of Existing Article of Incorporation; Applicability of Subsection.

Sec. 15. (1) A local unit of government shall not impose a tax or fee upon or require a license for a limousine carrier, taxicab carrier, or transportation network company, a limousine driver, taxicab driver, or transportation network company driver, or a limousine, taxicab, or personal vehicle, if the tax, fee, or license is related to the provision of limousine or taxicab service or transportation network company prearranged rides. Except as otherwise provided in this section, a local unit of government shall not enact or enforce an ordinance regulating a limousine carrier, taxicab carrier, limousine driver, taxicab driver, or transportation network company. A local unit of government may issue a civil infraction to a limousine, taxicab, or transportation network company driver for a violation of section 11, 23(8), 41, or 45. (2) Notwithstanding any other provision of this act, an article of incorporation in existence upon passage of this act covering a transportation network company, limousine carrier, or taxicab carrier by an authority created to regulate limousines, taxicabs, or transportation network companies under the municipal partnership act, 2011 PA 258, MCL 124.111 to 124.123, or the public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479, shall remain valid. This subsection does not apply after 4 years after the effective date of this act. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2116 - Enactment of Ordinances and Regulations by Airport; "Airport" Defined.

Sec. 16. An airport may enact ordinances and regulations governing a limousine carrier, taxicab carrier, or transportation network company that adopt reasonable procedures and fees for operations conducted by that limousine carrier, taxicab carrier, or transportation network company on airport property. An ordinance or regulation described in this section shall be consistent with industry standards, shall not impose requirements that have the effect of unreasonably impeding service, and shall not duplicate or contradict the requirements of this act. As used in this section, "airport" means 1 of the following: (a) An airport as that term is defined in section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2. (b) A public airport authority created under section 110 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.110. (c) A regional airport authority created under section 137 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.137. (d) A community airport created under section 1 of 1957 PA 206, MCL 259.621. (e) An airport authority created under section 1 of 1970 PA 73, MCL 259.801. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2117 - Summary Suspension of Registration.

Sec. 17. (1) If the insurance coverage required under section 19, 21, or 23 is canceled for any reason, or if, after an audit, the department determines that a registrant's violation of this act poses a threat to the public health, safety, or welfare, the department shall issue an order summarily suspending the registration issued to that limousine carrier, taxicab carrier, or transportation network company, based on an affidavit by an individual who is familiar with the facts set forth in the affidavit, or, if appropriate, based on an affidavit made on information and belief that an imminent threat to the public health, safety, or welfare exists. (2) A limousine carrier, taxicab carrier, or transportation network company whose registration is summarily suspended under this section may petition the department to dissolve the order. The department may grant or deny the petition without a hearing, or may immediately schedule a hearing to decide whether to grant or deny the petition. (3) At a hearing described in subsection (2), an administrative law hearings examiner shall dissolve the summary suspension order unless sufficient evidence is presented that an imminent threat to the public health, safety, or welfare exists that requires emergency action and continuation of the department's summary suspension order. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2119 - Limousine Carrier; Insurance Coverage.

Sec. 19. A limousine carrier shall acquire the following insurance coverage for acts or omissions of the applicant as a limousine carrier: (a) Bodily injury and property damage liability insurance with a minimum combined single limit of $1,000,000.00 for all persons injured or for property damage. (b) Personal protection insurance and property protection insurance as required by chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. A limousine carrier shall maintain the insurance described in this section as a condition of maintaining a license issued under this act. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2121 - Taxicab Carrier; Insurance Coverage.

Sec. 21. A taxicab carrier shall acquire all of the following insurance coverage for acts or omissions of the applicant as a taxicab carrier: (a) Bodily injury and property damage liability insurance with a minimum combined single limit of $300,000.00 for all persons injured or for property damage. (b) Personal protection insurance and property protection insurance as required by chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2123 - Transportation Network Company Driver or Transportation Network Company on Driver's Behalf; Automobile Insurance.

Sec. 23. (1) Beginning on the effective date of this act, a transportation network company driver, or a transportation network company on a transportation network company driver's behalf, shall maintain primary automobile insurance on a personal vehicle that recognizes that the transportation network company driver uses the vehicle as a transportation network company driver or otherwise uses a vehicle to transport passengers for compensation and covers the transportation network company driver while he or she is logged on to the transportation network company's digital network or while he or she is engaged in a transportation network company prearranged ride. (2) During the time that a transportation network company driver is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in a transportation network company prearranged ride, all of the following types of automobile insurance are required: (a) Residual third party automobile liability insurance as required under section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, in the amount of at least $50,000.00 per person for death or bodily injury, $100,000.00 per incident for death or bodily injury, and $25,000.00 for property damage. (b) Personal protection insurance and property protection insurance in the amounts and of the types of coverage required by chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. (3) During the time that a transportation network company driver is engaged in a transportation network company prearranged ride, all of the following types of automobile insurance are required: (a) Residual third party automobile liability insurance with a minimum combined single limit of $1,000,000.00 for all bodily injury or property damage. (b) Personal protection insurance and property protection insurance in the amounts and of the types of coverage required by chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. (4) The requirements of subsections (2) and (3) may be satisfied by automobile insurance maintained by a transportation network company driver or a transportation network company, or a combination of both. (5) If the insurance required by subsection (2) or (3) lapses or does not provide the required coverage, insurance maintained by a transportation network company shall provide the coverage required by this section, beginning with the first $1.00 of a claim, and the transportation network company's insurer shall defend the claim. (6) Coverage provided under an automobile insurance policy maintained by a transportation network company shall not be dependent upon a personal automobile insurer denying the claim first and shall not require a personal automobile insurer to deny the claim first. (7) All of the following apply to the automobile insurance described in subsections (2) and (3): (a) It may be placed with an insurer licensed under chapter 4 of the insurance code of 1956, 1956 PA 218, MCL 500.402 to 500.480, or, if the insurance is maintained by a transportation network company, an eligible unauthorized insurer under chapter 19 of the insurance code of 1956, 1956 PA 218, MCL 500.1901 to 500.1955. (b) The insurance policy satisfies the financial responsibility requirements described in chapter V of the Michigan vehicle code, 1949 PA 300, MCL 257.501 to 257.532. (8) A transportation network company driver shall carry proof of the insurance required under subsections (2) and (3) with him or her at all times during his or her use of a personal vehicle in connection with a transportation network company's digital network. The transportation network company driver may provide proof of insurance by a paper or electronic copy of the certificate of insurance. If an accident occurs during the time that a transportation network company driver is using a personal vehicle in connection with a transportation network company's digital network, he or she shall provide all of the following information upon request to directly interested parties, automobile insurers, and investigating law enforcement officers as required under section 328 of the Michigan vehicle code, 1949 PA 300, MCL 257.328: (a) Insurance coverage information. (b) Whether he or she was logged on to the transportation network company's digital network or on a transportation network company prearranged ride at the time of the accident. (9) If a transportation network company's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the transportation network company's insurer shall issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the vehicle. (10) A transportation network company shall disclose all of the following information in writing to a transportation network company driver before that transportation network company driver may accept a request for a transportation network company prearranged ride on that transportation network company's digital network: (a) The insurance coverage, including the types of coverage and limits for each type of coverage, that the transportation network company provides while the transportation network company driver uses a personal vehicle in connection with the transportation network company's digital network. (b) That, depending on the terms of the policy, the transportation

network company driver's personal automobile insurance policy might not provide coverage while the transportation network company driver is logged on to the transportation network company's digital network or is engaged in a prearranged ride. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2125 - Terms of Service; Disclosure by Transportation Network Company to Prospective Driver.

Sec. 25. A transportation network company shall disclose prominently, with a separate acknowledgment of acceptance for subdivisions (a) and (c), to a prospective transportation network company driver in the transportation network company driver's written terms of service all of the following before that driver may accept a request for a transportation network company prearranged ride on the transportation network company's digital network: (a) "Most personal auto insurance policies in Michigan exclude comprehensive and collision coverage while you carry passengers for charge in your motor vehicle and are logged into a transportation network company's digital network. I acknowledge that my personal auto insurance policy may exclude comprehensive and collision coverage while my motor vehicle is carrying passengers for charge.". (b) "Is your motor vehicle subject to a lease, loan, or lien? Please indicate Yes or No: _____.". (c) "Most auto loans and leases in Michigan require the borrower to ensure that the motor vehicle is protected by comprehensive and collision coverage. If your written agreement with your lessor or loan provider requires you to maintain comprehensive and collision insurance on the motor vehicle, using the motor vehicle while logged onto a transportation network company's digital network may violate your legal obligation to your lessor or loan provider under Michigan law. I acknowledge that I may breach the terms of my auto loan or lease if I fail to secure appropriate or additional comprehensive and collision coverage during the term of the loan or lease, while I carry passengers for charge in my motor vehicle.". History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2127 - Carrier or Company as Common, Motor, or Contract Carrier; Registration of Personal Vehicle as Commercial or For-Hire Vehicle Not Required; "Motor Carrier" Defined.

Sec. 27. (1) A limousine carrier, taxicab carrier, transportation network company, limousine driver, taxicab driver, or transportation network company driver shall not be considered a common carrier, motor carrier, or contract carrier, or to provide commercial vehicle service. (2) A transportation network company driver is not required to register his or her personal vehicle as a commercial or for-hire vehicle. (3) As used in this section, "motor carrier" means that term as defined in section 1 of the motor carrier act, 1933 PA 254, MCL 475.1. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2129 - Service of Process; Agent.

Sec. 29. A transportation network company operating under a license issued under this act shall maintain an agent authorized to receive service of process in this state. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2131 - Charging and Collecting Fee on Behalf of Transportation Network Company Driver; Conditions.

Sec. 31. On behalf of a transportation network company driver, a transportation network company may charge and collect a fee for services provided to a transportation network company rider, if all of the following are satisfied: (a) The transportation network company discloses the fee calculation method on its website or within the software application service. (b) The transportation network company provides the transportation network company rider with the applicable rate being charged and the option to receive an estimated fee before the transportation network company rider enters the transportation network company driver's personal vehicle. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2133 - Display of Picture and Registration Plate Number by Transportation Network Digital Network.

Sec. 33. A transportation network company digital network shall display a picture of the transportation network company driver and the registration plate number of the personal vehicle to be used for the transportation network company prearranged ride before the transportation network company rider enters the personal vehicle. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2135 - Electronic Receipt; Information.

Sec. 35. Within a reasonable period of time after a transportation network company prearranged ride is completed, a transportation network company shall transmit an electronic receipt to the transportation network company rider listing all of the following information: (a) The origin and destination of the trip. (b) The total time and distance of the trip. (c) An itemization of the total fee

paid, if any. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2137 - Transportation Network Company Driver as Independent Contractor; Conditions.

Sec. 37. (1) A transportation network company driver shall be considered an independent contractor, and not an employee of a transportation network company, if all of the following conditions are met: (a) The transportation network company does not prescribe the specific hours during which the transportation network company driver is required to be logged in to the transportation network company's digital network. (b) The transportation network company does not impose any restrictions on the transportation network company driver's ability to use other transportation network companies' digital networks. (c) The transportation network company does not assign a transportation network company driver a particular territory within this state in which he or she may provide transportation network company prearranged rides. (d) The transportation network company does not restrict a transportation network company driver from engaging in any other occupation or business. (e) The transportation network company and the transportation network company driver agree in writing that the transportation network company driver is an independent contractor. (2) A transportation network company shall not be deemed to control, direct, or manage a personal vehicle or a transportation network company driver who connects to its digital network, unless the parties have agreed otherwise in a written contract. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2139 - Zero-Tolerance Policy.

Sec. 39. (1) A limousine carrier, taxicab carrier, or transportation network company shall develop and implement a zero-tolerance policy regarding a limousine, taxicab, or transportation network company driver's activities while providing transportation services or accessing the transportation network company's digital network. The zero-tolerance policy required under this subsection shall address the use of drugs or alcohol while a driver is providing transportation services or a transportation network company prearranged ride or is logged in to a transportation network company's digital network and available to receive a transportation request. (2) A limousine carrier, taxicab carrier, or transportation network company, or the parent company if the limousine carrier, taxicab carrier, or transportation network company does not have a website, shall provide notice of the zero-tolerance policy required under subsection (1) on its website, and shall also provide on its website a procedure for a passenger to report a complaint about a driver who the passenger reasonably suspects was under the influence of drugs or alcohol during a trip or a transportation network company prearranged ride. (3) Upon receipt of a complaint described in subsection (2), a limousine carrier, taxicab carrier, or transportation network company shall immediately suspend the driver and, if applicable, the driver's access to the transportation network company's digital network, and shall investigate the incident. The driver's suspension shall last for the duration of the investigation. (4) A limousine carrier, taxicab carrier, or transportation network company shall maintain records of a passenger complaint for at least 2 years after the date the complaint was received by the limousine carrier, taxicab carrier, or transportation network company. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2141 - Acceptance of Transportation Request.

Sec. 41. A transportation network company driver shall not accept a request for transportation unless the request is accepted through the transportation network company's digital network. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2143 - Payments for Transportation.

Sec. 43. (1) A transportation network company driver shall not solicit or accept cash payments from transportation network company riders for transportation network company prearranged rides. (2) A payment for a transportation network company prearranged ride shall only be made electronically using a transportation network company's digital network. (3) A transportation network company shall adopt a policy prohibiting a transportation network company driver from soliciting or accepting cash payments from transportation network company riders, and shall notify transportation network company drivers using its digital platform of the policy required by this subsection. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2145 - Nondiscrimination; Accommodation of Service Animals; Services to Passenger With Physical Disability.

Sec. 45. (1) A limousine carrier, taxicab carrier, and transportation network company shall adopt a policy of nondiscrimination with respect to passengers and potential passengers and shall notify limousine drivers, taxicab drivers, and transportation network company drivers of the policy adopted under this subsection. (2) A limousine driver, taxicab driver, and transportation network company driver shall comply with all applicable laws regarding nondiscrimination against a passenger or potential passenger. (3) A limousine driver, taxicab driver, and transportation network company driver shall comply with all applicable laws regarding

accommodation of service animals. (4) A limousine carrier, taxicab carrier, and transportation network company shall not impose an additional charge for providing services to a passenger with a physical disability because of his or her disability. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2147 - Lease of Limousine or Taxicab; Informing Person of Act Requirements.

Sec. 47. A lessor shall be required to inform any person leasing any limousine or taxicab for the transportation of passengers for hire of the requirements of this act on a motor vehicle lease agreement. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2149 - Certain Conduct as Misdemeanor; Fine; Proceeding.

Sec. 49. (1) A limousine carrier, taxicab carrier, or transportation network company, or an officer or agent of a limousine carrier, taxicab carrier, or transportation network company who requires or knowingly permits a driver to drive or operate a limousine, taxicab, or personal vehicle in violation of this act, or a rule promulgated under this act, is guilty of a misdemeanor punishable by a fine of not more than $1,000.00 per violation or imprisonment for not more than 90 days, or both. (2) In addition to the fine authorized by this section, the department may assess a fine against a person who violates this act that covers the actual cost to the department of the investigation and enforcement of the violation, including attorney fees. (3) A proceeding held under this act shall be held under chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2151 - Violation of Act or Rules.

Sec. 51. All of the following apply to a person that violates this act or rules or an order promulgated or issued under this act: (a) The person is subject to denial of a registration or renewal of a registration. (b) The attorney general or the proper prosecuting attorney may institute appropriate criminal proceedings under this act against the person with or without reference from the department. (c) The department or any other person, to enforce compliance with this act, may bring an action in a circuit court in any county in which the limousine carrier, taxicab carrier, or transportation network company has solicited or sold its services, whether or not that person purchased or used the limousine carrier's, taxicab carrier's, or transportation network company's services or is personally aggrieved by a violation of this act. The court may award damages, issue equitable orders in accordance with the Michigan court rules to restrain conduct in violation of this act, and award reasonable attorney fees and costs to a prevailing party. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 345 of 2016 - Limousine, Taxicab, and Transportation Network Company Act (257.2101 - 257.2153)Section 257.2153 - Cease and Desist Order.

Sec. 53. (1) The director of the department or his or her designee may order a limousine carrier, taxicab carrier, or transportation network company to cease and desist from a violation of this act, a rule promulgated under this act, or an order issued under this act. (2) A limousine carrier, taxicab carrier, or transportation network company that receives an order to cease and desist described in subsection (1) may request a hearing before the department if the limousine carrier, taxicab carrier, or transportation network company files a written request for a hearing no later than 30 days after the effective date of the cease and desist order. (3) If a limousine carrier, taxicab carrier, or transportation network company violates an order to cease and desist issued under subsection (1), the attorney general may apply to a court of competent jurisdiction to restrain and enjoin, either temporarily or permanently, that limousine carrier, taxicab carrier, or transportation network company from further violating the order to cease and desist. History:2016, Act 345, Eff. Mar. 21, 2017

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 387 of 1978 - Loans to Motor Carriers (257.931 - 257.937)Section 257.931 - Loans to Motor Carriers; Prerequisites; Purpose; Loans as Investments for State Recreational Land Acquisition Trust Fund; Investigation; Determination; Applicability of Section; Condition of Loan.

Sec. 1. (1) The state treasurer shall make loans to motor carriers who have obtained a certificate of public convenience and necessity or a permit to operate as a motor carrier from the Michigan public service commission, and to private carriers who are independent wholesale distributors engaged in the distribution of petroleum products to consumers and retailers by vehicles owned or leased by those private carriers to aid those motor carriers and private carriers in complying with section 722(9), (10), (11), and (12) of Act No. 300 of the Public Acts of 1949, as amended, being section 257.722 of the Michigan Compiled Laws. The loans made under this subsection shall be made before October 1, 1980, and shall be made as investments for the state recreational land acquisition trust fund. These loans shall be made in such amounts and to such applicants as determined by the secretary of state pursuant to its investigation of applications for loans, but without further investigation by the department of treasury. (2) The department of state shall make loans to motor carriers who have obtained a certificate of public convenience and necessity or a permit to operate as a motor carrier from the Michigan public service commission and to private carriers who are independent wholesale distributors

engaged in the distribution of petroleum products to consumers and retailers by vehicles owned or leased by those private carriers to aid those motor carriers and private carriers in complying with section 722(9), (10), (11), and (12) of Act No. 300 of the Public Acts of 1949, as amended. The loans made under this subsection shall be made after September 30, 1980, and shall be made from amounts appropriated to the department of state from the general fund. (3) This section shall apply only to a carrier who meets the description of this section as of July 1, 1978. A condition of each loan shall be that the carrier use the vehicles modified or replaced with the proceeds of the loan primarily in Michigan while the loan is outstanding. History:1978, Act 387, Imd. Eff. July 27, 1978 ;-- Am. 1979, Act 14, Imd. Eff. May 17, 1979 ;-- Am. 1979, Act 39, Imd. Eff. June 22, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 387 of 1978 - Loans to Motor Carriers (257.931 - 257.937)Section 257.932 - Loans to Motor Carriers; Application; Form; Evidence of Ownership; Cost of Modification or Replacement; Repayment Plan; Review and Certification of Application; Time Limitation.

Sec. 2. (1) An application for a loan shall be made on a form prescribed by the department of state and shall be submitted to the department of state. The application shall require the applicant to submit evidence of ownership of the vehicle subject to modification or replacement and an estimate of the cost of modification or replacement. The applicant shall enter into a repayment plan requiring installment payments for a maximum period of 5 years. (2) The department of state shall review each application made under this act to determine the applicant's eligibility for a loan and the applicant's credit worthiness. The department of state shall certify to the state treasurer each loan application approved by the department of state. (3) An application for a loan shall not be accepted by the department of state after July 1, 1983. History:1978, Act 387, Imd. Eff. July 27, 1978 ;-- Am. 1979, Act 39, Imd. Eff. June 22, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 387 of 1978 - Loans to Motor Carriers (257.931 - 257.937)Section 257.933 - Loans to Motor Carriers; Amount; Interest Rate; Time Limitation; Collection of Repayments; Restrictions; Amount of Money Invested; Appropriations.

Sec. 3. (1) A loan made under this act shall be in such amount and to such applicants as determined by the department of state. The loans shall be made at an interest rate of 4% per year simple interest. A loan shall not be made by the department of state after November 1, 1983. (2) The state treasurer shall collect the repayments of all loans made under this act pursuant to rules promulgated under section 7. Not more than $6,000,000.00 of the money in the state recreational land acquisition trust fund shall be loaned under this act. Money in the game and fish protection subfund created in section 4(3) of Act No. 204 of the Public Acts of 1976, as amended, being section 318.404 of the Michigan Compiled Laws, shall not be loaned under this act. The amount of money invested by the state treasurer from the state recreational land acquisition trust fund under this act and the manner of the investment shall be deemed in complete compliance with Act No. 204 of the Public Acts of 1976, as amended, being sections 318.401 to 318.409 of the Michigan Compiled Laws. The amount of money invested in a state fiscal year by the state treasurer from the state recreational land acquisition trust fund under this act shall not include moneys available for the purchase of land or rights in land and other expenditures as provided in sections 3 to 7 of Act No. 204 of the Public Acts of 1976, as amended, being sections 318.403 to 318.407 of the Michigan Compiled Laws. The legislature, until the state fiscal year in which the state recreational land acquisition trust fund is repaid all money loaned under section 1(1), annually shall appropriate to the credit of the state recreational land acquisition trust fund from the general fund of the state an amount determined by the state treasurer to be necessary to make up the difference between the interest on the loans made under section 1(1) and the amount the funds loaned would have earned had the funds been invested in the state treasurer's common cash fund. To insure the state recreational land acquisition trust fund against a loss in principal amount, the legislature shall appropriate an amount to the credit of the state recreational land acquisition trust fund which is equal to the losses suffered by the fund because of defaults of loans made under this act. History:1978, Act 387, Imd. Eff. July 27, 1978 ;-- Am. 1979, Act 14, Imd. Eff. May 17, 1979 ;-- Am. 1979, Act 39, Imd. Eff. June 22, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 387 of 1978 - Loans to Motor Carriers (257.931 - 257.937)Section 257.934 - Creation of Security Interest in Name of State on Vehicle; Sign Disclosing State's Lien.

Sec. 4. The department of state or the department of treasury shall create a security interest in the name of the state on a vehicle owned by a carrier who receives a loan under this act. The security interest shall be created as provided in section 217 or 238 of the Michigan vehicle code, 1949 PA 300, MCL 257.217 and 257.238, and article 9 of the uniform commercial code, 1962 PA 174, MCL 440.9101 to 440.9708. Each vehicle subject to a security interest under this act shall be labeled during the life of the loan with a sign disclosing the state's lien. The sign shall be in a form prescribed by the department of treasury. History:1978, Act 387, Imd. Eff. July 27, 1978 ;-- Am. 1979, Act 39, Imd. Eff. June 22, 1979 ;-- Am. 2000, Act 354, Eff. July 1, 2001

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 387 of 1978 - Loans to Motor Carriers (257.931 - 257.937)Section 257.935 - Disposition of Revenues.

Sec. 5. (1) All revenues on loans made under section 1(1), including principal and interest payments and penalties, and money appropriated to the state recreational land acquisition trust fund under this act, shall be deposited in the state treasury and shall be credited to the state recreational land acquisition trust fund. (2) All revenues on loans made under section 1(2), including principal and interest payments and penalties, shall be deposited in the state treasury and shall be credited to the general fund. History:1978,

Act 387, Imd. Eff. July 27, 1978 ;-- Am. 1979, Act 14, Imd. Eff. May 17, 1979 ;-- Am. 1979, Act 39, Imd. Eff. June 22, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 387 of 1978 - Loans to Motor Carriers (257.931 - 257.937)Section 257.936 - Conditional Effective Date.

Sec. 6. This act shall not take effect unless House Bill No. 5347 of the 1977 regular session of the legislature is enacted into law. History:1978, Act 387, Imd. Eff. July 27, 1978Compiler's Notes:House Bill No. 5347, referred to in this section, was approved by the Governor on July 27, 1978, and became P.A. 1978, No. 385, Imd. Eff. July 27, 1978.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 387 of 1978 - Loans to Motor Carriers (257.931 - 257.937)Section 257.937 - Rules.

Sec. 7. The department of state shall promulgate rules to implement this act pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws. The rules may include but not be limited to the following: Criteria for approving or disapproving loan applications, criteria for determining the amount of a loan and provisions for a repayment plan agreement including the assessment of a fee for late payment. History:1978, Act 387, Imd. Eff. July 27, 1978 ;-- Am. 1979, Act 14, Imd. Eff. May 17, 1979Admin Rule:R 257.201 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 55 of 1997 - Electric Patrol Vehicle Act (257.1571 - 257.1577)Section 257.1571 - Short Title.

Sec. 1. This act shall be known and may be cited as the "electric patrol vehicle act". History:1997, Act 55, Imd. Eff. July 1, 1997

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 55 of 1997 - Electric Patrol Vehicle Act (257.1571 - 257.1577)Section 257.1572 - Definitions.

Sec. 2. As used in this act: (a) "Electric patrol vehicle" means an electrically powered motor vehicle designed to carry not more than 4 persons at a speed of not more than 25 miles per hour and having an unloaded weight of not more than 1,300 pounds. (b) "Political subdivision" means a village, city, township, county, or a university of this state. (c) "Sidewalk" means a paved public sidewalk intended for pedestrian use situated outside of and adjacent to the improved portion of a street or highway designed for vehicular travel. History:1997, Act 55, Imd. Eff. July 1, 1997 ;-- Am. 2018, Act 90, Eff. June 24, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 55 of 1997 - Electric Patrol Vehicle Act (257.1571 - 257.1577)Section 257.1573 - Electric Patrol Vehicle; Operation; Prohibition.

Sec. 3. Except as provided in section 4, an electric patrol vehicle shall not be operated on a street or highway of this state. History:1997, Act 55, Imd. Eff. July 1, 1997

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 55 of 1997 - Electric Patrol Vehicle Act (257.1571 - 257.1577)Section 257.1574 - Electric Patrol Vehicle; Operation by Law Enforcement, Emergency Service, and Parking Enforcement Employees; Authorization.

Sec. 4. Subject to section 5, a political subdivision may, by ordinance, authorize law enforcement, emergency service, and parking enforcement employees of the political subdivision to operate an electric patrol vehicle on a street, highway, or sidewalk within that political subdivision's boundaries. History:1997, Act 55, Imd. Eff. July 1, 1997 ;-- Am. 2018, Act 90, Eff. June 24, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 55 of 1997 - Electric Patrol Vehicle Act (257.1571 - 257.1577)Section 257.1575 - Electric Patrol Vehicle; Limitation.

Sec. 5. An electric patrol vehicle authorized under section 4 shall be limited as follows: (a) To a street or highway with a posted speed limit of not more than 25 miles per hour. (b) To crossing a street or highway with a posted speed limit of not more than 50 miles per hour. (c) To a sidewalk. History:1997, Act 55, Imd. Eff. July 1, 1997 ;-- Am. 2018, Act 90, Eff. June 24, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 55 of 1997 - Electric Patrol Vehicle Act (257.1571 - 257.1577)Section 257.1576 - Electric Patrol Vehicle; Equipment; Exemption.

Sec. 6. (1) Except as provided in subsections (2) and (3), each electric patrol vehicle authorized under section 4 shall have all of the following equipment: (a) Brakes adequate to control the movement of and to stop and hold the vehicle. (b) Not less than 2 head lamps that enable the operator of the vehicle to see a person not less than 100 feet to the front of the vehicle. (c) Not less than 2 rear lamps that comply with section 697 of the Michigan vehicle code, 1949 PA 300, MCL 257.697. (d) A windshield of safety glass as defined in section 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.711. (e) A horn as defined in section 706(a) of the Michigan vehicle code, 1949 PA 300, MCL 257.706. (f) Safety belts designed and installed with brackets and of sufficient strength to hold a passenger during a collision. (g) A parking brake sufficient to hold the vehicle in a stopped position. (h) Reflectors that reflect an amber or red color as required for motor vehicles by section 690 of the Michigan vehicle code, 1949 PA 300, MCL 257.690. (2) Except as provided in subsection (3), an electric patrol vehicle that has 3 wheels or less shall have all of the following equipment: (a) Brakes adequate to control the movement of and to stop and hold the vehicle. (b) One or 2 headlamps that enable the

operator of the vehicle to see a person not less than 100 feet to the front of the vehicle. (c) At least 1 rear lamp that complies with section 697 of the Michigan vehicle code, 1949 PA 300, MCL 257.697. (d) A horn as defined in section 706(a) of the Michigan vehicle code, 1949 PA 300, MCL 257.706. (e) A parking brake sufficient to hold the vehicle in a stopped position. (f) Reflectors that reflect an amber or red color as required for motor vehicles by section 690 of the Michigan vehicle code, 1949 PA 300, MCL 257.690. (3) A political subdivision may, by ordinance, exempt an electric patrol vehicle from subsection (1) or (2). History:1997, Act 55, Imd. Eff. July 1, 1997 ;-- Am. 2018, Act 90, Eff. June 24, 2018

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 55 of 1997 - Electric Patrol Vehicle Act (257.1571 - 257.1577)Section 257.1577 - Crash Helmet Required; Exception.

Sec. 7. (1) Except as provided in subsection (2), a person operating or riding in an electric patrol vehicle shall wear a crash helmet on his or her head. The crash helmet shall meet the requirements of the rules promulgated by the department of state police under section 658 of the Michigan vehicle code, 1949 PA 300, MCL 257.658. (2) Subsection (1) does not apply to a person operating or riding in an electric patrol vehicle equipped with a roof that meets or exceeds the standards for roof-crush resistance, provided under 49 C.F.R. 571.216, or to an incapacitated person being transported to a place of safety. History:1997, Act 55, Imd. Eff. July 1, 1997

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 62 of 1956 - Uniform Traffic Code (257.951 - 257.955)Section 257.951 - Uniform Traffic Code; Promulgation; Adoption by Reference; Parking Lot; Entry Upon Private Road; Violation as Misdemeanor or Civil Infraction; Civil Sanctions; Processing of Civil Infraction; Designating Parking Space for Persons With Disabilities; Provisions Relating to Driving Under Influence or With Impaired Ability; "Vehicle Code" Defined.

Sec. 1. (1) A city, township, or village may adopt by reference a code or ordinance for the regulation of traffic within cities, townships, and villages that has been promulgated by the director of the department of state police. The director of the department of state police may promulgate a uniform traffic code in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (2) A city, township, or village, with the consent of, or at the request of, a person who is in charge of a parking lot, whether or not that parking lot is open to the general public, may contract with that person for the city, township, or village to enforce provisions of the uniform traffic code or ordinance adopted under this section in that parking lot. A peace officer may enter upon a private road that is accessible to the general public to enforce provisions of an ordinance adopted under this section if signs meeting the requirements of the Michigan manual on uniform traffic control devices are posted on the private road. The owner or person in charge of the private road is responsible for the posting of signs under this subsection. This subsection does not affect a contract entered into between a city, township, or village and the person in charge of a private road before July 20, 2006. As used in this subsection, "person" means an individual, corporation, association, partnership, or other legal entity. (3) A uniform traffic code promulgated by the director of the department of state police under this section must specify whether a person who violates a particular provision of the code is guilty of a misdemeanor or is responsible for a civil infraction. The director may establish civil sanctions for civil infractions, except that a civil sanction in excess of that prescribed in the vehicle code is in conflict with that act and is void to the extent of the conflict. The uniform traffic code must not impose a criminal penalty for an act or omission that is a civil infraction under the vehicle code. (4) Violation of a provision designated a civil infraction in the uniform traffic code must be processed in the same manner as a civil infraction under the vehicle code. (5) Notwithstanding the requirements of the uniform traffic code, except as otherwise provided in this subsection, a sign designating a parking space for persons with disabilities must be 12 inches by 18 inches or larger and must be either blue or white and at a minimum contain the international symbol of access in contrasting colors of either blue or white in the center of the sign. A sign designating a parking space for persons with disabilities that is erected or replaced on or after the effective date of the amendatory act that added this sentence must be 12 inches by 18 inches or larger and must use the design adopted under section 102a of the persons with disabilities civil rights act, 1976 PA 220, MCL 37.1102a, must not include the word "handicapped", and may include a word providing instruction, such as "reserved". (6) The provisions of the uniform traffic code promulgated under this act that relate to driving while under the influence of an alcoholic beverage or driving with impaired ability must be identical to the provisions of sections 625 to 625m of the vehicle code, MCL 257.625 to 257.625m. (7) For purposes of this section, "vehicle code" means the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. History:1956, Act 62, Eff. Aug. 11, 1956 ;-- Am. 1978, Act 514, Eff. Aug. 1, 1979 ;-- Am. 1979, Act 117, Imd. Eff. Oct. 17, 1979 ;-- Am. 1988, Act 121, Imd. Eff. May 6, 1988 ;-- Am. 1993, Act 225, Imd. Eff. Nov. 5, 1993 ;-- Am. 1998, Act 69, Imd. Eff. May 4, 1998 ;-- Am. 2006, Act 297, Imd. Eff. July 20, 2006 ;-- Am. 2022, Act 182, Eff. Oct. 23, 2022Admin Rule:R 28.1001 et seq. of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 62 of 1956 - Uniform Traffic Code (257.951 - 257.955)Section 257.952 - Identification and Publication of Code Adopted by Reference; Notice.

Sec. 2. The code or ordinance passed shall clearly identify the code adopted by reference. The code need not be published in full. Publication of the code or ordinance shall be supplemented by a notice of the purpose of the code and the fact that a complete copy of the code is available for inspection by the public at the office of the city, township, or village clerk. History:1956, Act 62, Eff. Aug. 11, 1956 ;-- Am. 1979, Act 119, Imd. Eff. Oct. 17, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 62 of 1956 - Uniform Traffic Code (257.951 -

257.955)Section 257.953 - Amendment of Code; Adoption.

Sec. 3. If the commissioner of the state police shall thereafter amend such code, any city, township or village which has adopted such code by reference may adopt such amendment by reference by the same procedure as required for the adoption of the original code, or such amendment may be adopted by enacting an ordinance setting forth the entire text of such amendment. History:1956, Act 62, Eff. Aug. 11, 1956

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 62 of 1956 - Uniform Traffic Code (257.951 - 257.955)Section 257.954 - Inspection of Code.

Sec. 4. Upon adoption of the code by reference, the city, township, or village clerk shall maintain in his or her office a copy of the code for inspection by the public or a person charged under the code. History:1956, Act 62, Eff. Aug. 11, 1956 ;-- Am. 1979, Act 119, Imd. Eff. Oct. 17, 1979

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 62 of 1956 - Uniform Traffic Code (257.951 - 257.955)Section 257.955 - Operation of Commercial Vehicle; Payment and Allocation of Civil Fine; Exception; Issuance of More Than 1 Citation; Equipment Violations; Training Requirements as Motor Carrier Enforcement Officer; Definitions.

Sec. 5. (1) A civil fine imposed upon a person for a violation of a code or ordinance regulating the operation of a commercial vehicle adopted by a city, township, or village under section 1 shall be paid to the county treasurer and shall be allocated as follows: (a) Seventy percent to the city, township, or village in which the citation is issued. (b) Thirty percent for library purposes as provided by law. (2) This section does not apply to a case in which the citation is dismissed pursuant to subsection (3). (3) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of a code or ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation for an equipment violation that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired. (4) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this section is considered a motor carrier enforcement officer for purposes of this act. (5) As used in this section: (a) "Commercial vehicle" means that term as defined in section 7 of the Michigan vehicle code, 1949 PA 300, MCL 257.7. (b) "Operation" means being in actual physical control of a vehicle regardless of whether or not the person is licensed under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, as an operator or chauffeur. (c) "Out of service" means that process established under the motor carrier safety act, 1963 PA 181, MCL 480.11 to 480.22. (d) "Person" means every natural person, partnership, association, or corporation and their legal successors. History:Add. 2000, Act 95, Imd. Eff. May 15, 2000

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 87 of 1986 - New Motor Vehicle Warranties (257.1401 - 257.1410)Section 257.1401 - Definitions.

Sec. 1. As used in this act: (a) "Consumer" means 1 or more of the following: (i) A person who purchases or leases a new motor vehicle for personal, family, or household use and not for the purpose of selling or leasing the new motor vehicle to another person. (ii) A person who purchases or leases less than 10 new motor vehicles a year. (iii) A person who purchases or leases 10 or more new motor vehicles a year only if the vehicles are purchased or leased for personal, family, or household use. (iv) Any other person entitled to enforce the provisions of an express warranty pursuant to the terms of that warranty. (b) "Lessee" means a person who, under a lease, acquires the right to possession and use of a new motor vehicle. (c) "Lessor" means a person who, under a lease, transfers the right to possession and use of a new motor vehicle. (d) "Manufacturer" means a person who manufactures, assembles, or is a distributor of new motor vehicles and includes an agent of a manufacturer but does not include a new motor vehicle dealer. (e) "Manufacturer's express warranty" means an express warranty as determined under the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.11102, offered by the manufacturer on a new motor vehicle. (f) "Motor vehicle" means a motor vehicle as defined in section 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33, that is designed as a passenger vehicle, or sport utility vehicle, but does not include a motor home, bus, truck other than a pickup truck or van, or a vehicle designed to travel on less than 4 wheels. (g) "New motor vehicle" means a motor vehicle that is purchased or leased in this state or purchased or leased by a resident of this state and is covered by a manufacturer's express warranty at the time of purchase or lease. (h) "New motor vehicle dealer" means a person or that person's agent who holds a dealer agreement for the sale of new motor vehicles, who is engaged in the business of purchasing, leasing, selling, exchanging, or dealing in new motor vehicles, and who has an established place of business in this state. (i) "Person" means a natural person, a sole proprietorship, partnership, corporation, association, unit or agency of government, trust, estate, or other legal entity. (j) "Resident of this state" means as follows: (i) For an individual, an individual who is a legal resident of this state. (ii) For a sole proprietorship or partnership, a sole proprietorship or partnership created pursuant to the laws of this state and its main office is located in this state. (iii) For a corporation, a corporation that is a domestic corporation and was created under the laws of this state. (iv) For an association, an association created pursuant to the laws of this state and its

main office is located in this state. (v) For a unit or agency of government, a unit or agency of government located in this state. (vi) For a trust, estate, or other legal entity, a trust, estate, or other legal entity created pursuant to the laws of this state and that is located in this state. (k) "Lease price" means the actual vehicle sales price paid by the lessor including any cash payment by the consumer and the sum equal to any allowance for any trade-in but excludes debt from any other transaction as well as any manufacturer to consumer discount, rebate, or incentive appearing in the agreement or contract that the consumer received or that was applied to reduce the purchase or lease cost. Additionally, any sales tax, license and registration fees, and similar government charges not included elsewhere paid by the lessor on behalf of the lessee are included as a part of lease price. (l) "Purchase price" means the actual vehicle sales price listed on the buyer's order including any cash payment by the consumer and the sum equal to any allowance for any trade-in but excludes debt from any other transaction as well as any manufacturer to consumer discount, rebate, or incentive appearing in the agreement or contract that the consumer received or that was applied to reduce the purchase cost. Additionally, any sales tax, license and registration fees, and similar government charges not included elsewhere paid by the consumer are included as a part of purchase price. History:1986, Act 87, Eff. June 25, 1986 ;-- Am. 1998, Act 486, Imd. Eff. Jan. 4, 1999Popular Name:Lemon Law

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 87 of 1986 - New Motor Vehicle Warranties (257.1401 - 257.1410)Section 257.1402 - Repair of Defect or Condition; Report.

Sec. 2. If a new motor vehicle has any defect or condition that impairs the use or value of the new motor vehicle to the consumer or which prevents the new motor vehicle from conforming to the manufacturer's express warranty, the manufacturer or a new motor vehicle dealer of that type of motor vehicle shall repair the defect or condition as required under section 3 if the consumer initially reported the defect or condition to the manufacturer or the new motor vehicle dealer within 1 of the following time periods, whichever is earlier: (a) During the term the manufacturer's express warranty is in effect. (b) Not later than 1 year from the date of delivery of the new motor vehicle to the original consumer. History:1986, Act 87, Eff. June 25, 1986Popular Name:Lemon Law

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 87 of 1986 - New Motor Vehicle Warranties (257.1401 - 257.1410)Section 257.1403 - Continued Existence of Defect or Condition; Replacement of Motor Vehicle or Refund; Allowance for Use; Reimbursement for Towing Costs and Costs for Rental Vehicle; Determination of Ordinary and Personal Use; Consent to Replacement of Security Interest; Presumption; Performing Repairs After Expiration of Warranty; Extension of Time for Repair Services.

Sec. 3. (1) If a defect or condition that was reported to the manufacturer or new motor vehicle dealer pursuant to section 2 continues to exist and the new motor vehicle has been subjected to a reasonable number of repairs as determined under subsection (5), the manufacturer shall within 30 days, do either of the following as applicable: (a) If the new motor vehicle was purchased, either replace the new motor vehicle with a comparable replacement motor vehicle currently in production and acceptable to the consumer or accept return of the vehicle and refund to the consumer the purchase price. A consumer shall have the right to demand a refund. (b) If the new motor vehicle was leased, the consumer has the right to a refund of the lease price paid by the consumer. The consumer may agree to accept a comparable replacement vehicle in lieu of a refund for the lease price paid. If the consumer agrees to accept a replacement vehicle, the lease agreement shall not be altered except with respect to the identification of the vehicle. (2) The purchase price or lease price includes the cost of any options or other modifications installed or made by or for the manufacturer, and the amount of all other charges made by or for the manufacturer, less a reasonable allowance for the consumer's use of the vehicle, and less an amount equal to any appraised damage that is not attributable to normal use or to the defect or condition. A reasonable allowance for use is the purchase or lease price of the new motor vehicle multiplied by a fraction having as the denominator 100,000 miles and having as the numerator the miles directly attributable to use by the consumer and any previous consumer prior to his or her first report of a defect or condition that impairs the use or value of the new motor vehicle plus all mileage directly attributable to use by a consumer beyond 25,000 miles. If a vehicle is replaced or refunded under the provisions of this section, if towing services and rental vehicles were not made available without cost to the consumer, the manufacturer shall also reimburse the consumer for those towing costs and reasonable costs for a comparable rental vehicle that were incurred as a direct result of the defect or condition. (3) If a court or an alternative dispute settlement procedure described in section 5 determines that a consumer has provided sufficient evidence that the vehicle did not provide reliable transportation for ordinary personal or household use for any period beyond the first 25,000 mileage usage period of the vehicle, the court or the alternative dispute settlement procedure may reduce the vehicle usage deduction for mileage beyond the first 25,000 mileage usage period only for the period beyond the 25,000 mileage usage period that the court or alternative dispute settlement procedure determines that the vehicle did not provide useful transportation for ordinary personal or household use. To determine if the vehicle did or did not provide useful transportation for ordinary personal and household use, the court or the alternative dispute settlement procedure shall consider all of the following: (a) The number of repairs. (b) The cost of the repairs. (c) The number of days the vehicle was out of service. (d) Whether the vehicle's need for repair significantly affected the consumer's ability to use the vehicle for personal or household functions. (4) The provisions of this act do not affect the obligations of a consumer under a loan, sales, or lease contract or the secured interest of a secured party. The secured party shall consent to the replacement of the security interest with a corresponding security interest on a replacement motor vehicle that is accepted by the consumer in exchange for the motor vehicle having a defect or condition pursuant to subsection (1), if the replacement motor vehicle is comparable in value to the original motor vehicle. If for any reason the security interest in the new motor vehicle having a defect or condition pursuant to subsection (1) is not able to be

replaced with a corresponding security interest on a new motor vehicle accepted by the consumer, the consumer shall accept a refund. A refund required under this subsection or subsection (1) shall be made to the consumer and the secured party, if any, as their interests exist at the time the refund is to be made. The lessor, if any, shall be notified if a refund is made to a lessee under this act. A lessor shall not assess a fee for early termination of a lease under this act. (5) It shall be presumed that a reasonable number of attempts have been undertaken to repair a defect or condition if 1 of the following occurs: (a) The same defect or condition that substantially impairs the use or value of the new motor vehicle to the consumer has been subject to repair a total of 4 or more times by the manufacturer or new motor vehicle dealer within 2 years of the date of the first attempt to repair the defect or condition, and the defect or condition continues to exist. Any repair performed on the same defect made pursuant to subsection (6) shall be included in calculating the number of repairs under this section. The consumer or his or her representative, before availing himself or herself of a remedy provided under subsection (1), and any time after the third attempt to repair the same defect or condition, shall give written notification, by return receipt service, to the manufacturer of the need for repair of the defect or condition in order to allow the manufacturer an opportunity to cure the defect or condition. The manufacturer shall notify the consumer as soon as reasonably possible of a reasonably accessible repair facility. After delivery of the vehicle to the designated repair facility, the manufacturer has 5 business days to repair the defect or condition. (b) The new motor vehicle is out of service because of repairs for a total of 30 or more days or parts of days during the term of the manufacturer's express warranty, or within 1 year from the date of delivery to the original consumer, whichever is earlier. The consumer, or his or her representative, before availing himself or herself of a remedy provided under subsection (1), and after the vehicle has been out of service for at least 25 days in a repair facility, shall give written notification by return receipt service to the manufacturer of the need for repair of the defect or condition in order to allow the manufacturer an opportunity to cure the defect or condition. The manufacturer shall notify the consumer as soon as reasonably possible of a reasonably accessible repair facility. After delivery of the vehicle to the designated repair facility, the manufacturer has 5 business days to repair the defect or condition. (6) Any repairs required to be made under this act shall be made even if the repairs need to be performed after the expiration of the manufacturer's express warranty. The defect needing repair must be a continuation of the original attempt to repair the defect. (7) The term of an express warranty, and the 1-year, 30-day, and 5-day periods of time provided for in this section shall be extended because repair services were not available to the consumer because of war, invasion, strike, fire, flood, or other natural disaster. History:1986, Act 87, Eff. June 25, 1986 ;-- Am. 1998, Act 486, Imd. Eff. Jan. 4, 1999Popular Name:Lemon Law

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 87 of 1986 - New Motor Vehicle Warranties (257.1401 - 257.1410)Section 257.1404 - Other Legal Remedies Not Limited or Prohibited.

Sec. 4. Nothing in this act shall be construed to limit or prohibit any other legal remedy of a consumer regarding a breach of a manufacturer's express warranty or an implied warranty for a new motor vehicle. History:1986, Act 87, Eff. June 25, 1986Popular Name:Lemon Law

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 87 of 1986 - New Motor Vehicle Warranties (257.1401 - 257.1410)Section 257.1405 - Informal Dispute Settlement Procedure.

Sec. 5. If a manufacturer has established or participates in an informal dispute settlement procedure, the provisions of this act shall not apply to any consumer who has not first resorted to such procedure, if such procedure does all of the following: (a) Complies with the Magnuson-Moss warranty—federal trade commission improvement act, Public Law 93-637, 88 Stat. 2183, and 16 C.F.R. 703 (1975). An informal dispute settlement procedure which the federal trade commission rules does not comply with 16 C.F.R. 703 (1975) shall be considered as not meeting the requirements of this subdivision. (b) Requires that the manufacturer is bound by any decision reached if the consumer agrees to it. (c) Provides that the consumer is not obligated to accept the decision and may pursue the remedies provided for under this act. (d) Requires the manufacturer to initiate the process necessary to implement any final settlement not more than 30 days after the settlement has been reached. History:1986, Act 87, Eff. June 25, 1986Popular Name:Lemon Law

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 87 of 1986 - New Motor Vehicle Warranties (257.1401 - 257.1410)Section 257.1406 - Defects or Conditions to Which Act Inapplicable.

Sec. 6. This act does not apply to a defect or condition that is the result of either of the following: (a) A modification not installed or made by or for the manufacturer. (b) Abuse or neglect of the new motor vehicle or damage due to an accident that occurred after the new motor vehicle was purchased or leased by the consumer. History:1986, Act 87, Eff. June 25, 1986 ;-- Am. 1998, Act 487, Imd. Eff. Jan. 4, 1999Popular Name:Lemon Law

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 87 of 1986 - New Motor Vehicle Warranties (257.1401 - 257.1410)Section 257.1407 - Waiver of Rights and Remedies Prohibited; Recovery of Costs, Expenses, and Attorneys' Fees.

Sec. 7. (1) Any rights and remedies provided a consumer under this act may not be waived. (2) A consumer who prevails in any action brought under this act may be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of cost and expenses, including attorneys' fees based on actual time expended by the attorney, determined by the court to have been reasonably incurred by the consumer for or in connection with the commencement and prosecution of such action, unless the court

in its discretion shall determine that such an award of attorneys' fees would be inappropriate. History:1986, Act 87, Eff. June 25, 1986Popular Name:Lemon Law

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 87 of 1986 - New Motor Vehicle Warranties (257.1401 - 257.1410)Section 257.1408 - Written Statement to Be Included With Title or Documentation; Type Size; Form; Accessibility to Public.

Sec. 8. (1) Until December 31, 1999 and after as provided in subsection (2), the secretary of state shall include with any title for a new motor vehicle a written statement, in 10-point boldfaced type, in substantially the following form: "IMPORTANT: IF THIS VEHICLE IS DEFECTIVE YOU MAY BE ENTITLED UNDER STATE LAW TO REPLACEMENT OF IT OR A REFUND OF ITS PURCHASE PRICE. TO OBTAIN REPLACEMENT OR A REFUND, YOU MUST FIRST REPORT THE DEFECT IN WRITING TO THE MANUFACTURER AND YOU MAY BE REQUIRED TO FIRST ARBITRATE THE DISPUTE. IN ORDER TO PROTECT YOUR RIGHTS UNDER THIS LAW, YOU SHOULD: 1. KEEP COPIES OF ALL CORRESPONDENCE TO AND FROM THE MANUFACTURER AND THE DEALER. 2. KEEP COPIES OF ALL WORK ORDERS FOR REPAIRS ON THE VEHICLE INCLUDING THE DATE(S) THE WORK WAS PERFORMED AND THE MILEAGE ON THE VEHICLE AT THE TIME OF REPAIR. 3. FOLLOW ALL REQUIREMENTS OF THE WARRANTY, INCLUDING ANY REQUIREMENT THAT THE REPAIRS MUST BE DONE BY AN AUTHORIZED DEALER SPECIFIED BY THE MANUFACTURER. IF YOU HAVE ANY QUESTIONS REGARDING YOUR RIGHTS UNDER THIS LAW, CONSULT AN ATTORNEY OR OTHER QUALIFIED INDIVIDUAL.". (2) Beginning January 1, 2000, the secretary of state shall include with documentation for a purchased or leased new motor vehicle a written statement, in 10-point boldfaced type, in substantially the following form: "IMPORTANT: IF THIS VEHICLE IS DEFECTIVE YOU MAY BE ENTITLED UNDER STATE LAW TO REPLACEMENT OF IT OR A REFUND OF ITS PURCHASE PRICE OR LEASE PRICE, AS APPLICABLE. TO OBTAIN REPLACEMENT OR A REFUND, YOU MUST FIRST REPORT THE DEFECT IN WRITING TO THE MANUFACTURER AND YOU MAY BE REQUIRED TO FIRST ARBITRATE THE DISPUTE. IN ORDER TO PROTECT YOUR RIGHTS UNDER THIS LAW, YOU SHOULD: 1. KEEP COPIES OF ALL CORRESPONDENCE TO AND FROM THE MANUFACTURER AND THE DEALER. 2. KEEP COPIES OF ALL WORK ORDERS FOR REPAIRS ON THE VEHICLE INCLUDING THE DATE(S) THE WORK WAS PERFORMED AND THE MILEAGE ON THE VEHICLE AT THE TIME OF REPAIR. 3. FOLLOW ALL REQUIREMENTS OF THE WARRANTY, INCLUDING ANY REQUIREMENT THAT THE REPAIRS MUST BE DONE BY AN AUTHORIZED DEALER SPECIFIED BY THE MANUFACTURER. IF YOU HAVE ANY QUESTIONS REGARDING YOUR RIGHTS UNDER THIS LAW, CONSULT AN ATTORNEY OR OTHER QUALIFIED INDIVIDUAL.". (3) Beginning January 1, 2000, the secretary of state shall include a summary of the provisions of this act on a database that is accessible to the public through the internet. As used in this section, "internet" means a worldwide interconnection of individual computers and computer networks and the facilities and equipment used to access those interconnected networks. History:1986, Act 87, Eff. June 25, 1986 ;-- Am. 1998, Act 487, Imd. Eff. Jan. 4, 1999Popular Name:Lemon Law

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 87 of 1986 - New Motor Vehicle Warranties (257.1401 - 257.1410)Section 257.1409 - Applicability of Act.

Sec. 9. This act shall apply to all new motor vehicles that are sold to the original consumer on or after the effective date of this act. History:1986, Act 87, Eff. June 25, 1986Popular Name:Lemon Law

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesAct 87 of 1986 - New Motor Vehicle Warranties (257.1401 - 257.1410)Section 257.1410 - Effective Date.

Sec. 10. This act shall take effect 60 days after its enactment. History:1986, Act 87, Eff. June 25, 1986Popular Name:Lemon Law

2024 Michigan Compiled LawsChapter 257 - Motor VehiclesE.R.O. No. 2020-1 - Executive Reorganization Order (257.929 - 257.929)Section 257.929 - Transfer of Michigan Council on Future Mobility From Department of Transportation to the Department of Labor and Economic Opportunity by Type III Transfer; Abolishment of Michigan Council on Future Mobility; Creation of the Michigan Council on Future Mobility and Electrification as Advisory Body Within Department of Labor and Economic Opportunity; Composition; Powers, Duties, and Functions; Implementation and Transfer of Powers, Duties, and Functions.

Michigan has long been the hub of mobility, and for over 100 years, the economic fortunes of its businesses, communities, and families have been closely tied to that sector of industry. Today, the mobility sector is undergoing a period of unprecedented change. To secure its future prosperity, and to remain the global leader in this sector, Michigan must keep pace with this change. This will require a concerted, coordinated, and sustained effort across state government, as well as productive partnerships with stakeholders in the public and private sectors. The Department of Labor and Economic Opportunity, with its focus on aligning and strengthening this state's economic and workforce development activities, is well suited to serve as the locus of this effort. Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor. Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

Changing the organization of the executive branch of state government is necessary in the interests of efficient administration and effectiveness of government. Acting under the Michigan Constitution of 1963 and Michigan law, I order the following: 1. Transfer from the Department of Transportation (a) The Michigan Council on Future Mobility created by section 665 of the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.665(6)-(8), is transferred by Type III transfer to the Department of Labor and Economic Opportunity ("Department"). (b) The Michigan Council on Future Mobility is abolished. 2. Creation of the Michigan Council on Future Mobility and Electrification (a) The Michigan Council on Future Mobility and Electrification ("Council") is created as an advisory body within the Department. (b) The Council includes the following voting members: (1) The director of the Department, or the director's designee from within the Department. (2) The director of the Department of Environment, Great Lakes, and Energy, or the director's designee from within that department. (3) The director of the Department of Insurance and Financial Services, or the director's designee from within that department. (4) The director of the Department of State Police, or the director's designee from within that department. (5) The director of the Department of Transportation, or the director's designee from within that department. (6) The director of the Department of Treasury, or the director's designee from within that department. (7) The chairperson of the Michigan Public Service Commission, or the chairperson's designee from within that agency. (8) Nine individuals appointed by the governor who represent the interests of local government or are business, policy, research, or technological leaders in future mobility; and one individual appointed by the governor who is representative of insurance interests. (c) A member of the Michigan Senate designated by its majority leader, a member of the Michigan Senate designated by its minority leader, a member of the Michigan House of Representatives designated by its speaker, and a member of the Michigan House of Representatives designated by its minority leader may participate as non-voting ex officio members of the Council. (d) Of the Council members initially appointed under section 2(b)(8), three members must be appointed for a term of four years, three members must be appointed for a term of three years, two members must be appointed for a term of two years, and two members must be appointed for a term of one year. After the initial appointments, a member of the Council appointed under section 2(b)(8) must be appointed for a term of four years. (e) Council members appointed under section 2(b)(1)-(7) are ex officio members and serve at the pleasure of the governor. (f) A vacancy on the Council created other than by the expiration of the term of a member of the Council must be filled in the same manner as the original appointment, for the remainder of the unexpired term. A member of the Council may be reappointed for additional terms. (g) The governor must designate 1 or more voting members of the Council to serve as chairperson of the Council at the pleasure of the governor. 3. Charge to the Council (a) The Council must act in an advisory capacity and must perform the authorities, powers, duties, functions, and responsibilities transferred to the Department under section 1(a) and all of the following: (1) Providing to the director of the Department, the governor, and the legislature recommendations regarding changes in state policy to ensure Michigan continues to be the world leader in future mobility and electrification, including autonomous and connected vehicle technology, electric powertrain technology and charging infrastructure, and diverse mobility such as shared and transit. The Council must submit such recommendations on an annual basis, with the first submission due within a year of the effective date of this order. (2) Providing other information, advice, or assistance as requested by the governor or the director of the Department. (3) Other authorities, powers, duties, functions, and responsibilities vested in the Council by law. 4. Operations of the Council (a) The Department must assist the Council in the performance of its authorities, powers, duties, functions, and responsibilities and must provide personnel to staff the Council. The budgeting, procurement, and related management functions of the Council must be performed under the direction and supervision of the director of the Department. (b) The Council must adopt procedures, consistent with this order and applicable law, governing its organization and operations. (c) The Council must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246. (d) The Council must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Council. (e) A majority of the members of the Council serving constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its members. (f) The Council may establish advisory workgroups composed of individuals or entities participating in Council activities or other members of the public as deemed necessary by the Council to assist the Council in performing its authorities, powers, duties, functions, and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup. (g) The Council may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts in order to perform its authorities, powers, duties, functions, and responsibilities, including experts in the private sector, organized labor, and government agencies, and at institutions of higher education. (h) The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the authorities and powers of the Council and the performance of its duties, functions, and responsibilities as the director of the Department deems advisable and necessary, in accordance with this order and applicable law, rules, and procedures, subject to available funding. (i) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law. (j) Members of the Council must serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding. (k) Members of the Council must refer all legal, legislative, and media contacts to the Department. (l) All departments, agencies, committees, commissioners, and officers of this state must give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Council, consistent with applicable law. 5. Implementation (a) Except as otherwise provided in this order, the director of the

Department must provide executive direction and supervision for the implementation of all transfers to the Department under this order. (b) Except as otherwise provided in this order, the authorities, powers, duties, functions, and responsibilities transferred to the Department under this order will be administered under the direction and supervision of the director of the Department. (c) Any records, personnel, property, and unexpended balances of appropriations for the Michigan Council on Future Mobility are transferred to the Council. (d) Except as otherwise provided in this order, the director of the Department must administer the authorities, powers, duties, functions and responsibilities transferred to the Department under this order in such ways as to promote efficient administration and must make internal organizational changes as administratively necessary to complete the realignment of responsibilities under this order. (e) State departments, agencies, and officers must fully and actively cooperate with and assist the director of the Department receiving functions or responsibilities under this order with implementation of functions or responsibilities under this order. The director of the Department receiving authorities, powers, duties, functions, or responsibilities under this order may request the assistance of other state departments, agencies, and officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and the departments, agencies, and officers must provide that assistance. (f) The State Budget Director must determine and authorize the most efficient manner possible for handling financial transactions and records in this state's financial management system necessary to implement this order. (g) A rule, regulation, order, contract, or agreement relating to an authority, power, duty, function, or responsibility transferred under this order lawfully adopted before the effective date of this order will continue to be effective until revised, amended, repealed, or rescinded. (h) This order does not abate any criminal action commenced by this State before the effective date of this order. (i) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected under this order. (j) If any portion of this order is found to be unenforceable, the rest of the order remains in effect. (k) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective April 27, 2020, at 12:01 a.m. 6. Definitions As used in this order: (a) "Department of Environment, Great Lakes, and Energy" means the principal department of state government created by Executive Order 2019-6, MCL 324.99923. (b) "Department of Insurance and Financial Services" means the principal department of state government created by Executive Order 2013-1, MCL 550.991. (c) "Department of Labor and Economic Opportunity" or "Department" means the principal department of state government created by Executive Order 2019-13, MCL 125.1998. (d) "Department of State Police" means the principal department of state government created by section 150 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.250, and section 2 of 1935 PA 59, as amended, MCL 28.2. (e) "Department of Transportation" means the principal department of state government created by section 350 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.450. (f) "Department of Treasury" means the principal department of state government created by section 75 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.175. (g) "Michigan Public Service Commission" means the commission created by section 1 of the Michigan Public Service Commission Act of 1939, 1939 PA 3, as amended, MCL 460.1. (h) "State Budget Director" means the individual appointed by the governor under section 321 of The Management and Budget Act, 1984 PA 431, as amended, MCL 18.1321. (i) "Type III transfer" means that term as defined under section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103(c). Given under my hand and the great seal of the State of Michigan. History:2020, E.R.O. No. 2020-1, Eff. Apr. 27, 2020Compiler's Notes:Executive Reorganization Order No. 2020-1 was promulgated February 25, 2020, as Executive Order No. 2020-2, Eff. Apr. 27, 2020.

Title: chapter-750

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-I - Chapter I Definitions (750.5...750.10a)Section 750.10 - Miscellaneous; Definition.

Sec. 10. Miscellaneous—In this act: The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The words "person", "accused", and similar words include, unless a contrary intention appears, public and private corporations, copartnerships, and unincorporated or voluntary associations. The term "act" or "doing of an act" includes "omission to act". The word "property" includes any matter or thing upon or in respect to which any offense may be committed. The word "indictment" includes information, presentment, complaint, warrant and any other formal written accusation. The word "indictment", unless a contrary intention appears, includes any count thereof. The term "writing", "written", and any term of like import includes words printed, painted, engraved, lithographed, photographed or otherwise copied, traced or made visible to the eye. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.10

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-I - Chapter I Definitions (750.5...750.10a)Section 750.10a - Sexually Delinquent Persons; Definition.

Sec. 10a. The term "sexually delinquent person" when used in this act shall mean any person whose sexual behavior is characterized by repetitive or compulsive acts which indicate a disregard of consequences or the recognized rights of others, or by the use of force upon another person in attempting sex relations of either a heterosexual or homosexual nature, or by the commission of sexual aggressions against children under the age of 16. History:Add. 1952, Act 73, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)328-1931-I - Chapter I Definitions (750.5...750.10a)Section 750.5 - “Crime” Defined.

Sec. 5. "Crime" means an act or omission forbidden by law which is not designated as a civil infraction, and which is punishable upon conviction by any 1 or more of the following: (a) Imprisonment. (b) Fine not designated a civil fine. (c) Removal from office. (d) Disqualification to hold an office of trust, honor, or profit under the state. (e) Other penal discipline. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.5 ;-- Am. 1978, Act 513, Eff. Mar. 30, 1979

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-I - Chapter I Definitions (750.5...750.10a)Section 750.6 - Division of Crime.

Sec. 6. Division of crime—A crime is: 1. A felony; or 2. A misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.6

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-I - Chapter I Definitions (750.5...750.10a)Section 750.7 - Felony; Definition.

Sec. 7. Felony—The term "felony" when used in this act, shall be construed to mean an offense for which the offender, on conviction may be punished by death, or by imprisonment in state prison. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.7

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-I - Chapter I Definitions (750.5...750.10a)Section 750.8 - Misdemeanor; Definition.

Sec. 8. Misdemeanor—When any act or omission, not a felony, is punishable according to law, by a fine, penalty or forfeiture, and imprisonment, or by such fine, penalty or forfeiture, or imprisonment, in the discretion of the court, such act or omission shall be deemed a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.8Former Law:See section 11 of Ch. XXXV of Act 314 of 1915, being CL 1915, § 13403; CL 1929, § 15150.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-I - Chapter I Definitions (750.5...750.10a)Section 750.9 - Misdemeanor; Definition.

Sec. 9. Misdemeanor—When the performance of any act is prohibited by this or any other statute, and no penalty for the violation of such statute is imposed, either in the same section containing such prohibition, or in any other section or statute, the doing of such act shall be deemed a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.9Former Law:See section 26 of Ch. 156 of R.S. 1846, being CL 1857, § 5845; CL 1871, § 7678; How., § 9260; CL 1897, § 11330; CL 1915, § 14997; and CL 1929, § 16588.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-II - Chapter II Abduction (750.11...750.13)Section 750.13 - Taking or Enticing Away Minor Under Sixteen Years; Violation as Felony; Penalty.

Sec. 13. A person who takes or entices away a minor under the age of 16 years from the minor's father, mother, guardian, or other person having the legal charge of the minor, without their consent, for the purpose of prostitution, concubinage, sexual intercourse, or marriage is guilty of a felony punishable by imprisonment for not more than 10 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.13 ;-- Am. 2015, Act 210, Eff. Mar. 14, 2016Former Law:See section 24 of Ch. 153 of R.S. 1846, being CL 1857, § 5734; CL 1871, § 7533; How., § 9098; CL 1897, § 11493; CL 1915, § 15215; and CL 1929, § 16731.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IV - Chapter IV Adulterating and Misbranding (750.16...750.28)Section 750.16 - Adulteration; Drugs or Medicine Injurious to Health; Violations; Penalty; “Serious Impairment of a Body Function” Defined; Other Violations Committed.

Sec. 16. (1) Except as otherwise provided in this section, a person who knowingly or recklessly commits any of the following actions is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00, or both: (a) Adulterates, misbrands, removes, or substitutes a drug or medicine so as to render that drug or medicine injurious to health. (b) Sells, offers for sale, possesses for sale, causes to be sold, or manufactures for sale a drug or medicine that has been adulterated, misbranded, removed, or substituted so as to render it injurious to health. (2) A person who commits a violation of subsection (1) that results in personal injury is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $4,000.00, or both. (3) A person who commits a violation of subsection (1) that results in serious impairment of a body function is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. (4) A person who commits a violation of subsection (1) that results in death is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $20,000.00, or both. (5) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, a person who commits a violation of subsection (1) with the intent to kill or to cause serious impairment of a body function of 2 or more individuals that results in death is guilty of a felony punishable by imprisonment for life without possibility of parole or life without possibility of parole and a fine of not more than $40,000.00. It

is not a defense to a charge under this subsection that the person did not intend to kill a specific individual or did not intend to cause serious impairment of a body function of 2 or more specific individuals. (6) As used in this section, "serious impairment of a body function" means that phrase as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. (7) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.16 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003 ;-- Am. 2004, Act 213, Eff. Oct. 12, 2004 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014Former Law:See section 3 of Ch. 159 of R.S. 1846, being CL 1857, § 5888; CL 1871, § 7728; How., § 9318; CL 1897, § 11406; CL 1915, § 15124; and CL 1929, § 16693.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IV - Chapter IV Adulterating and Misbranding (750.16...750.28)Section 750.18 - Mixing Drug or Medicine; Injuriously Affecting Quality or Potency; Violations; Penalties; “Serious Impairment of Body Function” Defined; Other Violations Committed.

Sec. 18. (1) Except for the purpose of compounding in the necessary preparation of medicine, a person shall not knowingly or recklessly mix, color, stain, or powder, or order or permit another person to mix, color, stain, or powder, a drug or medicine with an ingredient or material so as to injuriously affect the quality or potency of the drug or medicine. (2) A person shall not sell, offer for sale, possess for sale, cause to be sold, or manufacture for sale a drug or medicine mixed, colored, stained, or powdered in the manner proscribed in subsection (1). (3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00, or both. (4) A person who commits a violation of subsection (1) or (2) that results in personal injury is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $4,000.00, or both. (5) A person who commits a violation of subsection (1) or (2) that results in serious impairment of a body function is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. (6) A person who commits a violation of subsection (1) or (2) that results in death is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $20,000.00, or both. (7) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, a person who commits a violation of subsection (1) or (2) with the intent to kill or to cause serious impairment of a body function of 2 or more individuals that results in death is guilty of a felony punishable by imprisonment for life without possibility of parole or life without possibility of parole and a fine of not more than $40,000.00. It is not a defense to a charge under this subsection that the person did not intend to kill a specific individual or did not intend to cause serious impairment of a body function of 2 or more specific individuals. (8) As used in this section, "serious impairment of a body function" means that phrase as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. (9) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.18 ;-- Am. 2004, Act 213, Eff. Oct. 12, 2004 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014Former Law:See section 2 of Act 254 of 1881, being How., § 9325; CL 1897, § 11427; CL 1915, § 15145; and CL 1929, § 16697.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IV - Chapter IV Adulterating and Misbranding (750.16...750.28)Section 750.25 - Adulteration of Butter and Cream.

Sec. 25. (1) A person who possesses with intent to sell, or offer or expose for sale, or sell as butter or as cream, a product that is adulterated within the meaning of this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. (2) Butter is adulterated within the meaning of this section if 1 or both of the following conditions exist: (a) The fat content is not exclusively derived from cow's milk. (b) The butter contains less than 80% of milk fat. (3) Cream is adulterated within the meaning of this section if 1 or more of the following conditions exist: (a) The cream contains less than 18% of milk fat. (b) The cream is not that portion of milk, rich in milk fat, that rises to the surface of milk on standing, or is separated from it by centrifugal force. (c) The cream is not clean. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 32, Imd. Eff. May 7, 1937 ;-- CL 1948, 750.25 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 to 4 of Act 78 of 1925, being CL 1929, §§ 5361 to 5364.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IV - Chapter IV Adulterating and Misbranding (750.16...750.28)Section 750.27 - Adulterated Cigarettes.

Sec. 27. Adulterated cigarettes—Any person within the state who manufactures, sells or gives to any one, any cigarette containing any ingredient deleterious to health or foreign to tobacco, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.27Former Law:See section 1 of Act 226 of 1909, being CL 1915, § 5181; and CL 1929, § 12830.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IV - Chapter IV Adulterating and Misbranding (750.16...750.28)Section 750.28 - Cereal Beverage With Alcoholic Content; Furnishing to Minors, Penalty.

Sec. 28. Any person who shall sell, give or furnish to a minor, except upon authority of and pursuant to a prescription of a duly licensed physician, any cereal beverage of any alcoholic content under the name of "near beer", or "brew", or "bru", or any other name which is capable of conveying the impression to the purchaser that the beverage has an alcoholic content, shall be guilty of a misdemeanor. History:Add. 1957, Act 283, Eff. Sept. 27, 1957

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.49 - Animal; Animal Control Agency; Definition; Fighting, Baiting, or Shooting; Prohibited Conduct; Violation as Felony; Costs; Dog Trained or Used for Fighting or Offspring of Dog Trained or Used for Fighting; Prohibited Conduct; Exceptions; Confiscation of Dog; Award of Dog to Animal Control Agency; Notice Required; Holding Period; Security Deposit or Bond; Euthanasia; Expenses; Forfeiture of Animals, Equipment, Devices, and Money; Disposition of Money Seized; Additional Exceptions.

Sec. 49. (1) As used in this section: (a) "Animal" means a vertebrate other than a human being. (b) "Animal control agency" means an animal control shelter, an animal protection shelter, or a law enforcement agency. As used in this subdivision, "animal control shelter" and "animal protection shelter" mean those terms as defined in section 1 of 1969 PA 287, MCL 287.331. (2) A person shall not knowingly do any of the following: (a) Own, possess, use, buy, sell, offer to buy or sell, import, or export an animal for fighting or baiting, or as a target to be shot at as a test of skill in marksmanship. (b) Be a party to or cause the fighting, baiting, or shooting of an animal as described in subdivision (a). (c) Rent or otherwise obtain the use of a building, shed, room, yard, ground, premises, vehicle, or any other venue for fighting, baiting, or shooting an animal as described in subdivision (a). (d) Permit the use of a building, shed, room, yard, ground, premises, vehicle, or any other venue belonging to him or her or under his or her control for any of the purposes described in this section. (e) Organize, promote, or collect money, property, or any other thing of value for the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d). (f) Be present at a building, shed, room, yard, ground, premises, vehicle, or any other venue where preparations are being made for an exhibition described in subdivisions (a) to (d), or be present at the exhibition, knowing that an exhibition is taking place or about to take place. (g) Breed, buy, sell, offer to buy or sell, exchange, import, or export an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d), or breed, buy, sell, offer to buy or sell, exchange, import, or export the offspring of an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d). This subdivision does not prohibit owning, breeding, buying, selling, offering to buy or sell, exchanging, importing, or exporting an animal for agricultural or agricultural exposition purposes. This subdivision does not prohibit an animal control agency from owning, adopting, or transferring ownership of an animal for the purpose of adoption of an animal trained or used for fighting as described in subdivisions (a) to (d) or an animal that is the first- or second-generation offspring of an animal trained or used for fighting as described in subdivisions (a) to (d). If an animal is found fit for placement and is transferred or adopted, the animal control agency that transfers or adopts the animal shall do all of the following: (i) Sterilize the animal or collect a good-faith deposit for sterilization as required under section 8a of 1969 PA 287, MCL 287.338a. (ii) Provide a copy of the animal's history, including, but not limited to, a description of why the animal was seized, veterinary records, and a copy of subsections (8) to (14) to the person to whom the animal is transferred or adopted. (h) Own, possess, use, buy, sell, offer to buy or sell, transport, or deliver any device or equipment intended for use in the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d). (3) A person who violates subsection (2)(a) to (e) is guilty of a felony punishable by 1 or more of the following: (a) Imprisonment for not more than 4 years. (b) A fine of not less than $5,000.00 or more than $50,000.00. (c) Not less than 500 or more than 1,000 hours of community service. (4) A person who violates subsection (2)(f) to (h) is guilty of a felony punishable by 1 or more of the following: (a) Imprisonment for not more than 4 years. (b) A fine of not less than $1,000.00 or more than $5,000.00. (c) Not less than 250 or more than 500 hours of community service. (5) The court may order a person convicted of violating this section to pay the costs of prosecution. (6) The court may order a person convicted of violating this section to pay the costs for investigating the violation of this section, disposition of the animal, and housing and caring for the animal, including, but not limited to, providing veterinary medical treatment. As used in this subsection, "disposition" includes the transfer, euthanasia, or adoption of an animal. (7) As part of the sentence for a violation of subsection (2), the court shall order the person convicted not to own or possess an animal of the same species involved in the violation of this section for 5 years after the date of sentencing. Failure to comply with the order of the court pursuant to this subsection is punishable as contempt of court. (8) If a person incites an animal trained or used for fighting or an animal that is the first- or second-generation offspring of an animal trained or used for fighting to attack a person and the attack causes the death of that person, the owner is guilty of a felony punishable by imprisonment for life or for a term of years greater than 15 years. (9) If a person incites an animal trained or used for fighting or an animal that is the first- or second-generation offspring of an animal trained or used for fighting to attack a person, but the attack does not result in the death of the person, the owner is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (10) If an animal trained or used for fighting or an animal that is the first- or second-generation offspring of an animal trained or used for fighting attacks a person without provocation and causes the death of that person, the owner of the animal is guilty of a felony punishable by imprisonment for not more than 15 years. (11) If an animal trained or used for fighting or an animal that is the first- or second-generation offspring of an animal trained or used for fighting attacks a person without provocation, but the attack does not cause the death of the person, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (12) Subsections (8) to (11) do not apply if the person attacked was committing or attempting to commit an unlawful act on the property of the owner of the animal. (13) If an animal trained or used for fighting or an animal that is the first- or second-generation offspring of a dog trained or used for

fighting goes beyond the property limits of its owner without being securely restrained, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $50.00 nor more than $500.00, or both. (14) If an animal trained or used for fighting or an animal that is the first- or second-generation offspring of a dog trained or used for fighting is not securely enclosed or restrained on the owner's property, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. (15) Subsections (8) to (14) do not apply to any of the following: (a) A dog trained or used for fighting, or the first- or second-generation offspring of a dog trained or used for fighting, that is used by a law enforcement agency of this state or a county, city, village, or township. (b) A certified leader dog recognized and trained by a national guide dog association for the blind or for persons with disabilities. (c) A corporation licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, when a dog trained or used for fighting, or the first- or second-generation offspring of a dog trained or used for fighting, is used in accordance with the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092. (16) Except as provided in subsection (20), an animal that has been used to fight in violation of this section or that is involved in a violation of subsections (8) to (14) must be confiscated by a law enforcement officer and must not be returned to the owner, trainer, or possessor of the animal. The animal must be taken to a local animal control agency. If an animal owner, trainer, or possessor is convicted of violating subsection (2) or subsections (8) to (14), the court shall award the animal involved in the violation to the animal control agency for evaluation and disposition. (17) An animal control agency taking custody of an animal under subsection (16) shall give notice within 72 hours after seizure of the animal by registered mail to the last known address of the animal's owner, if the owner of the animal is known. If the owner of the animal is unknown, an animal control agency taking custody of an animal under subsection (16) shall give notice within 72 hours after seizure of the animal by 1 of the following methods: (a) Posting at the location of the seizure. (b) Delivery to a person residing at the location of the seizure. (c) Registered mail to the location of the seizure. (18) The notice required under subsection (17) must include all of the following: (a) A description of each animal seized. (b) The time, date, location, and description of circumstances under which the animal was seized. (c) The address and telephone number of the location where the animal is being held and contact information for the individual present at that location from whom security deposit or bond information may be obtained. (d) A statement that the owner or possessor of the animal may post a security deposit or bond that may prevent the forfeiture of the animal for the duration of the criminal, forfeiture, or other court proceeding until the court makes a final determination regarding the animal's disposition, that failure to post a security deposit or bond within 14 days after the date on the notice will result in forfeiture of the animal, and that the owner or possessor of the animal may, before the expiration of the 14-day period described in this subdivision, request a hearing on whether the requirement to post a security deposit or bond is justified or whether the cost associated with the security deposit or bond is fair and reasonable for the care of and provision for the seized animal. Notice of a request for a hearing under this subdivision must be served on the animal control agency holding the animal before the expiration of the 14-day period described in this subdivision. At a hearing on whether the requirement to post a security deposit or bond is justified, the prosecuting attorney has the burden to establish by a preponderance of the evidence that a violation of this section occurred. If the court finds that the prosecuting attorney has met its burden, the animal will be forfeited to the animal control agency that seized the animal unless the owner or possessor of the animal posts the required security deposit or bond. An owner or possessor's failure to appear at a scheduled hearing requested under this subdivision will result in automatic forfeiture of the animal if the date of the scheduled hearing is more than 14 days after the date on the notice described in this subdivision. (e) A statement that the owner or possessor of the animal is responsible for all costs described in subsection (6), unless the court determines that the seizure of the animal was not substantially justified by law. (19) An animal control agency that has custody of a seized animal under subsection (16) shall hold the animal for a period of 14 consecutive days, including weekends and holidays, beginning on the date notice was given under subsection (17). After the expiration of the 14 days, if the owner or a possessor of the animal has not posted a security deposit or bond as provided in subsection (20), the animal is forfeited, and the animal control agency may dispose of the animal by adoption, transfer to another animal control agency, or humane euthanasia. (20) The owner or possessor of an animal seized under subsection (16) may prevent forfeiture and disposition of the animal by an animal control agency for the duration of the criminal, forfeiture, or other court proceeding until the court makes a final determination regarding the animal's disposition by posting a security deposit or bond with the court within 14 days after the date on the notice described in subsection (18). The bond must be in a sufficient amount to secure payment of all costs described in subsection (6) during a 30-day period of boarding and veterinary treatment of the animal after examination by a licensed veterinarian. The animal control agency shall determine the amount of the bond no later than 72 hours after the seizure of the animal, and shall make the amount of the bond available to the owner or possessor of the animal upon request. The owner or possessor of the animal shall provide proof of the security deposit or bond to the animal control agency no later than 14 days after the date on the notice described in subsection (18). (21) An animal control agency that is holding or requiring to be held a seized animal as provided in this section may draw on a security deposit or bond posted under subsection (20) or (22) to cover the actual reasonable costs incurred in the seizure, care, keeping, and disposition of the animal as described in subsection (6) from the date of the seizure to the date of the official disposition of the animal in the criminal action. (22) If a security deposit or bond has been posted under subsection (20), and trial in the criminal action does not occur within the initial 30-day bond period or is continued to a later date, the owner or possessor shall post an additional security deposit or bond in an amount determined sufficient to cover the costs described in subsection (6) as anticipated to be incurred by the animal control agency caring for the animal. The additional security deposit or bond must be calculated in 30-day increments and continue until the criminal action is resolved. If the owner or possessor of the animal fails to post a new security deposit or bond with the court before the previous security deposit or bond expires, the animal is forfeited to the animal control agency caring for the

animal. (23) If the owner or possessor that posted a security deposit or bond under subsection (20) or (22) is found not guilty in the criminal action, the amount of the security deposit or bond posted to prevent disposition of the animal may be returned to the owner or possessor at the court's discretion, and, subject to subsections (25) and (26), the animal must be returned to the owner. (24) If a security deposit or bond is posted by an owner or possessor of an animal under subsection (20) or (22) and the court determines that the animal is a dangerous animal or lacks any useful purpose under subsection (26), the posting of the security deposit or bond must not prevent disposition of the animal. (25) Upon receiving an animal seized under this section, or at any time thereafter, an animal control agency may humanely euthanize the animal or have the animal euthanized if, in the opinion of a licensed veterinarian, the animal is injured or diseased past recovery or the animal's continued existence is inhumane so that euthanasia is necessary to relieve pain and suffering. This subsection applies to an animal whether or not a security deposit or bond has been posted under subsection (20) or (22). (26) An animal control agency that receives an animal under this section may apply to the district court or municipal court for a hearing to determine whether the animal must be humanely euthanized because of its lack of any useful purpose or the public safety threat it poses. The court shall hold a hearing not more than 30 days after the filing of the application and shall give notice of the hearing to the owner of the animal. Upon a finding by the court that the animal lacks any useful purpose or poses a threat to public safety, the animal control agency shall humanely euthanize the animal or have the animal euthanized. Expenses incurred in connection with the housing, care, upkeep, or euthanasia of the animal by an animal control agency, or by a person, firm, partnership, corporation, or other entity, may, in the court's discretion, be assessed against the owner of the animal. (27) Subject to subsections (16), (25), and (26), all animals being used or to be used in fighting, equipment, devices, and money involved in a violation of subsection (2) must be forfeited to this state. All other instrumentalities, proceeds, and substituted proceeds of a violation of subsection (2) are subject to forfeiture under chapter 47 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4710. (28) The seizing agency may deposit money seized under subsection (27) into an interest-bearing account in a financial institution. As used in this subsection, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States. (29) An attorney for a person who is charged with a violation of subsection (2) involving or related to money seized under subsection (27) must be afforded a period of 60 days within which to examine that money. This 60-day period will begin to run after notice of forfeiture is given but before the money is deposited into a financial institution under subsection (28). If the attorney general, prosecuting attorney, or city or township attorney fails to sustain his or her burden of proof in forfeiture proceedings under subsection (27), the court shall order the return of the money, including any interest earned on money deposited into a financial institution under subsection (28). (30) This section does not apply to conduct that is permitted by and is in compliance with any of the following: (a) Part 401 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40101 to 324.40120. (b) Part 435 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43501 to 324.43561. (c) Part 427 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.42701 to 324.42714. (d) Part 417 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41701 to 324.41712. (31) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that is committed by that person while violating this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.49 ;-- Am. 1976, Act 392, Eff. Mar. 31, 1977 ;-- Am. 1988, Act 381, Eff. Mar. 30, 1989 ;-- Am. 1995, Act 228, Eff. Jan. 1, 1996 ;-- Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998 ;-- Am. 2006, Act 129, Imd. Eff. May 5, 2006 ;-- Am. 2018, Act 461, Eff. Mar. 29, 2019 ;-- Am. 2019, Act 176, Eff. Mar. 19, 2020Former Law:See section 2 of Act 70 of 1877; How., § 9392; Act 48 of 1893; CL 1897, § 11740; Act 234 of 1899; CL 1915, § 15536; and CL 1929, § 17067.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.50 - Definitions; Charge or Custody of Animal; Breeder or Owner of a Pet Shop; Prohibited Conduct; Forfeiture of Animal; Violation as Misdemeanor or Felony; Penalty; Psychiatric or Psychological Counseling; Other Violation of Law Arising Out of Same Transaction; Consecutive Terms; Order to Pay Costs; Order Prohibiting Owning or Possessing Animal for Certain Period of Time; Violation of Subsection (9); Revocation of Probation; Certain Conduct Not Prohibited by Section.

Sec. 50. (1) As used in this section and section 50b: (a) "Adequate care" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health. (b) "Animal" means a vertebrate other than a human being. (c) "Animal control shelter" means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to an ordinance of the county, city, village, or township or state law. (d) "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization, for the care of homeless animals. (e) "Breeder" means a person that breeds animals other than livestock or dogs for remuneration, or that is a large-scale dog breeding kennel as that term is defined in section 1 of 1969 PA 287, MCL 287.331. (f) "Licensed veterinarian" means a person licensed or otherwise authorized to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838. (g) "Livestock" means that term as defined in section 3 of the animal industry act, 1988 PA 466, MCL 287.703. (h) "Neglect" means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized. (i) "Person" means an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity. (j) "Pet shop" means that term as defined in section 1 of 1969 PA 287, MCL 287.331. (k) "Sanitary conditions" means space free from health hazards including

excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry. (l) "Shelter" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following: (i) The residence of the dog's owner or other individual. (ii) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse must have dry bedding when the outdoor temperature is or is predicted to drop below freezing. (iii) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (ii) that is accessible to the dog. (m) "State of good health" means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment. (n) "Tethering" means the restraint and confinement of a dog by use of a chain, rope, or similar device. (o) "Water" means potable water that is suitable for the age and species of animal and that is made regularly available unless otherwise directed by a licensed veterinarian. (2) An owner, possessor, breeder, operator of a pet shop, or person having the charge or custody of an animal shall not do any of the following: (a) Fail to provide an animal with adequate care. (b) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten. (c) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care or a horse whose feet are hobbled to protect the horse during transport, or in any other cruel and inhumane manner. (d) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage in which livestock may stand and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, "stand" means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle. (e) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal. (f) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain. (g) Tether a dog unless the tether is at least 3 times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering. This subdivision does not apply if the tethering of the dog occurs while the dog is being groomed, trained, transported, or used in a hunt or event where a shorter tether is necessary for the safety and well-being of the dog and others. (3) If an animal is impounded and is being held by an animal control shelter or its designee or an animal protection shelter or its designee or a licensed veterinarian pending the outcome of a criminal action charging a violation of this section or section 50b, before final disposition of the criminal charge, the prosecuting attorney may file a civil action in the court that has jurisdiction of the criminal action, requesting that the court issue an order forfeiting the animal to the animal control shelter or animal protection shelter or to a licensed veterinarian before final disposition of the criminal charge. The prosecuting attorney shall serve a true copy of the summons and complaint upon the defendant and upon a person with a known ownership interest or known security interest in the animal or a person who has filed a lien with the secretary of state on the animal. The forfeiture of an animal under this section encumbered by a security interest is subject to the interest of the holder of the security interest if he or she did not have prior knowledge of or did not consent to the commission of the crime. Upon the filing of the civil action, the court shall set a hearing on the complaint. The hearing must be conducted within 14 days of the filing of the civil action, or as soon as practicable. The hearing must be before a judge without a jury. At the hearing, the prosecuting attorney has the burden of establishing by a preponderance of the evidence that a violation of this section or section 50b occurred. If the court finds that the prosecuting attorney has met this burden, the court shall order immediate forfeiture of the animal to the animal control shelter or animal protection shelter or the licensed veterinarian unless the defendant, within 72 hours of the hearing, submits to the court clerk cash or other form of security in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of initial impoundment to the date of trial. If cash or other security has been submitted, and the trial in the action is continued at a later date, any order of continuance must require the defendant to submit additional cash or security in an amount determined by the court to be sufficient to repay all additional reasonable costs anticipated to be incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal until the new date of trial. If the defendant submits cash or other security to the court under this subsection the court may enter an order authorizing the use of that cash or other security before final disposition of the criminal charges to pay the reasonable costs incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of impoundment to the date of final disposition of the criminal charges. The testimony of a person at a hearing held under this subsection is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this subsection does not waive the person's constitutional right against self-incrimination. An animal seized under this section or section 50b is not subject to any other civil action pending the final judgment of the forfeiture action under this subsection. (4) A person who violates subsection (2) is guilty of a crime as follows: (a) Except as otherwise provided in subdivisions (c) to (f), if the violation involved 1 animal, the person is guilty of a misdemeanor punishable by 1 or more of the following and may be ordered to pay the costs of prosecution: (i) Imprisonment for not more than 93 days. (ii) A fine of not more than $1,000.00. (iii) Community

service for not more than 200 hours. (b) Except as otherwise provided in subdivisions (c) to (f), if the violation involved 2 or 3 animals or the death of any animal, the person is guilty of a misdemeanor punishable by 1 or more of the following and may be ordered to pay the costs of prosecution: (i) Imprisonment for not more than 1 year. (ii) A fine of not more than $2,000.00. (iii) Community service for not more than 300 hours. (c) If the violation involved 4 or more animals but fewer than 10 animals or the person had 1 prior conviction under subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution: (i) Imprisonment for not more than 2 years. (ii) A fine of not more than $2,000.00. (iii) Community service for not more than 300 hours. (d) If the violation involved 10 or more animals but fewer than 25 animals or the person had 2 prior convictions for violating subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution: (i) Imprisonment for not more than 4 years. (ii) A fine of not more than $5,000.00. (iii) Community service for not more than 500 hours. (e) If the violation involved 25 or more animals or the person has had 3 or more prior convictions for violating subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution: (i) Imprisonment for not more than 7 years. (ii) A fine of not more than $10,000.00. (iii) Community service for not more than 500 hours. (f) If the person is a breeder, or if the person is an operator of a pet shop and he or she has had 5 or more prior convictions for violating 1969 PA 287, MCL 287.331 to 287.340, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $5,000.00, or both. (5) The court may order a person convicted of violating subsection (2) to be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling. The evaluation and counseling shall be at the defendant's own expense. (6) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section. (7) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime including any other violation of law arising out of the same transaction as the violation of this section. (8) As a part of the sentence for a violation of subsection (2), the court may order the defendant to pay the costs of the care, housing, and veterinary medical care for the animal, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reason for that action. (9) As a part of the sentence for a violation of subsection (2), the court may, as a condition of probation, order the defendant not to own or possess an animal for a period of time not to exceed the period of probation. If a person is convicted of a second or subsequent violation of subsection (2), the court may order the defendant not to own or possess an animal for any period of time, including permanent relinquishment of animal ownership. (10) A person who owns or possesses an animal in violation of an order issued under subsection (9) is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under subsection (9) is also subject to the civil and criminal contempt power of the court, and if found guilty of criminal contempt, may be punished by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. (11) As part of the sentence imposed under subsection (4)(e), the court may place the defendant on probation for any term of years, but not less than 5 years. (12) This section does not prohibit the lawful killing or other use of an animal, including the following: (a) Fishing. (b) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106. (c) Horse racing. (d) The operation of a zoological park or aquarium. (e) Pest or rodent control regulated under part 83 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8301 to 324.8336. (f) Farming or a generally accepted animal husbandry or farming practice involving livestock. (g) Scientific research under 1969 PA 224, MCL 287.381 to 287.395. (h) Scientific research or the lawful killing of an animal under sections 2226, 2671, 2676, and 7333 of the public health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333. (i) The lawful killing or use of an animal under the animal industry act, 1988 PA 466, MCL 287.701 to 287.746. (13) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.50 ;-- Am. 1988, Act 204, Imd. Eff. June 29, 1988 ;-- Am. 1994, Act 334, Eff. Apr. 1, 1995 ;-- Am. 1996, Act 458, Eff. Mar. 31, 1997 ;-- Am. 1998, Act 405, Imd. Eff. Dec. 21, 1998 ;-- Am. 2007, Act 152, Eff. Apr. 1, 2008 ;-- Am. 2018, Act 452, Eff. Mar. 21, 2019 ;-- Am. 2019, Act 135, Eff. Feb. 19, 2020Former Law:See section 3 of Act 70 of 1877, being How., § 9393; CL 1897, § 11741; Act 321 of 1913; CL 1915, § 15537; and CL 1929, § 17068.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.50a - Service Animal; Prohibited Conduct by Individual; Violation as Misdemeanor; Rebuttable Presumption That Conduct Initiated or Continued Maliciously; Conviction or Sentence Under Other Applicable Law; Definitions.

Sec. 50a. (1) An individual shall not do either of the following: (a) Willfully and maliciously assault, beat, harass, injure, or attempt to assault, beat, harass, or injure a service animal that he or she knows or has reason to believe is a service animal used by a person with a disability. (b) Willfully and maliciously impede or interfere with, or attempt to impede or interfere with, duties performed by a service animal that he or she knows or has reason to believe is a service animal used by a person with a disability. (2) An individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. (3) In a prosecution for a violation of subsection (1), evidence that the defendant initiated or continued conduct directed toward a service animal described in subsection (1) after being requested to avoid or discontinue that conduct or similar conduct by a person with a disability being served or assisted by the service animal shall give rise to a rebuttable

presumption that the conduct was initiated or continued maliciously. (4) A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under any other applicable provision of law. (5) As used in this section: (a) "Harass" means to engage in any conduct directed toward a service animal described in subsection (1) that is likely to impede or interfere with the service animal's performance of its duties or that places the person with a disability being served or assisted by the service animal in danger of injury. (b) "Injure" means to cause any physical injury to a service animal described in subsection (1). (c) "Maliciously" means any of the following: (i) With intent to assault, beat, harass, or injure a service animal described in subsection (1). (ii) With intent to impede or interfere with duties performed by a service animal described in subsection (1). (iii) With intent to disturb, endanger, or cause emotional distress to a person with a disability being served or assisted by a service animal described in subsection (1). (iv) With knowledge that the individual's conduct will or is likely to harass or injure a service animal described in subsection (1). (v) With knowledge that the individual's conduct will or is likely to impede or interfere with duties performed by a service animal described in subsection (1). (vi) With knowledge that the individual's conduct will or is likely to disturb, endanger, or cause emotional distress to a person with a disability being served or assisted by a service animal described in subsection (1). (d) "Person with a disability" means a person who has a disability as defined in section 12102 of the Americans with disabilities act of 1990, 42 USC 12102, and 28 CFR 36.104. (e) As used in subdivision (d), "person with a disability" includes a veteran who has been diagnosed with 1 or more of the following: (i) Post-traumatic stress disorder. (ii) Traumatic brain injury. (iii) Other service-related disabilities. (f) "Service animal" means all of the following: (i) That term as defined in 28 CFR 36.104. (ii) A miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability. (g) "Veteran" means any of the following: (i) A person who performed military service in the armed forces for a period of more than 90 days and separated from the armed forces in a manner other than a dishonorable discharge. (ii) A person discharged or released from military service because of a service-related disability. (iii) A member of a reserve branch of the armed forces at the time he or she was ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from military service in a manner other than a dishonorable discharge. History:Add. 1994, Act 42, Eff. June 1, 1994 ;-- Am. 2015, Act 144, Eff. Jan. 18, 2016

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.50b - Animal and Companion Animal Defined; Prohibited Acts; Violation; Penalty; Consecutive Terms; Exceptions.

Sec. 50b. (1) As used in this section: (a) "Animal" means a vertebrate other than a human being. (b) "Companion animal" means an animal that is commonly considered to be, or is considered by its owner to be, a pet, or that is a service animal as that term is defined in section 50a. Companion animal includes, but is not limited to, dogs and cats. (2) Except as otherwise provided in this section, a person shall not do any of the following without just cause: (a) Knowingly kill, torture, mutilate, maim, or disfigure an animal. (b) Commit a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured. (c) Knowingly administer poison to an animal, or knowingly expose an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal. (d) Violate or threaten to violate subdivision (a) or (c) with the intent to cause mental suffering or distress to a person or to exert control over a person. (3) If the animal is a companion animal and if a person violates subsection (2)(d) and intentionally violates subsection (2)(a) or (c), the person is guilty of killing or torturing animals in the first degree. (4) If the animal is a companion animal and a person violates subsection (2)(d), or if a person intentionally violates subsection (2)(a) or (c), the person is guilty of killing or torturing animals in the second degree. (5) Except as otherwise provided in subsections (3) and (4), a person who violates subsection (2) is guilty of killing or torturing animals in the third degree. (6) Killing or torturing animals in the first degree is a felony punishable by 1 or more of the following: (a) Imprisonment for not more than 10 years. (b) A fine of not more than $5,000.00. (c) Community service for not more than 500 hours. (7) Killing or torturing animals in the second degree is a felony punishable by 1 or more of the following: (a) Imprisonment for not more than 7 years. (b) A fine of not more than $5,000.00. (c) Community service for not more than 500 hours. (8) Killing or torturing animals in the third degree is a felony punishable by 1 or more of the following: (a) Imprisonment for not more than 4 years. (b) A fine of not more than $5,000.00. (c) Community service for not more than 500 hours. (9) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime including any other violation of law arising out of the same transaction as the violation of this section. (10) As a part of the sentence for a violation of subsection (2), the court may order the defendant to pay the costs of the prosecution and the costs of the care, housing, and veterinary medical care for the animal victim, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reasons for that action. (11) If a term of probation is ordered for a violation of subsection (2), the court may include as a condition of that probation that the defendant be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling at his or her own expense. (12) As a part of the sentence for a violation of subsection (2), the court may order the defendant not to own or possess an animal for any period of time determined by the court, which may include permanent relinquishment. (13) A person who owns or possesses an animal in violation of an order issued under subsection (12) is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under subsection (12) is also subject to the civil and criminal contempt power of the court and, if found guilty of criminal contempt, may be punished by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. (14) This section does not prohibit the lawful killing of livestock or a customary animal

husbandry or farming practice involving livestock. (15) This section does not prohibit the lawful killing of an animal pursuant to any of the following: (a) Fishing. (b) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, and orders issued under that act. (c) Pest or rodent control regulated under part 83 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8301 to 324.8336. (d) Section 19 of the dog law of 1919, 1919 PA 339, MCL 287.279. (16) This section does not prohibit the lawful killing or use of an animal for scientific research under any of the following or a rule promulgated under any of the following: (a) 1969 PA 224, MCL 287.381 to 287.395. (b) Sections 2226, 2671, 2676, 7109, and 7333 of the public health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, 333.7109, and 333.7333. (17) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838. (18) This section does not prohibit the lawful killing or use of an animal under the animal industry act, 1988 PA 466, MCL 287.701 to 287.746. History:Add. 1994, Act 126, Eff. Mar. 30, 1995 ;-- Am. 1996, Act 80, Imd. Eff. Feb. 27, 1996 ;-- Am. 2008, Act 339, Eff. Jan. 1, 2009 ;-- Am. 2018, Act 452, Eff. Mar. 21, 2019

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.50c - Police Dog or Police Horse; Definitions; Violation as Felony or Misdemeanor; Penalty; Other Violations.

Sec. 50c. (1) As used in this section: (a) "Dog handler" means a peace officer who has successfully completed training in the handling of a police dog pursuant to a policy of the law enforcement agency that employs that peace officer. (b) "Physical harm" means any injury to a dog's or horse's physical condition. (c) "Police dog" means a dog used by a law enforcement agency of this state or of a local unit of government of this state that is trained for law enforcement work and subject to the control of a dog handler. (d) "Police horse" means a horse used by a law enforcement agency of this state or of a local unit of government of this state for law enforcement work. (e) "Search and rescue dog" means a dog that is trained for, being trained for, or engaged in a search and rescue operation. (f) "Search and rescue operation" means an effort conducted at the direction of an agency of this state or of a political subdivision of this state to locate or rescue a lost, injured, or deceased individual. (g) "Serious physical harm" means any injury to a dog's or horse's physical condition or welfare that is not necessarily permanent but that constitutes substantial body disfigurement, or that seriously impairs the function of a body organ or limb. (2) A person shall not intentionally kill or cause serious physical harm to a police dog or police horse or a search and rescue dog. (3) A person shall not intentionally cause physical harm to a police dog or police horse or a search and rescue dog. (4) A person shall not intentionally harass or interfere with a police dog or police horse or search and rescue dog lawfully performing its duties. (5) A person who violates subsection (2) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (6) Except as provided in subsection (7), a person who violates subsection (3) or (4) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $5,000.00, or both. (7) A person who violates subsection (3) or (4) while committing a crime is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $15,000.00, or both. (8) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law committed by that individual while violating this section. History:Add. 1994, Act 336, Eff. Apr. 1, 1995 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003 ;-- Am. 2006, Act 517, Imd. Eff. Dec. 29, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.51 - Animals; Confining on Railroad Cars.

Sec. 51. Confining animals on railroad cars—No railroad company, in the carrying or transportation of animals, shall permit the same to be confined in cars for a longer period than 36 consecutive hours without unloading the same for rest, water, and feeding, for a period of at least 5 consecutive hours, unless prevented from so unloading by storm, or other accidental causes. In estimating such confinement, the time during which the animals have been confined without rest, on connecting roads from which they are received shall be included, it being the intention to prevent their continuous confinement beyond the period of 36 hours, except on contingencies hereinbefore stated. Animals so unloaded shall be properly fed, watered, and sheltered during such rest, by the owner or person having the custody thereof, or, in case of his default in so doing, then the railroad company transporting the same, at the expense of said owner or person in custody thereof; and said company shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for any detention of such animals. Any company, owner or custodian of such animals, who shall fail to comply with the provisions of this section, shall, for each and every such offense, be liable for, and forfeit, and pay a penalty of not less than 100 dollars nor more than 500 dollars: Provided, however, That when animals shall be carried in cars in which they can and do have proper food, water, space and opportunity for rest, the foregoing provisions in regard to their being unloaded shall not apply. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.51Former Law:See section 4 of Act 70 of 1877, being How., § 9394; CL 1897, § 11742; CL 1915, § 15538; Act 14 of 1919; and CL 1929, § 17069.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.53 - Arrest of Persons; Seizure of Animals.

Sec. 53. Arrest of persons and seizure of animals—Persons found violating any of the provisions of the preceding sections of this chapter may be arrested and held without warrant, in like manner as in the case of persons found breaking the peace, and it shall be the duty of the person making the arrest to seize all animals and fowls found in the keeping or custody of the person arrested, and

which are then being used, or held for use in violation of any of the provisions of the preceding sections of this chapter, and the person making such seizure shall cause such animals or fowls to be at once delivered to a poundmaster of the city, village or township in which the same may be, and it shall be the duty of such poundmaster to receive such animals or fowls, and to hold the same and proceed in regard to them in all respects as provided by law in other cases of animals impounded. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.53

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.54 - Search Warrants.

Sec. 54. Search warrant—When complaint is made, on oath or affirmation, to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any of the provisions of the preceding sections of this chapter are being, or are about to be violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue and deliver a search warrant to any sheriff, deputy sheriff, constable or public officer, authorizing him to search such building or place and to arrest any person or persons engaged in violating any of the provisions of the preceding sections of this chapter, as well as any person or persons there present, and aiding or abetting therein, and to bring such person or persons before some magistrate of competent jurisdiction, to be dealt with according to law. Such officer shall, at the same time, seize and bring to said magistrate every article or instrument found in said building or place especially designed or adapted to torture or inflict wounds upon any animal or to aid in the fighting or baiting of any animal; and unless within 10 days after the trial of the person or persons so arrested, the owner of said article or instrument shall show, to the satisfaction of said magistrate, that the same is not designed or adapted to the wounding or torture of animals, or if so designed or adapted, is not intended to be used or employed for such purpose, the magistrate shall destroy such article or instrument. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.54

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.55 - Incorporated Society; Representative Deputy Sheriff.

Sec. 55. Any society incorporated in this state for the purpose of preventing cruelty to animals may designate 1 or more persons in each county of the state to discover and prosecute all cases of the violation of the provisions of this chapter; and the sheriff of such county may appoint each person so designated a deputy sheriff, provided such person shall be of good moral character, and each person so appointed by the sheriff shall possess all the powers of a sheriff of the county in the enforcement of the provisions of this chapter. The sheriff shall not be responsible for any of the acts of such person or persons, but the society, if incorporated, and if not, then the officers and members of the society, on the request of which such person was appointed, shall be liable in the degree of a principal for the acts of an agent. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.55 ;-- Am. 1968, Act 105, Imd. Eff. June 7, 1968

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.56 - Definitions.

Sec. 56. Definitions—In the preceding sections of this chapter the word "animal" or "animals" shall be held to include all brute creatures, and the words "owner", "person", and "whoever" shall be held to include corporations as well as individuals, and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the acts and knowledge of such corporations. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.56

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.57 - Burial of Dead Animals.

Sec. 57. A person who places a dead animal or part of the carcass of a dead animal into a lake, river, creek, pond, road, street, alley, lane, lot, field, meadow, or common, or in any place within 1 mile of the residence of a person, except the same and every part of the carcass is buried at least 4 feet underground, and the owner or owners thereof who knowingly permits the carcass or part of a carcass to remain in any of those places, to the injury of the health, or to the annoyance of another is guilty of a misdemeanor. Every 24 hours that the owner permits the carcass or part of a carcass to remain after a conviction under this section is an additional offense under this section, a misdemeanor punishable by a fine of not less than $50.00 or more than $500.00 or by imprisonment for not more than 90 days. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.57 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 70 of 1867, being CL 1871, § 7734; How., § 9323; CL 1897, § 11432; CL 1915, § 15150; and CL 1929, § 5306.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.58 - Horses; Unhitching and Driving Away.

Sec. 58. Unhitching and driving away horses without authority—Any person who shall wilfully and maliciously or wantonly, and without authority unhitch any horse or team belonging to another, and lawfully hitched or standing in any street, alley or other place, or who in like manner shall ride or drive such horse or team away shall be guilty of a misdemeanor. History:1931, Act 328, Eff.

Sept. 18, 1931 ;-- CL 1948, 750.58Former Law:See section 1 of Act 97 of 1885, being How., § 9199a; CL 1897, § 11602; CL 1915, § 15360; and CL 1929, § 16968.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.60 - Horses' Tails; Docking.

Sec. 60. (1) A person who cuts the bone of the tail of a horse for the purpose of docking the tail, or who causes or knowingly permits the cutting to be done upon the premises of which he or she is the owner, lessee, proprietor, or user, or who assists in or is present at such cutting, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. However, this subsection does not apply to the cutting of the bone of the tail of a horse for the purpose of docking the tail when a certificate of a regularly qualified veterinary surgeon is first obtained certifying that the cutting is necessary for the health or safety of the horse. (2) If a horse is found with its tail cut and with the wound resulting from the cutting unhealed, upon the premises of any person, those facts shall be prima facie evidence that the person occupying or using the premises on which that horse is found has committed the offense described in subsection (1). (3) If a horse is found with its tail cut and with the wound resulting therefrom unhealed, in the charge or custody of any person, that fact shall be prima facie evidence that the person having the charge or custody of that horse has committed the offense charged in subsection (1). History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.60 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 to 3 of Act 45 of 1901, being CL 1915, §§ 15549 to 15551; CL 1929, §§ 17080 to 17082; and Act 322 of 1905.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.61 - Docked Horses; Registration, Bringing Into State.

Sec. 61. Importation, etc., of unregistered docked horses—It shall be unlawful for any person or persons to import or bring into this state any docked horse or horses, or to drive, work, use, race or deal in any docked horse or horses within this state, unless the same shall be registered as provided for in the succeeding section of this chapter. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.61Former Law:See section 4 of Act 45 of 1901, being CL 1915, § 15552; and CL 1929, § 17083.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.62 - Docked Horses; Registration.

Sec. 62. Registration of docked horses—Within 90 days after this act shall take effect, every owner or user of any docked horse within this state shall register such docked horse or horses by filing in the office of the county clerk of the county in which such docked horse or horses may be kept, a certificate which shall contain the name or names of the owner or owners, together with his or their post office address, together with a full description of the color, age, size and the use made of such docked horse or horses, which certificate shall be signed by the owner or the owners, or his or their agent. The county clerk shall number such certificates consecutively and shall record the same in a book kept for that purpose, and shall receive as a fee for the recording of such certificate the sum of 50 cents: Provided, This section shall not apply to or make necessary the re-registration of docked horses which have been registered pursuant to Act No. 45 of the Public Acts of 1901, as amended, being sections 17080 to 17086 inclusive of the Compiled Laws of 1929. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.62Compiler's Notes:Act 45 of 1901, referred to in this section, was repealed by Act 328 of 1931.Former Law:See section 5 of Act 45 of 1901, being CL 1915, § 15553; and CL 1929, § 17084.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.63 - Docked Horses; Unlawful Docking, Evidence.

Sec. 63. Prima facie evidence of unlawful docking—The driving, working, keeping, racing or using of any unregistered docked horse or horses subsequent to 90 days after this act shall take effect shall be deemed prima facie evidence of the fact that the party driving, working, keeping, racing or using such unregistered docked horse or horses, unlawfully docked the tail of such horse or horses. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.63Former Law:See section 6 of Act 45 of 1901, being CL 1915, § 15554; and CL 1929, § 17085.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.64 - Docked Horses; Failure to Register.

Sec. 64. A person who violates a provision of this chapter by failing to register a docked horse as herein provided is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.64 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 7 of Act 45 of 1901, being CL 1915, § 15555; and CL 1929, § 17086.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.65 - Bull; at Large on Highway or Unenclosed Land.

Sec. 65. Any person being the owner of a bull 6 months or more of age or having the same in charge, who shall permit said bull to run at large upon any highway or unenclosed lands shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more than 30 days or by a fine of not more than $100.00, or both such fine and imprisonment in the discretion of the court. History:Add. 1947, Act 30, Eff. Oct. 11, 1947 ;-- CL 1948, 750.65Former Law:See section 1 of Act 185 of 1863, being CL 1871, § 2069; How., § 2133; CL 1897, § 5657; CL 1915, § 7347; CL 1929, § 5202; Act 29 of 1919; and Act 4 of 1921.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.66 - Person Responsible for Dog or Wolf-Dog Cross That Has Bitten Another Person; Information to Be Provided; Violation as Misdemeanor; Exception; Definitions.

Sec. 66. (1) If a person 18 years of age or older is responsible for controlling the actions of a dog or wolf-dog cross and the person knows or has reason to know that the dog or wolf-dog cross has bitten another person, the person shall immediately provide the person who was bitten with all of the following information: (a) His or her name and address and, if that person does not own the dog or wolf-dog cross, the name and address of the dog's or wolf-dog cross's owner. (b) Information, if known by that person, as to whether the dog or wolf-dog cross is current on all legally required vaccinations. (2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (3) This section does not apply if the person is bitten by a police dog. As used in this subsection, "police dog" means that term as defined in section 50c. (4) As used in this section, "dog" and "wolf-dog cross" mean those terms as defined in section 2 of the wolf-dog cross act, 2000 PA 246, MCL 287.1002. History:Add. 2008, Act 205, Eff. Jan. 1, 2009

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.66a - Dog or Wolf-Dog Cross Bite; Responsible Person to Remain on Scene; Violation as Misdemeanor; Penalty; Exception; Definitions.

Sec. 66a. (1) If a person 18 years of age or older is responsible for controlling the actions of a dog or wolf-dog cross and the person knows or has reason to know that the dog or wolf-dog cross has bitten another person, the person shall remain on the scene until the requirements of section 66 are fulfilled. (2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (3) This section does not apply if the person is bitten by a police dog. As used in this subsection, "police dog" means that term as defined in section 50c. (4) As used in this section, "dog" and "wolf-dog cross" mean those terms as defined in section 2 of the wolf-dog cross act, 2000 PA 246, MCL 287.1002. History:Add. 2008, Act 206, Eff. Jan. 1, 2009

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.67 - Domestic Animals or Fowl on Cemetery Grounds, Landing Fields, Airports.

Sec. 67. Domestic animals or fowl on cemetery grounds, landing fields and airports—Any owner or keeper of any domestic animal or fowl, who shall allow any domestic animal or fowl to run at large and enter or be upon any premises constituting a cemetery, landing field or airport in this state, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1933, Act 155, Imd. Eff. June 22, 1933 ;-- CL 1948, 750.67Former Law:See sections 1 and 2 of Act 34 of 1915, being CL 1915, §§ 11198 and 11199; and CL 1929, §§ 9045 and 9046.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.68 - Brand of Animals.

Sec. 68. Changing, etc., brand of animals—Any person who shall mark or brand, or alter or deface the mark or brand of any domestic animal, the property of another, with intent thereby to steal the same, or to prevent identification thereof by the true owner, shall be guilty of felony, and any person who shall mark or brand, or alter or deface the mark or brand of any domestic animal whether the property of himself or another with intent to sell, ship, trade or give away contrary to law any animal which has given the positive reaction to the bovine tuberculosis test or the blood test for Bang's disease or with intent to avoid any lawful quarantine of such animal, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 57, Imd. Eff. May 27, 1937 ;-- CL 1948, 750.68Former Law:See section 3 of Act 122 of 1893, being How., § 2074c; CL 1897, § 5662; CL 1915, § 7352; and CL 1929, § 5292.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.69 - Rescuing Animals.

Sec. 69. Rescuing animals—Any person who shall rescue any cattle, horse, mule, sheep, swine or goat when impounded, or while being driven or taken to the pound or other place of custody by any officer or person in charge of such animals, or while such animals are shut up by and in the custody of any person for trespassing upon premises, or for running at large contrary to law, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.69Former Law:See section 9 of Act 248 of 1879, being How., § 3076; CL 1897, § 5621; CL 1915, § 7301; CL 1929, § 9055; and Act 196 of 1881.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.70 - Impounding Animals Unlawfully.

Sec. 70. Unlawfully impounding animals—Any person who shall take any animal mentioned in the next preceding section not running at large contrary to law from the stable, pasture, or any enclosure or other place where such animals are lawfully and rightfully kept, or may be, and any person who shall drive, or let them out, or untie, or unloose the same, or shall knowingly seize or take the same from the custody of any person driving or taking the same on the public highway or streets to or from a pasture or to or from any other place where the same may be lawfully taken or driven, for the purpose of impounding such animals contrary to law, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.70Former Law:See section 10 of Act 248 of 1879, being How., § 3077; CL 1897, § 5622; CL 1915, § 7302; CL 1929, § 9056; and Act 196 of 1881.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-IX - Chapter IX Animals (750.49...750.70a)Section 750.70a - Willful or Malicious Removal of Collar or Microchip From Dog; Intent to Remove Traceable Evidence of Ownership; Violation as Civil Infraction; Civil Fine; Liability Under Other Law; "Authorized Agent" Defined.

Sec. 70a. (1) An individual other than the owner or the authorized agent of the owner of a dog, or a law enforcement officer, an animal control officer, or an animal protection shelter employee acting in his or her official capacity, shall not willfully or maliciously remove a collar or a microchip from that dog with the intent to remove traceable evidence of the dog's ownership. (2) An individual who violates subsection (1) is responsible for a state civil infraction and shall be ordered to pay a civil fine of not less than $1,000.00 and not more than $2,500.00. (3) Nothing in this section shall be construed to affect the civil or criminal liability of an individual under any other applicable law of this state. (4) As used in this section, "authorized agent" means an individual who has the permission of the owner of a dog to remove that dog's collar. History:Add. 2016, Act 353, Eff. Jan. 20, 2017

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-L - Chapter L Kidnaping (750.349...750.350a)Section 750.349 - Kidnapping; "Restrain" Defined; Violation as Felony; Penalty; Other Violation Arising From Same Transaction.

Sec. 349. (1) A person commits the crime of kidnapping if he or she knowingly restrains another person with the intent to do 1 or more of the following: (a) Hold that person for ransom or reward. (b) Use that person as a shield or hostage. (c) Engage in criminal sexual penetration or criminal sexual contact prohibited under chapter LXXVI with that person. (d) Take that person outside of this state. (e) Hold that person in involuntary servitude. (f) Engage in child sexually abusive activity, as that term is defined in section 145c, with that person, if that person is a minor. (2) As used in this section, "restrain" means to restrict a person's movements or to confine the person so as to interfere with that person's liberty without that person's consent or without legal authority. The restraint does not have to exist for any particular length of time and may be related or incidental to the commission of other criminal acts. (3) A person who commits the crime of kidnapping is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than $50,000.00, or both. (4) This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law arising from the same transaction as the violation of this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.349 ;-- Am. 2006, Act 159, Eff. Aug. 24, 2006 ;-- Am. 2014, Act 330, Eff. Jan. 14, 2015Former Law:See sections 25 and 26 of Ch. 153 of R.S. 1846, being CL 1857, §§ 5735 and 5736; CL 1871, §§ 7534 and 7535; How., §§ 9099 and 9100; CL 1897, §§ 11494 and 11495; CL 1915, §§ 15216 and 15217; CL 1929, §§ 16732 and 16733; Act 189 of 1859; Act 191 of 1875; and Act 135 of 1889.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-L - Chapter L Kidnaping (750.349...750.350a)Section 750.349a - Prisoner Taking Person as Hostage.

Sec. 349a. A person imprisoned in any penal or correctional institution located in this state who takes, holds, carries away, decoys, entices away or secretes another person as a hostage by means of threats, coercion, intimidation or physical force is guilty of a felony and shall be imprisoned in the state prison for life, or any term of years, which shall be served as a consecutive sentence. History:Add. 1972, Act 316, Imd. Eff. Jan. 2, 1973

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-L - Chapter L Kidnaping (750.349...750.350a)Section 750.349b - Unlawful Imprisonment; Circumstances; Violation as Felony; Penalty; Definitions; Other Violation.

Sec. 349b. (1) A person commits the crime of unlawful imprisonment if he or she knowingly restrains another person under any of the following circumstances: (a) The person is restrained by means of a weapon or dangerous instrument. (b) The restrained person was secretly confined. (c) The person was restrained to facilitate the commission of another felony or to facilitate flight after commission of another felony. (2) A person who commits unlawful imprisonment is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $20,000.00, or both. (3) As used in this section: (a) "Restrain" means to forcibly restrict a person's movements or to forcibly confine the person so as to interfere with that person's liberty without that person's consent or without lawful authority. The restraint does not have to exist for any particular length of time and may be related or incidental to the commission of other criminal acts. (b) "Secretly confined" means either of the following: (i) To keep the

confinement of the restrained person a secret. (ii) To keep the location of the restrained person a secret. (4) This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law that is committed by that person while violating this section. History:Add. 2006, Act 160, Eff. Aug. 24, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-L - Chapter L Kidnaping (750.349...750.350a)Section 750.350 - Leading, Taking, Carrying Away, Decoying, or Enticing Away Child Under 14; Intent; Violation as Felony; Penalty; Adoptive or Natural Parent.

Sec. 350. (1) A person shall not maliciously, forcibly, or fraudulently lead, take, carry away, decoy, or entice away, any child under the age of 14 years, with the intent to detain or conceal the child from the child's parent or legal guardian, or from the person or persons who have adopted the child, or from any other person having the lawful charge of the child. A person who violates this section is guilty of a felony, punishable by imprisonment for life or any term of years. (2) An adoptive or natural parent of the child shall not be charged with and convicted for a violation of this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.350 ;-- Am. 1983, Act 138, Eff. Dec. 1, 1983Former Law:See section 30 of Ch. 153 of R.S. 1846, being CL 1857, § 5740; CL 1871, § 7539; How., § 9104; CL 1897, § 11499; CL 1915, § 15221; CL 1929, § 16737; Act 195 of 1885; and Act 95 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-L - Chapter L Kidnaping (750.349...750.350a)Section 750.350a - Taking or Retaining Child by Adoptive or Natural Parent; Intent; Violation as Felony; Penalty; Restitution for Financial Expense; Effect of Pleading or Being Found Guilty; Probation; Discharge and Dismissal; Court Proceedings Open to Public; Retention of Nonpublic Record by Department of State Police; Defense.

Sec. 350a. (1) An adoptive or natural parent of a child shall not take that child, or retain that child for more than 24 hours, with the intent to detain or conceal the child from any other parent or legal guardian of the child who has custody or parenting time rights under a lawful court order at the time of the taking or retention, or from the person or persons who have adopted the child, or from any other person having lawful charge of the child at the time of the taking or retention. (2) A parent who violates subsection (1) is guilty of a felony, punishable by imprisonment for not more than 1 year and 1 day, or a fine of not more than $2,000.00, or both. (3) A parent who violates this section, upon conviction, in addition to any other punishment, may be ordered to make restitution to the other parent, legal guardian, the person or persons who have adopted the child, or any other person having lawful charge of the child for any financial expense incurred as a result of attempting to locate and having the child returned. (4) When a parent who has not been convicted previously of a violation of section 349, 350, or this section, or under any statute of the United States or of any state related to kidnapping, pleads guilty to, or is found guilty of, a violation of this section, the court, without entering a judgment of guilt and with the consent of the accused parent, may defer further proceedings and place the accused parent on probation with lawful terms and conditions. The terms and conditions of probation may include participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1084. Upon a violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall discharge from probation and dismiss the proceedings against the parent. Discharge and dismissal under this subsection shall be without adjudication of guilt and is not a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including any additional penalties imposed for second or subsequent convictions. There may be only 1 discharge and dismissal under this section as to an individual. (5) All court proceedings under this section shall be open to the public. Except as provided in subsection (6), if the record of proceedings as to the defendant is deferred under this section, the record of proceedings during the period of deferral shall be closed to public inspection. (6) Unless the court enters a judgment of guilt under this section, the department of state police shall retain a nonpublic record of the arrest, court proceedings, and disposition of the criminal charge under this section. However, the nonpublic record shall be open to the following individuals and entities for the purposes noted: (a) The courts of this state, law enforcement personnel, the department of corrections, and prosecuting attorneys for use only in the performance of their duties or to determine whether an employee of the court, law enforcement agency, department of corrections, or prosecutor's office has violated his or her conditions of employment or whether an applicant meets criteria for employment with the court, law enforcement agency, department of corrections, or prosecutor's office. (b) The courts of this state, law enforcement personnel, and prosecuting attorneys for the purpose of showing either of the following: (i) That a defendant has already once availed himself or herself of this section. (ii) Determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under section 1076(5) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1076. (c) The department of human services for enforcing child protection laws and vulnerable adult protection laws or ascertaining the preemployment criminal history of any individual who will be engaged in the enforcement of child protection laws or vulnerable adult protection laws. (7) It is a complete defense under this section if a parent proves that his or her actions were taken for the purpose of protecting the child from an immediate and actual threat of physical or mental harm, abuse, or neglect. History:Add. 1983, Act 138, Eff. Dec. 1, 1983 ;-- Am. 1984, Act 75, Imd. Eff. Apr. 18, 1984 ;-- Am. 1986, Act 193, Eff. Mar. 31, 1987 ;-- Am. 1996, Act 14, Eff. June 1, 1996 ;-- Am. 2004, Act 223, Eff. Jan. 1, 2005 ;-- Am. 2012, Act 548, Eff. Apr. 1, 2013 ;-- Am. 2013, Act 220, Eff. Jan. 1, 2014

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LI - Chapter LI Laborers, Mechanics, Employees and Workers (750.351...750.355a)Section 750.351 -

Consideration for Employment.

Sec. 351. Receiving remuneration, etc., from employe in consideration of employment—Any employer or agent or representative of an employer or other person having authority from his employer to hire, employ, or direct the services of other persons in the employment of said employer, who shall demand or receive directly or indirectly from any person when in the employment of said employer, any fee, gift or other remuneration or consideration, or any part or portion of any tips or gratuities received by such employe while in the employment of said employer, in consideration or as a condition of such employment or hiring or employing any person to perform such services for such employer or of permitting said person to continue in such employment is guilty of a misdemeanor. Nothing contained in this section shall be construed to apply to employment agencies or employment agents licensed and operating under the laws of this state. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.351Former Law:See sections 1 and 2 of Act 322 of 1919, being CL 1929, §§ 8520 and 8521.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LI - Chapter LI Laborers, Mechanics, Employees and Workers (750.351...750.355a)Section 750.352 - Molesting and Disturbing Persons in Pursuit of Occupation, Vocation or Avocation.

Sec. 352. Any person or persons who shall, by threats, intimidations, or otherwise, and without authority of law, interfere with, or in any way molest, or attempt to interfere with, or in any way molest or disturb, without such authority, any person, in the quiet and peaceable pursuit of his lawful occupation, vocation or avocation, or on the way to and from such occupation, vocation or avocation, or who shall aid or abet in any such unlawful acts, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1947, Act 297, Eff. Oct. 11, 1947 ;-- CL 1948, 750.352Former Law:See section 1 of Act 163 of 1867, being CL 1871, § 7690; How., § 9273; CL 1897, § 11343; CL 1915, § 15010; and CL 1929, § 8612.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LI - Chapter LI Laborers, Mechanics, Employees and Workers (750.351...750.355a)Section 750.353 - Contributions to Charitable Purposes, Deduction From Wages.

Sec. 353. Contributions by laborers, etc., to charitable purposes and deductions from wages—Any employer of labor, who, by himself, his agent, clerk or servant, shall require any employe, or person seeking employment, as a condition of such employment or continuance therein, to make and enter into any contract, oral or written, whereby such employe or applicant for employment shall agree to contribute directly or indirectly to any fund for charitable, social or beneficial purpose or purposes, shall be guilty of a misdemeanor. Any such employer, who, by himself, his agent, clerk or servant, shall deduct from the wages of any employe, directly or indirectly, any part thereof without the full and free consent of such employe, obtained without intimidation or fear of discharge for refusal to permit such deduction, shall be guilty of a misdemeanor. If the employer be a firm or corporation, each and every member of said firm, and each and every managing officer of the corporation, shall be liable to punishment under this section; and any clerk, servant or agent of any such employer who shall do or attempt to do any act forbidden by this section, shall be equally liable with his employer or employers as principal, for any such violation of this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.353Former Law:See sections 1 to 4 of Act 192 of 1893, being CL 1897, §§ 11400 to 11403; CL 1915, §§ 15118 to 15121; and CL 1929, §§ 8513 to 8516.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LI - Chapter LI Laborers, Mechanics, Employees and Workers (750.351...750.355a)Section 750.353a - Employee Welfare Plan, Failure of Employer to Contribute as Promised.

Sec. 353a. Any employer who promises in writing to make payments to an employee welfare plan, vacation plan, health plan, dental plan, insurance plan, supplemental unemployment benefit plan, profit sharing plan, pension plan or any employee welfare plan, either by contract with an individual employee, by a collective bargaining agreement or by agreement with such employee plan, and who fails to make such payments within 3 weeks after they become due and payable, shall be guilty of a misdemeanor. This section shall not apply where the failure to make payments is prevented by act of God, proceedings in bankruptcy, orders or processes of any court of competent jurisdiction or circumstances over which the employer has no control. Conviction for violation of this section does not relieve the employer of liability for moneys under such agreement or contract. History:Add. 1960, Act 15, Eff. Aug. 17, 1960 ;-- Am. 1966, Act 45, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LI - Chapter LI Laborers, Mechanics, Employees and Workers (750.351...750.355a)Section 750.354 - Insurance With Particular Company.

Sec. 354. (1) A person doing business in this state or for any of the agents of such person shall not require any of the employees of the person to take out or obtain a life, accident, or life and accident policy in favor of the employee or other person in any particular or designated life, accident, or life and accident company or association. All contracts hereinafter made between any person and any employee of the person requiring or stipulating that the employee so contracting shall procure, obtain, or have a policy of insurance in any particular or designated company or association are void. (2) Subsection (1) does not proscribe the employers of labor and the persons employed from voluntarily making agreements with each other for contributions of money by the latter to any fund to be

accumulated in their behalf and for their benefit in common with others, and in such case from further agreeing that the employer may deduct from their wages, from time to time, the sums due from them under such agreement. (3) Any person who violates the provisions of this section is guilty of a misdemeanor, and where such person is a company or corporation, it shall be punished by a fine of not more than $200.00 for each and every offense, and any shareholder, officer, or agent of any such company or corporation violating the provisions of this section shall be punished by imprisonment for not more than 90 days or a fine of not more than $500.00 for each offense. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.354 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 to 3 of Act 209 of 1895, being CL 1897, §§ 8584 to 8586; CL 1915, §§ 11357 to 11359; and CL 1929, §§ 8517 to 8519.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LI - Chapter LI Laborers, Mechanics, Employees and Workers (750.351...750.355a)Section 750.354a - Unlawful to Compel Certain Employees to Pay Cost of Medical Examination, Photographing or Fingerprinting; Penalty.

Sec. 354a. It shall be unlawful for any employer in the state of Michigan to compel newly hired employees or employees reporting back to work after a furlough or leave of absence to pay the cost of a medical examination or to pay for being photographed and finger printed, when requested by the employer. Any employer operating in the state of Michigan violating the provisions of this act shall be liable to a penalty of not more than $100.00 for each and every violation. It shall be the duty of the commissioner of labor to enforce this act. History:Add. 1947, Act 196, Eff. Oct. 11, 1947 ;-- CL 1948, 750.354a ;-- Am. 1949, Act 13, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LI - Chapter LI Laborers, Mechanics, Employees and Workers (750.351...750.355a)Section 750.355 - Temporary Water Closets.

Sec. 355. Temporary waterclosets for workmen in buildings in course of construction—Any architect who shall refuse, fail or neglect to insert a clause in the specifications for all buildings providing for suitable temporary water closets for the use of workmen employed on such buildings while in the course of erection, unless closets are already maintained on such premises; and any contractor or person erecting such building who shall refuse, fail or neglect to erect such closet within the first week after commencing work thereon, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.355Former Law:See sections 1 and 2 of Act 205 of 1899, being CL 1915, §§ 5578 and 5579; and CL 1929, §§ 6677 and 6678.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LI - Chapter LI Laborers, Mechanics, Employees and Workers (750.351...750.355a)Section 750.355a - Consideration for Employing or Not Discharging.

Sec. 355a. Any person who is in the employment of any other person and whose duties in whole or in part consist of the engaging of the services of persons for employment by his employer and/or who has authority to discharge persons in the employment of his employer and who accepts from such person or any other person, any money, gift or anything of value as a part of the consideration for securing such employment or who shall make the purchase of any article of value from any person obligatory on the part of such person seeking employment, or forces an employee to purchase or contract for the purchase of goods, wares or merchandise from any person, as a whole or part consideration for not ordering the discharge of such person shall be deemed guilty of a misdemeanor. History:Add. 1939, Act 223, Eff. Sept. 29, 1939 ;-- CL 1948, 750.355a

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.356 - Larceny; Property; Penalties; Total Value of Property Stolen; Enhanced Sentence; Prior Convictions; "Scrap Metal" Defined.

Sec. 356. (1) A person who commits larceny by stealing any of the following property of another person is guilty of a crime as provided in this section: (a) Money, goods, or chattels. (b) A bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order, or certificate. (c) A book of accounts for or concerning money or goods due, to become due, or to be delivered. (d) A deed or writing containing a conveyance of land or other valuable contract in force. (e) A receipt, release, or defeasance. (f) A writ, process, or public record. (g) Scrap metal. (2) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the property stolen, whichever is greater, or both imprisonment and a fine: (a) The property stolen has a value of $20,000.00 or more. (b) The person violates subsection (3)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (3) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the property stolen, whichever is greater, or both imprisonment and a fine: (a) The property stolen has a value of $1,000.00 or more but less than $20,000.00. (b) The person violates subsection (4)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (4) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the property stolen, whichever is greater, or both

imprisonment and a fine: (a) The property stolen has a value of $200.00 or more but less than $1,000.00. (b) The person violates subsection (5) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (5) If the property stolen has a value of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the property stolen, whichever is greater, or both imprisonment and a fine. (6) If the property stolen is scrap metal, then, as used in this section, "the value of the property stolen" means the greatest of the following: (a) The replacement cost of the stolen scrap metal. (b) The cost of repairing the damage caused by the larceny of the scrap metal. (c) The sum of subdivisions (a) and (b). (7) The values of property stolen in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of property stolen. (8) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (9) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. (10) As used in this section, "scrap metal" means that term as defined in section 3 of the scrap metal regulatory act, 2008 PA 429, MCL 445.423. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.356 ;-- Am. 1957, Act 69, Eff. Sept. 27, 1957 ;-- Am. 1998, Act 311, Eff. Jan. 1, 1999 ;-- Am. 2008, Act 431, Eff. Apr. 1, 2009 ;-- Am. 2013, Act 217, Eff. Apr. 10, 2014Constitutionality:A defendant's convictions of both armed robbery and the lesser included offenses of larceny of property with a value over $100 and of larceny in a building cannot be allowed to stand as a violation of the defendant's protection against double jeopardy. People v Jankowski, 408 Mich 79; 289 NW2d 674 (1980).Former Law:See section 18 of Ch. 154 of R.S. 1846, being CL 1857, § 5762; CL 1871, § 7569; How., § 9140; CL 1897, § 11553; CL 1915, § 15298; CL 1929, § 16899; Act 242 of 1879; and Act 222 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.356a - Larceny; Motor Vehicles or Trailers; Aggregate Value; Prior Convictions; Breaking or Entering; Damaging.

Sec. 356a. (1) A person who commits larceny by stealing or unlawfully removing or taking any wheel, tire, air bag, catalytic converter, radio, stereo, clock, telephone, computer, or other electronic device in or on any motor vehicle, house trailer, trailer, or semitrailer is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (2) Except as provided in subsection (3), a person who enters or breaks into a motor vehicle, house trailer, trailer, or semitrailer to steal or unlawfully remove property from it is guilty of a crime as follows: (a) If the value of the property is less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the property, whichever is greater, or both imprisonment and a fine. (b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the property, whichever is greater, or both imprisonment and a fine: (i) The value of the property is $200.00 or more but less than $1,000.00. (ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the property, whichever is greater, or both imprisonment and a fine: (i) The value of the property is $1,000.00 or more but less than $20,000.00. (ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for violating or attempting to violate this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the property, whichever is greater, or both imprisonment and a fine: (i) The property has a value of $20,000.00 or more. (ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (3) A person who violates subsection (2)(a) or (b) and who breaks, tears, cuts, or otherwise damages any part of the motor vehicle, house trailer, trailer, or semitrailer is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both, regardless of the value of the property. (4) The values of property stolen or unlawfully removed in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of property stolen or unlawfully removed. (5) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (e) A copy of a court register of actions. (6) If the

sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction under section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:Add. 1937, Act 194, Imd. Eff. July 14, 1937 ;-- Am. 1939, Act 254, Eff. Sept. 29, 1939 ;-- Am. 1947, Act 124, Eff. Oct. 11, 1947 ;-- CL 1948, 750.356a ;-- Am. 1998, Act 311, Eff. Jan. 1, 1999 ;-- Am. 2008, Act 475, Eff. Apr. 1, 2009 ;-- Am. 2008, Act 476, Eff. Apr. 1, 2009

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.356b - Breaking and Entering Coin Operated Telephone, Penalty.

Sec. 356b. Any person who breaks or enters into any coin operated telephone or a coin device attached to or an integral part thereof for the purpose of stealing or unlawfully removing therefrom any money, regardless of the value thereof, if in so doing such person breaks, tears, cuts or otherwise damages any part of the telephone or any coin device attached to or an integral part thereof, is guilty of a felony. History:Add. 1961, Act 81, Eff. Sept. 8, 1961 ;-- Am. 1969, Act 254, Eff. Mar. 20, 1970

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.356c - Retail Fraud in First Degree.

Sec. 356c. (1) A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud in the first degree, a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the difference in price, property stolen, or money or property obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine: (a) While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale, if the resulting difference in price is $1,000.00 or more. (b) While a store is open to the public, steals property of the store that is offered for sale at a price of $1,000.00 or more. (c) With intent to defraud, obtains or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store, if the amount of money or the value of the property obtained or attempted to be obtained is $1,000.00 or more. (2) A person who violates section 356d(1) and who has 1 or more prior convictions for committing or attempting to commit an offense under this section or section 218, 356, 356d(1), or 360 is guilty of retail fraud in the first degree. For purposes of this subsection, however, a prior conviction does not include a conviction for a violation or attempted violation of section 218(2) or (3)(b) or section 356(4)(b) or (5). (3) The values of the difference in price, property stolen, or money or property obtained or attempted to be obtained in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value involved in the offense under this section. (4) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (5) A person who commits retail fraud in the first degree shall not be prosecuted under section 218(5) or 356(2). (6) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:Add. 1988, Act 20, Eff. June 1, 1988 ;-- Am. 1998, Act 311, Eff. Jan. 1, 1999

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.356d - Retail Fraud in Second or Third Degree.

Sec. 356d. (1) A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud in the second degree, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the difference in price, property stolen, or money or property obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine: (a) While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is offered for sale with the intent not to pay for the property or to pay less than the price at which the property is offered for sale if the resulting difference in price is $200.00 or more but less than $1,000.00. (b) While a store is open to the public, steals property of the store that is offered for sale at a price of $200.00 or more but less than $1,000.00. (c) With intent to defraud, obtains or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store if the amount of money or the value of the property obtained or attempted to be obtained is $200.00 or more but less than $1,000.00. (2) A person who violates subsection (4) and who has 1 or more prior convictions for committing or attempting to commit an offense under this section, section 218, 356, 356c, or 360, or a local ordinance substantially corresponding to this section or section 218, 356, 356c, or 360 is guilty of retail fraud in the second degree. (3) A person who commits retail fraud in the second degree shall not be prosecuted under section 360. (4) A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud in the third degree, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the difference in price, property stolen, or money or

property obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine: (a) While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale, if the resulting difference in price is less than $200.00. (b) While a store is open to the public, steals property of the store that is offered for sale at a price of less than $200.00. (c) With intent to defraud, obtains or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store, if the amount of money, or the value of the property, obtained or attempted to be obtained is less than $200.00. (5) A person who commits retail fraud in the third degree shall not be prosecuted under section 360. (6) The values of the difference in price, property stolen, or money or property obtained or attempted to be obtained in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value involved in the offense under this section. (7) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. History:Add. 1988, Act 20, Eff. June 1, 1988 ;-- Am. 1998, Act 311, Eff. Jan. 1, 1999

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.357 - Larceny From the Person.

Sec. 357. Larceny from the person—Any person who shall commit the offense of larceny by stealing from the person of another shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.357Former Law:See section 17 of Ch. 154 of R.S. 1846, being CL 1857, § 5761; CL 1871, § 7568; How., § 9139; CL 1897, § 11552; CL 1915, § 15297; and CL 1929, § 16898.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.357a - Larceny of Livestock.

Sec. 357a. Larceny of livestock—Any person who shall commit the offense of larceny by stealing the livestock of another shall be guilty of a felony. The term "livestock" shall apply to horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine. History:Add. 1943, Act 171, Eff. July 30, 1943 ;-- CL 1948, 750.357a

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.357b - Committing Larceny by Stealing Firearm of Another Person as Felony; Penalty.

Sec. 357b. A person who commits larceny by stealing the firearm of another person is guilty of a felony, punishable by imprisonment for not more than 5 years or by a fine of not more than $2,500.00, or both. History:Add. 1990, Act 321, Eff. Mar. 28, 1991

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.358 - Larceny at a Fire.

Sec. 358. Larceny at a fire—Any person who shall commit the offense of larceny by stealing in any building that is on fire, or by stealing any property removed in consequence of alarm caused by fire, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by a fine of not more than 2,500 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.358Former Law:See section 16 of Ch. 154 of R.S. 1846, being CL 1857, § 5760; CL 1871, § 7567; How., § 9138; CL 1897, § 11551; CL 1915, § 15296; and CL 1929, § 16897.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.359 - Larceny From Vacant Dwelling.

Sec. 359. Any person or persons who shall steal or unlawfully remove or in any manner damage any fixture, attachment, or other property belonging to, connected with, or used in the construction of any vacant structure or building, whether built or in the process of construction or who shall break into any vacant structure or building with the intention of unlawfully removing, taking therefrom, or in any manner damaging any fixture, attachment, or other property belonging to, connected with, or used in the construction of such vacant structure or building whether built or in the process of construction, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.359 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 99 of 1929, being CL 1929, § 16956.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.360 - Larceny; Places of Abode, Work, Storage,

Conveyance, Worship and Other Places.

Sec. 360. Any person who shall commit the crime of larceny by stealing in any dwelling house, house trailer, office, store, gasoline service station, shop, warehouse, mill, factory, hotel, school, barn, granary, ship, boat, vessel, church, house of worship, locker room or any building used by the public shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1947, Act 190, Eff. Oct. 11, 1947 ;-- CL 1948, 750.360Constitutionality:A defendant's convictions of both armed robbery and the lesser included offenses of larceny of property with a value over $100 and of larceny in a building cannot be allowed to stand as a violation of the defendant's protection against double jeopardy. People v Jankowski, 408 Mich 79; 289 NW2d 674 (1980).Former Law:See section 1 of Act 179 of 1929, being CL 1929, § 16959.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.360a - Electronic or Magnetic Theft Detection; Shielding Merchandise Prohibited; Violation as Crime.

Sec. 360a. (1) A person shall not do any of the following: (a) Possess a laminated or coated bag or device that is intended to shield merchandise from detection by an electronic or magnetic theft detection device with the intent to commit or attempt to commit larceny. (b) Manufacture, sell, offer for sale, or distribute, or attempt to manufacture, sell, offer for sale, or distribute, a laminated or coated bag or device that is intended to shield merchandise from detection by an electronic or magnetic theft detection device knowing or reasonably believing that the bag or device will be used to commit or attempt to commit larceny. (c) Possess a tool or device designed to allow the deactivation or removal of a theft detection device from any merchandise with the intent to use the tool or device to deactivate a theft detection device on, or to remove a theft detection device from, any merchandise without the permission of the merchant or person owning or lawfully holding that merchandise with the intent to commit or attempt to commit larceny. (d) Manufacture, sell, offer for sale, or distribute a tool or device designed to allow the deactivation or removal of a theft detection device from any merchandise without the permission of the merchant or person owning or lawfully holding that merchandise knowing or reasonably believing that the tool or device will be used to commit or attempt to commit larceny. (e) Deactivate a theft detection device or remove a theft detection device from any merchandise in a retail establishment prior to purchasing the merchandise with the intent to commit or attempt to commit a larceny. (2) A person who violates subsection (1) is guilty of a crime as follows: (a) Except as provided in subdivision (b), a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (b) If the person has a prior conviction for violating subsection (1), a felony punishable by imprisonment for not more than 4 years or a fine of not more than $4,000.00, or both. History:Add. 2002, Act 101, Eff. July 1, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.361 - Larceny or Maliciously Removing Journal Bearings or Brasses.

Sec. 361. Larceny or maliciously removing journal bearings or brasses—Any person who shall steal or maliciously remove, take, change, add to, take from or in any manner interfere with any journal bearings or brasses or any parts or attachments of any locomotive, tender or car, or any fixture or attachment belonging to, connecting with or used by any railway, railroad or transportation company in this state shall be guilty of a misdemeanor, punishable by imprisonment in the state prison for not less than 1 year nor more than 2 years: Provided, That if the stealing or removal of such journal bearings or brasses, or any parts or attachments of any locomotive, tender or car, or any fixture or attachment belonging to, connected with, or used on any locomotive, tender or car as aforesaid shall be the cause of wrecking any train, locomotive or other car in this state, whereby the life of any person or persons shall be lost as a result of the felonious or malicious stealing, nothing in this section shall be construed as preventing prosecution for such crime. Possession of any journal bearings or brasses or any parts or attachments of any locomotive, tender or car, or any fixture or attachment belonging to, connected with, or used in operating any locomotive, tender or car owned, leased or used by any railroad, railway or transportation company in this state, without the authority of the railroad company owning or leasing the same, shall be prima facie evidence that the same has been stolen or maliciously taken or removed by the person in whose possession the same is found or proved to have been. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.361Former Law:See sections 1 and 2 of Act 333 of 1917, being CL 1929, §§ 17039 and 17040.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.362 - Larceny by Conversion.

Sec. 362. Larceny by conversion, etc.—Any person to whom any money, goods or other property, which may be the subject of larceny, shall have been delivered, who shall embezzle or fraudulently convert to his own use, or shall secrete with the intent to embezzle, or fraudulently use such goods, money or other property, or any part thereof, shall be deemed by so doing to have committed the crime of larceny and shall be punished as provided in the first section of this chapter. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.362Former Law:See section 34 of Ch. 154 of R.S. 1846, being CL 1857, § 5778; CL 1871, § 7585; How., § 9156; CL 1897, § 11570; CL 1915, § 15315; CL 1929, § 16911; and Act 168 of 1875.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.362a - Larceny; Rented Motor Vehicle, Trailer or Other Tangible Property; Penalty.

Sec. 362a. (1) A person to whom a motor vehicle, trailer, or other tangible property is delivered on a rental or lease basis under a written agreement providing for its return to a particular place at a particular time who with intent to defraud the lessor refuses or willfully neglects to return the vehicle, trailer, or other tangible property after expiration of the time stated in a written notice mailed by registered or certified mail addressed to that person's last known address is guilty of larceny, punishable as provided in this section. (2) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the vehicle, trailer, or other tangible property, whichever is greater, or both imprisonment and a fine: (a) The vehicle, trailer, or other tangible property has a value of $20,000.00 or more. (b) The person violates subsection (3)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (3) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the vehicle, trailer, or other tangible property, whichever is greater, or both imprisonment and a fine: (a) The vehicle, trailer, or other tangible property has a value of $1,000.00 or more but less than $20,000.00. (b) The person violates subsection (4)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (4) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the vehicle, trailer, or other tangible property, whichever is greater, or both imprisonment and a fine: (a) The vehicle, trailer, or other tangible property has a value of $200.00 or more but less than $1,000.00. (b) The person violates subsection (5) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (5) If the vehicle, trailer, or other tangible property has a value of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the vehicle, trailer, or other tangible property, whichever is greater, or both imprisonment and a fine. (6) The values of property not returned in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of property not returned. (7) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (8) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:Add. 1964, Act 241, Eff. Aug. 28, 1964 ;-- Am. 1966, Act 297, Eff. Mar. 10, 1967 ;-- Am. 1998, Act 311, Eff. Jan. 1, 1999

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.363 - Larceny by False Personation.

Sec. 363. Larceny by false personation—Any person who shall falsely personate or represent another, and in such assumed character shall receive any money, or other property whatever, intended to be delivered to the party so personated, with intent to convert the same to his own use, shall be deemed by so doing, to have committed the crime of larceny, and shall be punished as provided in the first section of this chapter. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.363Former Law:See section 38 of Ch. 154 of R.S. 1846, being CL 1857, § 5782; CL 1871, § 7589; How., § 9160; CL 1897, § 11574; CL 1915, § 15319; and CL 1929, § 16915.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.364 - Larceny From Libraries.

Sec. 364. Larceny from libraries—Any person who shall procure, or take in any way from any public library or the library of any literary, scientific, historical or library society or association, whether incorporated or unincorporated, any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript or exhibit or any part thereof, with intent to convert the same to his own use, or with intent to defraud the owner thereof, or who having procured or taken any such book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript or exhibit or any part thereof, shall thereafter convert the same to his own use or fraudulently deprive the owner thereof, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.364Former Law:See section 2 of Act 3 of 1881, being How., § 9211; CL 1897, § 11641; CL 1915, § 15407; CL 1929, § 17020; and Act 58 of 1911.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.365 - Larceny From Car or Persons Detained or Injured by Accident.

Sec. 365. Larceny from car or persons detained or injured by accident—Any person who shall steal from any car, while detained by accident or injury to any railroad, locomotive, tender or car, or who shall steal the property of, or rob any person detained, injured or killed by reason of any accident or injury to any such railroad, locomotive, tender or car, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 20 years or by a fine of not more than 10,000 dollars. At the trial of any case arising under this section, it shall be sufficient prima facie proof of the existence of any railroad company named in the indictment to show that such company was doing business as a railroad company at the time named in the indictment. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.365Former Law:See section 2 of Act 164 of 1869, being CL 1871, § 7620; How., § 9201; CL 1897, § 11624; CL 1915, § 15389; CL 1929, § 17025; section 10 of Act 164 of 1869, being How., § 9209; CL 1897, § 11632; CL 1915, § 15397; CL 1929, § 17033; and Act 146 of 1881.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.367 - Taking or Injuring Trees, Shrubs, Vines, Plants.

Sec. 367. Taking or injuring fruit, shade, ornamental trees, shrubs, vines, etc.—Any person who shall wrongfully take and carry away from any place any fruit tree, ornamental tree, shade tree, ornamental shrub, or any plant, vine, bush, or vegetable there growing, standing or being, with intent to deprive the owner thereof, or who shall without right and with wrongful intent, detach from the ground or injure any fruit tree, ornamental tree, shade tree, ornamental shrub, or any plant, vine, bush, vegetable or produce shall be deemed by so doing to have committed the crime of larceny and shall be punished as provided in the first section of this chapter. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.367Former Law:See section 1 of Act 174 of 1855, being CL 1857, § 5801; CL 1871, § 7610; How., § 9194; CL 1897, § 11647; CL 1915, § 15416; CL 1929, § 17003; and Act 202 of 1875.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.367a - Larceny of Rationed Goods, Wares and Merchandise.

Sec. 367a. Larceny of rationed goods, wares or merchandise—Any person who shall steal any goods, wares, or merchandise, the manufacture, distribution, sale or use of which is restricted or rationed by the federal government, or any of its agencies or instrumentalities, during a state of war between the United States and any other country or nation, shall be guilty of the applicable crime or crimes set forth in Act No. 328 of the Public Acts of 1931, as amended, and upon conviction thereof shall be punished by not to exceed double the fines and imprisonment therein provided. Any prosecution hereunder shall be in circuit court or in a court having similar criminal jurisdiction. The term "steal" as used in this section shall be construed to include the obtaining of any such property or the possession thereof in any manner or by any means defined, or the penalty for which is prescribed, by any section of chapters 31, 36, 52 or 61, or section 280 of chapter 43 of Act No. 328 of the Public Acts of 1931 as amended. History:Add. 1942, 1st Ex. Sess., Act 5, Imd. Eff. Jan. 28, 1942 ;-- CL 1948, 750.367aCompiler's Notes:For provisions of Act 328 of 1931, referred to in this section, see MCL 750.1 et seq.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.367b - Taking Possession of and Use of Airplane.

Sec. 367b. Taking possession of and use of an airplane—Any person who shall, wilfully and without authority, take possession of or use an airplane, and any person who shall assist in or be a party to such taking possession of or use of an airplane, belonging to another, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years. History:Add. 1942, 2nd Ex. Sess., Act 11, Imd. Eff. Feb. 25, 1942 ;-- CL 1948, 750.367b

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LII - Chapter LII Larceny (750.356...750.367c)Section 750.367c - Theft of Motor Vehicle Fuel.

Sec. 367c. The secretary of state shall suspend the operator's or chauffeur's license of a person convicted of an offense or attempted offense under this chapter involving the theft of motor vehicle fuel that occurred by pumping the fuel into a motor vehicle, as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319. History:Add. 1982, Act 63, Eff. Mar. 30, 1983 ;-- Am. 1998, Act 344, Eff. Oct. 1, 1999

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIII - Chapter LIII Legal Process (750.368...750.369)Section 750.368 - Simulating Legal Process.

Sec. 368. (1) A person or agent of a person shall not by personal service, mail, or otherwise serve or cause to be served upon a debtor a notice or demand of payment of money on behalf of a creditor that is not authorized by a statute or court of this state and that simulates in form and substance legal process issued out of a court of this state. (2) A person shall not prepare, issue, serve, execute, or otherwise act to further the operation of any unauthorized process. (3) Except as provided in subsection (4) or (5), a person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (4) A person who violates subsection (2) after a prior conviction for violating this section is guilty of a

misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (5) A person who violates subsection (2) after 2 or more prior convictions for violating this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (6) This section does not apply to a lien authorized under a statute of this state. (7) This section does not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law that individual commits while violating this section. (8) This section does not prohibit individuals from assembling lawfully or lawful free expression of opinions or designation of group affiliation or association. (9) As used in this section: (a) "Lawful tribunal" means a tribunal created, established, authorized, or sanctioned by law or a tribunal of a private organization, association, or entity to the extent that the organization, association, or entity seeks in a lawful manner to affect only the rights or property of persons who are members or associates of that organization, association, or entity. (b) "Legal process" means a summons, complaint, pleading, writ, warrant, injunction, notice, subpoena, lien, order, or other document issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency that is used as a means of exercising or acquiring jurisdiction over a person or property, to assert or give notice of a legal claim against a person or property, or to direct persons to take or refrain from an action. (c) "Public employee" means an employee of this state, an employee of a city, village, township, or county of this state, or an employee of a department, board, agency, institution, commission, authority, division, council, college, university, court, school district, intermediate school district, special district, or other public entity of this state or of a city, village, township, or county in this state, but does not include a person whose employment results from election or appointment. (d) "Public officer" means a person who is elected or appointed to any of the following: (i) An office established by the state constitution of 1963. (ii) A public office of a city, village, township, or county in this state. (iii) A department, board, agency, institution, commission, court, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of this state or a city, village, township, or county in this state. (e) "Unauthorized process" means either of the following: (i) A document simulating legal process that is prepared or issued by or on behalf of an entity that purports or represents itself to be a lawful tribunal or a court, public officer, or other agency created, established, authorized, or sanctioned by law but that is not a lawful tribunal or a court, public officer, or other agency created, established, authorized, or sanctioned by law. (ii) A document that would otherwise be legal process except that it was not issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency as required by law. However, this subparagraph does not apply to a document that would otherwise be legal process but for 1 or more technical defects, including, but not limited to, errors involving names, spelling, addresses, or time of issue or filing or other defects that do not relate to the substance of the claim or action underlying the document. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.368 ;-- Am. 1998, Act 360, Eff. Jan. 1, 1999 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 284 of 1927, being CL 1929, § 16596.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIII - Chapter LIII Legal Process (750.368...750.369)Section 750.369 - Abuse of Legal Process.

Sec. 369. Abuse of legal process—Any officer or person who shall wilfully make any arrest or institute any legal proceedings, or sue out any process for the purpose of obtaining the fees or mileage that might accrue thereto or therefor, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.369Former Law:See section 1 of Act 187 of 1879, being How., § 9263; CL 1897, § 11333; CL 1915, § 15000; and CL 1929, § 16595.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIV - Chapter LIV Libel and Slander (750.370...750.371)Section 750.370 - Falsely and Maliciously Accusing Another.

Sec. 370. Falsely and maliciously accusing another of crime, etc.—Any person who shall falsely and maliciously, by word, writing, sign, or otherwise accuse, attribute, or impute to another the commission of any crime, felony or misdemeanor, or any infamous or degrading act, or impute or attribute to any female a want of chastity, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.370Former Law:See section 1 of Act 192 of 1879, being How., § 9315; CL 1897, § 11762; CL 1915, § 15573; CL 1929, § 16812; and Act 210 of 1885.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIV - Chapter LIV Libel and Slander (750.370...750.371)Section 750.371 - Second or Subsequent Violation; Penalty.

Sec. 371. Any person who is convicted of a second or subsequent violation of this chapter is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not less than $50.00 or more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.371 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Compiler's Notes:For provisions of chapter 6 of Act 175 of 1927, referred to in this section, see MCL 766.1 et seq.Former Law:See section 2 of Act 192 of 1879, being How., § 9315a; CL 1897, § 11763; CL 1915, § 15574; CL 1929, § 16813; and Act 210 of 1885.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIX - Chapter LIX Military (750.398...750.408)Section 750.398 - Member of State Militia; Depriving or Obstructing Employment.

Sec. 398. Depriving or obstructing employment of one because he is a member of state militia—Any person who shall either by himself or another deprive a member of the organized militia of this state of employment or prevent, obstruct or annoy any such member or his employer in respect of such employment because such member is commissioned or enlisted in the organized militia of this state or because such person performs military duty under orders from competent authority; and any person who shall dissuade any other person from enlisting in the organized militia of this state by threats of injury, in case he shall enlist, in respect of his employment, trade or business, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.398Former Law:See sections 1 and 4 of Act 194 of 1909, being CL 1915, §§ 971 and 974; and CL 1929, §§ 728 and 731.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIX - Chapter LIX Military (750.398...750.408)Section 750.399 - Member of State Militia; Discrimination.

Sec. 399. Discrimination by associations, etc., against a member of the state militia—Any association or corporation constituted or organized for the purpose of promoting the success of any trade, employment or business of the members thereof and any association whose membership is confined to persons of a particular race, which shall, by any constitution, rule, by-law, regulation, vote or resolution discriminate against any member of the organized militia of this state in respect to the eligibility of the officer or soldier to membership in such association or corporation, or in respect to his right to retain his membership in such association or corporation, and any person who shall aid in enforcing any such provision against any officer or soldier of the organized militia of this state with intent to discriminate against such member on account of his membership, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.399Former Law:See sections 2 and 4 of Act 194 of 1909, being CL 1915, §§ 972 and 974; and CL 1929, §§ 729 and 731.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIX - Chapter LIX Military (750.398...750.408)Section 750.400 - Member of State Militia; Molesting or Abusing.

Sec. 400. Molesting or abusing member of state militia because of such membership—Any person who shall unlawfully molest, insult or abuse any member of the organized militia of this state while in the performance of military duty, or unlawfully molest, insult or abuse any such member because of his membership or on account of the performance of military duty while a member, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.400Former Law:See sections 3 and 4 of Act 194 of 1909, being CL 1915, §§ 973 and 974; and CL 1929, §§ 730 and 731.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIX - Chapter LIX Military (750.398...750.408)Section 750.401 - Army, Navy or National Guard Uniform, Unauthorized Wearing.

Sec. 401. Unauthorized wearing of army, navy or national guard uniform—Any person other than an officer or enlisted man of the national guard of the state of Michigan, or of any other state, or of the United States army or navy, marine corps or revenue service or forest service, or instructor or student in a military school, or inmate of any veterans' or soldiers' home, who at any time wears the uniform of the United States army or navy or national guard, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the state of Michigan, shall be guilty of a misdemeanor: Provided, That nothing in this section shall be construed as prohibiting persons of the theatrical profession from wearing such uniform in any playhouse or theatre while actually engaged in following said profession: Provided further, That nothing in this section shall be construed as prohibiting the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room: Provided further, That whenever the national guard or any part thereof is in active service, or is called into actual service, no civic organization or member thereof shall parade or appear in uniform in the locality where said national guard is in service. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.401Former Law:See section 1 of Act 201 of 1909, being CL 1915, § 998; and CL 1929, § 911.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIX - Chapter LIX Military (750.398...750.408)Section 750.402 - Societies Parading Under Arms.

Sec. 402. Certain societies parading under arms—Any society whose membership is confined to members of a certain race, which has heretofore adopted a uniform similar to the uniform of the organized militia of this state, may continue to wear the same when appearing in public, but the governor of this state may, by a proper order, in times of public tumult, direct that such societies shall not parade under arms, and if any society disobey such order, the persons so violating said order shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.402Former Law:See section 2 of Act 201 of 1909, being CL 1915, § 999; and CL 1929, § 912.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIX - Chapter LIX Military (750.398...750.408)Section 750.403 - Desertion From Military Service.

Sec. 403. Desertion from military service—Any commissioned officer, non-commissioned officer, musician or private who shall desert the service of the United States, or of this state, shall, unless claimed and punished under the authority and by the law of the United States, be guilty of a misdemeanor, punishable by imprisonment in the state prison for not more than 2 years; and it shall be

the duty of any sheriff, undersheriff, deputy sheriff, constable, city or village marshal, to arrest any such deserter wherever he may be found in this state, whenever such officer shall have knowledge, or reasonable evidence, by affidavit, of such desertion, and shall thereupon forthwith notify the adjutant general of this state. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.403Former Law:See section 1 of Act 128 of 1863, being CL 1871, § 7761; How., § 9358; CL 1897, § 11387; CL 1915, § 15105; and CL 1929, § 16638.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIX - Chapter LIX Military (750.398...750.408)Section 750.404 - Desertion From Military Service.

Sec. 404. Any person who has enlisted into the service of the United States, or of this state, and who was sworn into such service, or who offers himself or herself as a substitute for a citizen of this state duly drafted into the service of the United States or of this state and after being duly sworn into such service, deserts the same, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.404 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 6 of Act 128 of 1863, being CL 1871, § 7766; How., § 9363; CL 1897, § 11392; CL 1915, § 15110; and CL 1929, § 16643.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIX - Chapter LIX Military (750.398...750.408)Section 750.405 - Desertion From Military Service; Inciting.

Sec. 405. Inciting soldiers to desert—Any person who, during any war, rebellion or insurrection against the United States, or against this state, shall maliciously and advisedly endeavor to seduce any person or persons serving in the forces of the United States or of this state, by land or water, from his or their duty and allegiance, or who shall incite or stir up any such person or persons to commit any act of mutiny, or to desert, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.405Former Law:See section 2 of Act 128 of 1863, being CL 1871, § 7762; How., § 9359; CL 1897, § 11388; CL 1915, § 15106; and CL 1929, § 16639.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIX - Chapter LIX Military (750.398...750.408)Section 750.406 - Military Stores, Larceny, Embezzlement or Destruction.

Sec. 406. Larceny, embezzlement or destruction of military stores—Any person who, during any war, rebellion or insurrection against the United States, or against this state, shall wilfully and maliciously embezzle, steal, injure, destroy or secrete any arms or ammunition, or military stores or equipments of the United States, or of this state, or of any officer, soldier or soldiers in the service of the United States, or of this state, or shall wilfully and maliciously destroy, remove or injure any buildings, machinery or material used or intended to be used in the making, repairing or storing of any arms, ammunition, military stores or equipments for the service of the United States, or of this state, whether such buildings, machinery or materials be public or private property, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years or by a fine of not more than 2,500 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.406Former Law:See section 3 of Act 128 of 1863, being CL 1871, § 7763; How., § 9360; CL 1897, § 11389; CL 1915, § 15107; and CL 1929, § 16640.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIX - Chapter LIX Military (750.398...750.408)Section 750.407 - Military Draft; Resisting and Inciting Resistance.

Sec. 407. Any person who, during any war, rebellion, or insurrection against the United States, or against this state, shall forcibly resist any military draft ordered by the authority of the United States, or of this state, or shall incite, encourage, or command any other person or persons so to resist such draft, or shall unlawfully and willfully dissuade, discourage, or endeavor to hinder any other person or persons from volunteering, enlisting, or mustering into the military service of the United States, or of this state, or shall forcibly resist, or attempt to resist, such volunteering, enlisting, or mustering into such service, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.407 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 4 of Act 128 of 1863, being CL 1871, § 7764; How., § 9361; CL 1897, § 11390; CL 1915, § 15108; and CL 1929, § 16641.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LIX - Chapter LIX Military (750.398...750.408)Section 750.408 - Deserters; Concealing or Harboring as Misdemeanor.

Sec. 408. Any person who shall conceal or harbor any soldier or volunteer enlisted in the service of the United States, or of this state, knowing him or her to have deserted, and with intent to aid him or her in such desertion, or shall refuse to deliver him or her up to the orders of his or her commanding officer, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.408 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 5 of Act 128 of 1863, being CL 1871, § 7765; How.,§ 9362; CL 1897, § 11391; CL 1915, §

15109; and CL 1929, § 16642.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LV - Chapter LV Lotteries (750.372...750.376a)Section 750.372 - Lotteries and Gift Enterprises; Prohibited Acts; Applicability of Subsection (1); "Promotional Activity" Defined; Violation as Misdemeanor; Penalty.

Sec. 372. (1) Except as otherwise provided by law or in this section, a person shall not do any of the following: (a) Set up or promote within this state any lottery or gift enterprise for money. (b) Dispose of any property, real or personal, goods, chattels, merchandise, or valuable thing by the way of lottery or gift enterprise. (c) Aid, either by printing or writing, or in any way be concerned in the setting up, managing, or drawing of a lottery or gift enterprise. (d) In a house, shop, or building owned or occupied by him or her or under his or her control, knowingly permit the setting up, managing, or drawing of any lottery or gift enterprise, or knowingly permit the sale of any lottery ticket or share of a ticket, or any other writing, certificate, bill, goods, chattels, merchandise, token, or other device purporting or intended to entitle the holder or bearer or other person to any prize or gift or any share of or interest in any prize or gift to be drawn in any lottery or gift enterprise. (e) Knowingly allow money or other property to be raffled off in a house, shop, or building owned or occupied by him or her or allow money or other property to be won by throwing or using dice or by any other game or course of chance. (2) Subsection (1) does not apply to a lottery or gift enterprise conducted by a person as a promotional activity that is clearly occasional and ancillary to the primary business of that person. As used in this subsection, "promotional activity" means an activity that is calculated to promote a business enterprise or the sale of its products or services, but does not include a lottery or gift enterprise involving the payment of money solely for the chance or opportunity to win a prize or a lottery or gift enterprise that may be entered by purchasing a product or service for substantially more than its fair market value. (3) A person violating subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or by a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.372 ;-- Am. 1996, Act 206, Imd. Eff. May 21, 1996Former Law:See section 1 of Ch. 160 of R.S. 1846, being CL 1857, § 5891; CL 1871, § 7735; How., § 9331; CL 1897, § 11344; CL 1915, § 15050; CL 1929, § 16613; and Act 86 of 1867.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LV - Chapter LV Lotteries (750.372...750.376a)Section 750.372a - "Game Promotion" Defined; Force or Coercion to Purchase, Presumption; Predetermining Identity of One Entitled to Prize; Disclosing Description, Amount, Number of Prizes; Penalty, Misdemeanor.

Sec. 372a. (a) For purposes of this section, the term game promotion shall mean any game or contest in which the elements of chance and prize are present but in which the element of consideration is not present. (b) No person shall force or coerce his lessee, agent or franchise dealer to purchase game promotions. For the purposes of this subsection, coercion or force may be presumed in those circumstances in which a course of business conduct extending over a period of 1 year or longer between a lessor and lessee or a principal and agent or an owner and franchise dealer is materially changed coincident with a failure or refusal of a lessee, agent or franchise dealer to purchase game promotions. (c) No person who shall conduct a game promotion within this state shall, in connection with such promotion, predetermine the identity of any individual entitled to receive a prize in such game promotion. (d) Any person who shall conduct a game promotion within this state shall disclose to participants as to such game promotion, on a prominent poster in case such game promotion is conducted by a retail outlet, or on any card, game piece, entry blank or any other paraphernalia required for participation in a game promotion in case such game promotion is not conducted in a retail outlet, the geographic area or number of outlets in which the game promotion is proposed to be conducted, an accurate description of each type of prize to be made available, the minimum number and minimum amount of cash prizes to be made available and the minimum number of each other type of prize to be made available. (e) Any person guilty of a violation of this section, shall be guilty of a misdemeanor. History:Add. 1968, Act 348, Eff. Nov. 15, 1968

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LV - Chapter LV Lotteries (750.372...750.376a)Section 750.373 - Game Promotion; Tickets; Selling, Possession, Exchange.

Sec. 373. Selling, etc., lottery or gift enterprise tickets—Any person who shall sell either for himself or for any other person, or shall offer for sale, or shall have in his possession with intent to sell or offer for sale, or to exchange or negotiate, or shall in any wise aid or assist in the selling, negotiating or disposing of a ticket in any such lottery or gift enterprise, or a share of a ticket, or any such writing, certificate, bill, goods or merchandise, token or other device as mentioned in the next preceding section, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison not more than 2 years or by a fine of not more than 1,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.373Former Law:See section 2 of Ch. 160 of R.S. 1846, being CL 1857, § 5892; CL 1871, § 7736; How., § 9332; CL 1897, § 11345; CL 1915, § 15051; CL 1929, § 16614; and Act 86 of 1867.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LV - Chapter LV Lotteries (750.372...750.376a)Section 750.374 - Game Promotion; Second Offense.

Sec. 374. Second offense—If any person shall, after being convicted of any offense mentioned in either of the 2 next preceding sections, commit the like offense, or any other of the offenses therein mentioned, he shall be guilty of a felony. History:1931, Act

328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.374Former Law:See section 3 of Ch. 160 of R.S. 1846, being CL 1857, § 5893; CL 1871, § 7737; How., § 9333; CL 1897, § 11346; CL 1915, § 15052; CL 1929, § 16615; and Act 86 of 1867.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LV - Chapter LV Lotteries (750.372...750.376a)Section 750.375 - Advertising, Printing, or Publishing Lottery Tickets; Prohibited Conduct; Violation as Misdemeanor; Penalty.

Sec. 375. (1) Except in the case of a lottery or gift enterprise conducted pursuant to section 372(2), a person shall not advertise, print, or publish any lottery ticket or gift enterprise or any share in a lottery ticket for sale either by himself or herself or by another person. (2) Except in the case of a lottery or gift enterprise conducted pursuant to section 372(2), a person shall not set up or exhibit or devise and make for the purpose of being set up and exhibited any sign, symbol, or any emblematic or other representation of a lottery or gift enterprise or of its drawing in any way indicating where a lottery ticket or a share in a lottery ticket or any such writing, certificate, bill, goods, merchandise or chattels, token, or other device may be purchased or obtained and shall not in any way invite or entice, or attempt to entice, any other person to purchase or receive the lottery ticket or a share in a lottery ticket. (3) A person violating this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.375 ;-- Am. 1996, Act 206, Imd. Eff. May 21, 1996 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 4 of Ch. 160 of R.S. 1846, being CL 1857, § 5894; CL 1871, § 7738; How., § 9334; CL 1897, § 11347; CL 1915, § 15053; CL 1929, § 16616; and Act 86 of 1867.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LV - Chapter LV Lotteries (750.372...750.376a)Section 750.376 - Extension and Application of Chapter.

Sec. 376. (1) Except as provided in subsection (2), this chapter shall extend and apply to lotteries owned and carried on in another state. (2) This chapter shall not apply to the manufacturing and transportation of material in this state in connection with a lottery lawfully conducted in another country or state. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.376 ;-- Am. 1977, Act 318, Imd. Eff. Jan. 9, 1978Former Law:See section 5 of Ch. 160 of R.S. 1846, being CL 1871, § 7739; How., § 9335; CL 1897, § 11348; CL 1915, § 15054; CL 1929, § 16617; and Act 237 of 1859.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LV - Chapter LV Lotteries (750.372...750.376a)Section 750.376a - Loan Promotion Raffle or Savings Promotion Raffle; Inapplicability of Chapter.

Sec. 376a. This chapter does not apply to a loan promotion raffle or savings promotion raffle conducted by a domestic credit union under section 411 of the credit union act, 2003 PA 215, MCL 490.411, to a loan promotion raffle or savings promotion raffle conducted by a state bank under section 4111 of the banking code of 1999, 1999 PA 276, MCL 487.14111, or to a loan promotion raffle or savings promotion raffle conducted by a federally chartered credit union, a national bank, or a federally chartered savings and loan association that is conducted in the same manner as a loan promotion raffle or savings promotion raffle conducted by a domestic credit union under section 411 of the credit union act, 2003 PA 215, MCL 490.411. History:Add. 1982, Act 395, Eff. Mar. 30, 1983 ;-- Am. 2003, Act 217, Imd. Eff. Dec. 2, 2003 ;-- Am. 2014, Act 400, Imd. Eff. Dec. 29, 2014 ;-- Am. 2016, Act 163, Eff. Sept. 7, 2016

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.377a - Willful and Malicious Destruction of Personal Property; Enhanced Sentence.

Sec. 377a. (1) A person who willfully and maliciously destroys or injures the personal property of another person is guilty of a crime as follows: (a) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine: (i) The amount of the destruction or injury is $20,000.00 or more. (ii) The person violates subdivision (b)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (c)(ii), (e), or (f). (b) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine: (i) The amount of the destruction or injury is $1,000.00 or more but less than $20,000.00. (ii) The person violates subdivision (c)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (c)(ii), (e), or (f). (c) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine: (i) The amount of the destruction or injury is $200.00 or more but less than $1,000.00. (ii) The person violates subdivision (e) or (f) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (d) If the person and the property owner are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of

the same household, and any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine: (i) The amount of the destruction or injury is $200.00 or more but less than $1,000.00. (ii) The person violates subdivision (e) or (f) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (e) If the amount of the destruction or injury is less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine. (f) If the person and the property owner are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of the same household and the amount of the destruction or injury is less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine. (2) The amounts of destruction or injury in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated in determining the total amount of the destruction or injury. (3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (4) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions must not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. (5) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. History:Add. 1941, Act 51, Eff. Jan. 10, 1942 ;-- CL 1948, 750.377a ;-- Am. 1957, Act 69, Eff. Sept. 27, 1957 ;-- Am. 1998, Act 311, Eff. Jan. 1, 1999 ;-- Am. 2023, Act 199, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.377b - Malicious Destruction of Property; Property of Police or Fire Department.

Sec. 377b. Maliciously destroying or injuring certain personal property—Any person who shall wilfully and maliciously destroy or injure the personal property of any fire or police department, including the Michigan state police, shall be guilty of a felony. History:Add. 1941, Act 209, Eff. Jan. 10, 1942 ;-- CL 1948, 750.377b

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.377c - Intentional Damage, Destruction, or Alteration of School Bus as Felony; Penalty; “School Bus” Defined.

Sec. 377c. (1) If a person intentionally damages, destroys, or alters a school bus without the permission of the entity that owns that school bus and that damage, destruction, or alteration creates a health or safety hazard to any individual occupying that school bus or who may occupy that school bus, the person is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not more than $5,000.00, or both. (2) As used in this section, "school bus" means that term as defined in section 57 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.57 of the Michigan Compiled Laws. School bus includes a school transportation vehicle as that term is defined in section 57c of Act No. 300 of the Public Acts of 1949, being section 257.57c of the Michigan Compiled Laws, if that vehicle is clearly marked as a school transportation vehicle. History:Add. 1995, Act 13, Eff. Aug. 1, 1995

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.377d - Damaging, Injuring, Defacing, Dismantling, Tampering With, or Removing Traffic Control Device as Crime; Violation of Law Arising Out of Same Transaction; "Traffic Control Device" Defined.

Sec. 377d. (1) A person who willfully and maliciously damages, destroys, injures, defaces, dismantles, tampers with, or removes a traffic control device is guilty of a crime as follows: (a) Except as provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (b) A person who violates this section and has 1 prior conviction for violating this section is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not more than $1,000.00, or both. (c) A person who violates this section and has 2 or more prior convictions for violating this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $10,000.00, or both. (2) This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same transaction as the violation of this section in addition to being charged with, convicted of, or sentenced for the violation of this section. (3) As used in this section, "traffic control device" means a sign, signal, electronic traffic control sign or signal, marking, light post, railroad sign or signal, or device not inconsistent with the Michigan

vehicle code, 1949 PA 300, MCL 257.1 to 257.923, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, maintaining highway safety, or providing information to motor vehicle operators. History:Add. 2016, Act 111, Eff. Aug. 8, 2016

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.378 - Malicious Destruction of Property; Dam, Reservoir, Canal, Trench.

Sec. 378. Maliciously destroying, injuring, etc., dams, canals, etc.—Any person who shall wilfully and maliciously break down, injure, remove, or destroy any dam, reservoir, canal or trench, or any gate, flume, flash-boards, or other appurtenances thereof, or any levee or structure for the purpose of conveying water to any such dam or reservoir, or any of the wheels, mill-gear, or machinery of any mill, or shall wilfully or wantonly, without color of right, draw off the water contained in any millpond, reservoir, canal, or trench, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.378Former Law:See section 46 of Ch. 154 of R.S. 1846, being CL 1857, § 5790; CL 1871, § 7597; How., § 9168; CL 1897, § 11582; CL 1915, § 15327; CL 1929, § 16923; and Act 211 of 1875.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.379 - Malicious Destruction of Property; Bridges.

Sec. 379. Maliciously injuring or destroying bridges, etc.—Any person who shall wilfully and maliciously break down, injure, remove or destroy any public or toll bridge, or any railroad, or any lock in any dam, or any lock, culvert or embankment of any canal, or who shall wilfully and maliciously make any aperture or breach in any such embankment, with intent to destroy or injure the same, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.379Former Law:See section 47 of Ch. 154 of R.S. 1846, being CL 1857, § 5791; CL 1871, § 7598; How., § 9169; CL 1897, § 11583; CL 1915, § 15328; and CL 1929, § 16924.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.380 - Willful and Malicious Destruction of Property; House, Barn, or Building of Another.

Sec. 380. (1) A person shall not willfully and maliciously destroy or injure another person's house, barn, or other building or its appurtenances. (2) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine: (a) The amount of the destruction or injury is $20,000.00 or more. (b) The person violates subsection (3)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b), (5)(b), (6), or (7). (3) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine: (a) The amount of the destruction or injury is $1,000.00 or more but less than $20,000.00. (b) The person violates subsection (4)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b), (5)(b), (6), or (7). (4) If any of the following apply, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine: (a) The amount of the destruction or injury is $200.00 or more but less than $1,000.00. (b) The person violates subsection (6) or (7) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (5) If the person and the property owner are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of the same household and if any of the following apply, the person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine: (a) The amount of the destruction or injury is $200.00 or more but less than $1,000.00. (b) The person violates subsection (6) or (7) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (6) If the amount of the destruction or injury is less than $200.00, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine. (7) If the person and the property owner are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of the same household and if the amount of the destruction or injury is less than $200.00, the person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine. (8) The amounts of the destruction or injury in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total amount of the destruction or injury. (9) If the

prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (10) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions must not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, 769.10, 769.11, and 769.12. (11) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.380 ;-- Am. 1957, Act 69, Eff. Sept. 27, 1957 ;-- Am. 1998, Act 311, Eff. Jan. 1, 1999 ;-- Am. 2023, Act 199, Eff. Feb. 13, 2024Former Law:See section 48 of Ch. 154 of R.S. 1846, being CL 1857, § 5792; CL 1871, § 7599; How., § 9170; CL 1897, § 11584; CL 1915, § 15329; CL 1929, § 16925; and Act 31 of 1877.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.381 - Malicious Destruction of Property; Fences or Opening Gates.

Sec. 381. Maliciously breaking down or injuring fences or opening gates, etc.—Any person who shall maliciously break down, injure, mar or deface any fence belonging to or enclosing lands not his own, or shall maliciously throw down or open any gate, bars or fence, and leave the same down or open, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.381Former Law:See section 49 of Ch. 154 of R.S. 1846, being CL 1857, § 5793; CL 1871, § 7600; How., § 9171; CL 1897, § 11585; CL 1915, § 15330; CL 1929, § 16926; Act 206 of 1848; and Act 47 of 1849.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.382 - Maliciously Destroying or Injuring Trees, Shrubs, Grass, Turf, Plants, Crops, or Soil.

Sec. 382. (1) A person who willfully and maliciously, or wantonly and without cause, cuts down, destroys, or injures any tree, shrub, grass, turf, plants, crops, or soil of another that is standing, growing, or located on the land of another is guilty of a crime as follows: (a) If the value of the trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured is less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine. (b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine: (i) The value of the trees, shrubs, grass, turf, plants, or soil cut down, destroyed, or injured is $200.00 or more but less than $1,000.00. (ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine: (i) The value of the trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured is $1,000.00 or more but less than $20,000.00. (ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine: (i) The value of the trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured is $20,000.00 or more. (ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (2) The secretary of state shall suspend the operator's or chauffeur's license of a person convicted of a violation or attempted violation of subsection (1) who committed the offense with a vehicle, as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319. As used in this subsection, "vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79. (3) The values of trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured. (4) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c)

Information contained in a presentence report. (d) The defendant's statement. (5) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.382 ;-- Am. 1980, Act 159, Eff. Mar. 31, 1981 ;-- Am. 1998, Act 311, Eff. Jan. 1, 1999 ;-- Am. 1998, Act 344, Eff. Oct. 1, 1999Former Law:See section 49 of Ch. 154 of R.S. 1846, being CL 1857, § 5793; CL 1871, § 7600; How., § 9171; CL 1897, § 11585; CL 1915, § 15330; CL 1929, § 16926; Act 206 of 1848; Act 47 of 1849; and section 1 of Act 174 of 1855, being CL 1857, § 5801; CL 1871, § 7610; How., § 9194; CL 1897, § 11647; CL 1915, § 15416; CL 1929, § 17003; and Act 202 of 1875.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.383 - Malicious Destruction of Property; Boundary Markers; Defacing Inscriptions, Buildings and Sign Boards; Light Bulbs.

Sec. 383. Maliciously injuring or destroying boundary markers, guide posts, etc.—Any person who shall wilfully or maliciously break down, injure, remove or destroy any monument erected for the purpose of designating the boundaries of this state or any municipality thereof, or of any tract or lot of land, or any tree marked for that purpose, or shall so break down, injure, remove or destroy any milestone, mileboard, guidepost or guide board, lawfully erected upon any highway, or other public way or railroad, or shall wilfully or maliciously deface, or alter the inscription on any such stone, post or board, or shall wilfully or maliciously mar or deface any building or sign board, or extinguish any lamp, or break, injure, destroy or remove any gas lamp, oil lamp, electric light globe or bulb, or any railing or lamp post, erected on any bridge, sidewalk, street, highway, court or passage, or shall wilfully or maliciously injure, remove, deface or destroy any board or structure lawfully erected or used for the posting of bills, posters, or other notices, or shall wilfully or maliciously mutilate, deface or destroy any bill, poster, or other printed or written notice lawfully posted on any board or structure used for that purpose, without the consent of the owner or occupant thereof, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1941, Act 190, Imd. Eff. June 16, 1941 ;-- CL 1948, 750.383Former Law:See section 50 of Ch. 154 of R.S. 1846, being CL 1857, § 5794; CL 1871, § 7601; How., § 9172; CL 1897, § 11586; CL 1915, § 15331; CL 1929, § 16927; Act 106 of 1877; and Act 280 of 1913.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.383a - Destruction of Certain Property Used in Connection With Appliance or Component of Electric, Telecommunication, or Natural Gas Infrastructure That Is Property of Utility; Violation; Penalty; "Utility" Defined.

Sec. 383a. A person, without lawful authority, shall not willfully cut, break, obstruct, injure, destroy, tamper with or manipulate, deface, or steal any machinery, tools, equipment, telephone line or post, telegraph line or post, telecommunication line, tower, or post, electric line, post, tower or supporting structures, electric wire, insulator, switch, or signal, natural gas pipeline, water pipeline, steam heat pipeline or the valves or other appliances or equipment appertaining to or used in connection with those lines, or any other appliance or component of the electric, telecommunication, or natural gas infrastructure that is the property of a utility. A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. As used in this section, "utility" includes any pipeline, gas, electric, heat, water, oil, sewer, telephone, telegraph, telecommunication, radio, railway, railroad, airplane, transportation, communication or other system, whether or not publicly owned, that is operated for the public use. History:Add. 1941, Act 190, Imd. Eff. June 16, 1941 ;-- Am. 1947, Act 61, Imd. Eff. Apr. 28, 1947 ;-- CL 1948, 750.383a ;-- Am. 2008, Act 413, Eff. Mar. 1, 2009

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.384 - Malicious Destruction of Property; Logs, Timber.

Sec. 384. Maliciously injuring logs, timber, etc.—Any person who shall wilfully and maliciously drive, or cause to be driven or imbedded, any nail, spike, or piece of iron, steel or other metallic substance into any timber, log, or bolt which may now be or may hereafter be put on the banks of or in any of the waters, or any mill yards of this state for the purposes of being made into lumber or marketed, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.384Former Law:See section 1 of Act 162 of 1869, being CL 1871, § 7618; How., § 9183; CL 1897, § 11596; CL 1915, § 15351; and CL 1929, § 17009.

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Sec. 385. Destroying and injuring signs, bills and notices placed on private property—Any person who shall wilfully tear down, destroy or in any manner deface any signs, bill or notices on any private lands of this state, or on any lots or premises in any township, city or village shall be guilty of a misdemeanor: Provided, That such signs, bill or notices are not in violation of any general law of the state or municipal ordinance, and were placed by the owner or lessee or by their consent. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.385Former Law:See sections 1 and 2 of Act 89 of 1897, being CL 1897, §§ 11606 and 11607;

CL 1915, §§ 15371 and 15372; and CL 1929, §§ 17004 and 17005.

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Sec. 386. Maliciously injuring or destroying machinery and appliances used for pumping, signaling or hoisting of men or materials in mines—Any person who shall wilfully and maliciously cut, break, obstruct, injure or destroy or cause to be cut, broken, obstructed, injured or destroyed, any pump, pumprod, man-engine, ladder, ladderway, skip, skip-track, car, car-track, bell, signal, rope, cable, cage, air-compressor, steam boiler, electric generator, or any other appliance or thing whether herein particularly mentioned or not, the same being above ground or under ground in any mine, used for or connected with the hoisting or pumping apparatus, or means of conveyance or escape from any mine; or any stull, timber, plank, platform or other appliance or other thing, whether herein particularly mentioned or not, used for or connected with securing or upholding rock, or used for or connected with the purpose of securing the safety of workmen, the same being under ground in any mine; or shall do the like to any engine house, boiler house, electrical generator house, shaft house or any other structure above ground containing machinery or appliances used for or connected with the pumping, signaling or hoisting of men or materials, or with securing the safety of workmen underground, such mine not being then and there an abandoned mine, shall be guilty of felony, punishable by imprisonment in the state prison not more than 20 years, or by fine of not more than 10,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.386Former Law:See section 1 of Act 2 of 1889, being How., § 9209b; CL 1897, § 11651; CL 1915, § 15422; CL 1929, § 17017; and Act 31 of 1927.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.387 - Willful Destruction of Property; Memorials of Dead; Protective or Ornamental Structures; Trees, Shrubs, or Plants; Violation as Misdemeanor or Felony; Penalties; Enhanced Sentence Based on Prior Convictions.

Sec. 387. (1) A person, other than the burial right owner or his or her representative, heir at law, or a person having care, custody, or control of a cemetery pursuant to law, a contract, or other legal right, shall not willfully destroy, mutilate, deface, injure, or remove a tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead, or a fence, railing, curb, or other thing intended for the protection or for the ornament of any tomb, monument, gravestone, or other structure described in this subsection or any other enclosure for the burial of the dead and shall not willfully destroy, mutilate, remove, cut, break, or injure any tree, shrub, or plant, placed or being within such an enclosure. (2) Prosecution under subsection (1) may commence upon complaint by the burial right owner or his or her representative, heir at law, or person having care, custody, or control of a cemetery, tomb, monument, gravestone, or other structure or thing described in subsection (1). (3) If the total amount of damage is less than $200.00, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the amount of damage, whichever is greater, or both imprisonment and a fine. (4) If any of the following apply, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the amount of damage, whichever is greater, or both imprisonment and a fine: (a) The total amount of damage is $200.00 or more but less than $1,000.00. (b) The total amount of damage is less than $200.00 and the person has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (5) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the amount of damage, whichever is greater, or both imprisonment and a fine: (a) The total amount of damage is $1,000.00 or more but less than $20,000.00. (b) The total amount of damage is $200.00 or more but less than $1,000.00 and the person has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (3) or (4)(b). (6) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the amount of damage, whichever is greater, or both imprisonment and a fine: (a) The total amount of damage is $20,000.00 or more. (b) The total amount of damage is $1,000.00 or more but less than $20,000.00 and the person has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (3) or (4)(b). (7) The amounts of damage in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated in determining the total amount of damage. (8) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (9) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.387 ;-- Am. 1974, Act 166, Eff. Apr. 1, 1975 ;-- Am. 1998, Act 311, Eff. Jan. 1, 1999Former Law:See section 22 of Ch. 158 of R.S. 1846, being CL 1857, § 5877; CL 1871, § 7712; How., § 9298; CL 1897, § 11711; CL 1915, § 15485; and CL 1929, § 16837.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.388 - Malicious Destruction of Property; Personal Property Seized by Legal Process.

Sec. 388. Removing, injuring or destroying personal property seized by legal process—Any person or persons who shall remove, destroy, damage or dispose of any personal property that shall have been seized by due process of law issued from any court of competent jurisdiction in this state, while such seizure or levy is in force, without first giving the bond or other security therefor, if any, required by law, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.388Former Law:See sections 1 and 2 of Act 164 of 1887, being How., §§ 9186a and 9186b; CL 1897, §§ 11617 and 11618; CL 1915, §§ 15381 and 15382; and CL 1929, §§ 16645 and 16646.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.389 - False or Malicious Statements as to Insurance Companies.

Sec. 389. Any person who shall make, utter, circulate, or transmit to another or others any untrue, false, or malicious statement as to the financial condition of any fraternal beneficiary society, insurance company, reciprocal exchange, or other insurer doing business in this state, and shall thereby injure any such fraternal beneficiary society, insurance company, reciprocal exchange, or other insurer, or who shall counsel, aid, procure, or induce another to originate, make, utter, transmit, or circulate any such statement with like purpose is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.389 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 283 of 1923, being CL 1929, § 12674.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.390 - Malicious Annoyance by Writing.

Sec. 390. Malicious annoyance by writing—Any person who shall knowingly send or deliver or shall make, and for the purpose of being delivered or sent, shall part with the possession of any letter, postal card or writing containing any obscene language with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark or other designation, with the intent thereby to cause annoyance to any person, or with a view or intent to extort or gain any money or property of any description belonging to another, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.390Former Law:See section 1 of Act 162 of 1883, being How., § 9315b; CL 1897, § 11764; CL 1915, § 15575; and CL 1929, § 16814.

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Sec. 391. Maliciously injuring or mutilating library books—Any person who shall wilfully, maliciously or wantonly tear, deface or mutilate or write upon, or by other means injure or mar any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript or exhibit or any part thereof belonging to or loaned to any public library, or to the library of any literary, scientific, historical or library society or association, whether incorporated or unincorporated, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.391Former Law:See section 1 of Act 3 of 1881, being How., § 9210; CL 1897, § 11640; CL 1915, § 15406; CL 1929, § 17019; and Act 58 of 1911.

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Sec. 392. Wilfully destroying vessels, etc.—Any person who shall wilfully cast away, burn, sink or otherwise destroy any ship, boat or vessel within the body of any county, with intent to injure or defraud any owner of such ship, boat or vessel, or the owner of any property on board the same, or any insurer of such ship, boat or vessel or property or any part thereof, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.392Former Law:See section 41 of Ch. 154 of R.S. 1846, being CL 1857, § 5785; CL 1871, § 7592; How., § 9163; CL 1897, § 11577; CL 1915, § 15322; and CL 1929, § 16918.

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Sec. 393. Any person who shall willfully remove or destroy any buoy or beacon placed in any of the waters of the state, by the authority of the United States, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.393 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.394 - Train, Car, or Vehicle, Throwing, Propelling, or Dropping Stone or Object; Violation; Penalty; "Serious Impairment" Defined.

Sec. 394. (1) A person shall not throw, propel, or drop a stone, brick, or other dangerous object at a passenger train, sleeping car, passenger coach, express car, mail car, baggage car, locomotive, caboose, or freight train or at a street car, trolley car, or motor vehicle. (2) A person who violates this section is guilty of a crime as follows: (a) Except as provided in subdivisions (b), (c), and (d), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. (b) Except as provided in subdivision (c), (d), or (e), if the violation causes property damage, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both. (c) If the violation causes injury to any person, other than serious impairment or death, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (d) If the violation causes serious impairment to any person, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both. (e) If the violation causes death to any person, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (3) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct. (4) As used in this section, "serious impairment" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.394 ;-- Am. 2003, Act 182, Eff. Jan. 1, 2004Former Law:See section 1 of Act 246 of 1907, being CL 1915, § 8448; CL 1929, § 17038; and Act 2 of 1923.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.394a - Racing Event; Throwing Object at Motor Vehicle; Throwing or Placing Object on Racecourse; Misdemeanor; Penalty; Definition.

Sec. 394a. (1) A person who knowingly throws any object at a motor vehicle participating in a racing event or who knowingly throws or places any object on a racecourse, without authorization, while a motor vehicle is participating in a racing event is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or by a fine of not more than $1,000.00, or both. (2) For purposes of this section, "racing event" means a motor vehicle race that is sanctioned by a nationally or internationally recognized racing organization and that is run on a privately owned and operated racecourse, and includes preparations, practices, and qualifications for the race. History:Add. 1986, Act 106, Eff. June 15, 1986

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVI - Chapter LVI Malicious and Wilful Mischief and Destruction (750.377...750.395)Section 750.395 - Damage or Destruction of Research Property; Violation as Crime; Violation of Other Law; Total Value; Enhanced Sentence; Prior Convictions; Restitution; Definitions.

Sec. 395. (1) A person shall not do either of the following: (a) Damage or destroy the research property of another person with the intent to do either of the following: (i) To frighten, intimidate, or harass any person because of the person's participation or involvement in, or cooperation with, research. (ii) To prevent any person from engaging in any lawful profession, occupation, or activity because of the person's participation or involvement in, or cooperation with, research. (iii) To prevent, delay, hinder, or otherwise harm the research or use of the research. (b) Place any object in any research property to prevent the lawful growing, harvesting, transportation, keeping, selling, or processing of that research property. (2) A person who violates subsection (1) is guilty of a crime as follows: (a) If the value of the research property is less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine. (b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine: (i) The value of the research property is $200.00 or more but less than $1,000.00. (ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit a violation of this section. (c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine: (i) The value of the research property is $1,000.00 or more but less than $20,000.00. (ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for violating or attempting to violate this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $15,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine: (i) The property has

a value of $20,000.00 or more. (ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit a violation of this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (e) If the violation results in physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $20,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine. (f) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $25,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine. As used in this subdivision, "serious impairment of a body function" includes, but is not limited to, 1 or more of the following: (i) The loss of a limb or use of a limb. (ii) The loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb. (iii) The loss of an eye or ear or use of an eye or ear. (iv) The loss or substantial impairment of a bodily function. (v) A serious visible disfigurement. (vi) A comatose state that lasts for more than 3 days. (vii) Any measurable brain damage or mental impairment. (viii) A skull fracture or other serious bone fracture. (ix) A subdural hemorrhage or subdural hematoma. (g) If the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for not more than 15 years and may be fined not more than $40,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater. (3) This section does not prohibit the person from being charged with, convicted of, or punished for any other violation of law arising out of the same criminal transaction as the violation of this section, in lieu of being charged with, convicted of, or punished for the violation of this section. (4) The value of research property damaged or destroyed in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of research property damaged or destroyed. (5) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (6) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. (7) The court shall order a person convicted of violating this section to pay restitution to the victim. The court may also order the person to pay 1 or more of the following: (a) All research and development costs for the research property damaged or destroyed that arise out of the violation. (b) The tuition costs and lost wages of a student conducting research regarding the research property damaged or destroyed or who is unable to conduct or continue research because of a loss that arises out of the violation. (8) As used in this section: (a) "Intellectual property" means that term as defined in section 2 of the confidential research information act, 1994 PA 55, MCL 390.1552. (b) "Person" means an individual, partnership, corporation, limited liability company, association, educational institution, or other legal or business entity. (c) "Research" means any lawful activity involving the use of animals, animal products, or other animal substances, intended for or used for scientific purposes, including, but not limited to, research, testing, and experimentation. (d) "Research property" means all real, personal, and intellectual property related to research belonging to or conducted by a person. History:Add. 2004, Act 520, Eff. Apr. 1, 2005Compiler's Notes:Former MCL 750.395, which pertained to prohibiting the publication and circulation of false and malicious statements about candidates for public office, was repealed by Act 116 of 1954, Eff. June 1, 1955.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVII - Chapter LVII Masks and Disguises (750.396...750.396)Section 750.396 - Wearing Mask or Face Covering Device.

Sec. 396. A person who intentionally conceals his or her identity by wearing a mask or other device covering his or her face for the purpose of facilitating the commission of a crime is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.396 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 and 2 of Act 276 of 1923, being CL 1929, §§ 16609 and 16610.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVIII - Chapter LVIII Mayhem (750.397...750.397a)Section 750.397 - Mayhem.

Sec. 397. Mayhem—Any person who, with malicious intent to maim or disfigure, shall cut out or maim the tongue, put out or destroy an eye, cut or tear off an ear, cut or slit or mutilate the nose or lip, or cut off or disable a limb, organ or member, of any other person, and every person privy to such intent, who shall be present, aiding in the commission of such offense, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.397Former Law:See section 11 of Ch. 153 of R.S. 1846, being CL 1857, § 5721; CL 1871, § 7520; How., § 9085; CL 1897, § 11480; CL 1915, § 15202; and CL 1929, § 16718.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LVIII - Chapter LVIII Mayhem (750.397...750.397a)Section 750.397a - Placing Harmful Object or

Substance in Food; Furnishing Food Containing Harmful Object or Substance; Penalty.

Sec. 397a. A person who places pins, needles, razor blades, glass, or other harmful objects in any food, or a person who places a harmful substance in any food, with intent to harm the consumer of the food, or who knowingly furnishes any food containing a harmful object or substance to another person, is guilty of a felony and shall be imprisoned for not more than 10 years, or fined not more than $10,000.00, or both. History:Add. 1971, Act 141, Imd. Eff. Oct. 29, 1971 ;-- Am. 1975, Act 265, Imd. Eff. Oct. 31, 1975

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.409a - Expired. 1984, Act 407, Eff. May 1, 1985.

Compiler's Notes:The expired section pertained to polygraph examinations of unemployed persons.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.409b - Ransomware; Possession; Use; Prohibition; Violation as Felony; Penalty; "Ransomware" Defined.

Sec. 409b. (1) A person shall not knowingly possess ransomware with the intent to use or employ that ransomware for the purpose of introduction into the computer, computer data, computer system, or computer network of another person, without authorization of the other person. A person who violates this section is guilty of a felony punishable by imprisonment for not more than 3 years. (2) As used in this section, "ransomware" means a computer or data contaminant, encryption, or lock that is placed or introduced without authorization into a computer, computer system, or computer network and that restricts access by an authorized person to a computer, computer data, computer system, or computer network in a manner that results in the person responsible for the placement or introduction of the ransomware demanding payment of money or other consideration to remove the computer contaminant, or restore access to the computer, computer system, computer network, or data. Ransomware does not include authentication required to upgrade or access purchased content. History:Add. 2018, Act 95, Eff. July 1, 2018

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.410 - Solicitation of Personal Injury Claims; Validity of Contracts; Furnishing, Selling, or Buying Information as to Identity or Treatment of Patient.

Sec. 410. (1) A person, firm, copartnership, association, or organization of any kind, either incorporated or unincorporated, or any of the officers, agents, servants, employees, or members of any such person, firm, copartnership, association, or organization of any kind, either incorporated or unincorporated, or of any division, bureau, or committee of that association or organization, either incorporated or unincorporated, who shall directly or indirectly, individually or by agent, servant, employee, or member, solicit a person injured as the result of an accident, his or her administrator, executor, heirs, or assigns, his or her guardian, or members of the family of the injured person, for the purpose of representing that person in making a claim for damages or prosecuting an action or causes of action arising out of a personal injury claim against any other person, firm, or corporation, or to employ counsel for the purpose of that solicitation, is guilty of a misdemeanor, and shall upon conviction thereof, if a natural person, be punished by a fine not to exceed $750.00 or by imprisonment for not more than 6 months, or both. The same penalties apply upon conviction to a member of a copartnership, or an officer or agent of a corporation, association, or other organization, or an officer or agent, who shall consent to, participate in, or aid or abet a violation of this section upon the part of the copartnership of which he or she is a member, or of the corporation, association, or organization of which he or she is such an officer or agent. A contract entered into as a result of such a solicitation is void. This subsection does not apply to an unsolicited contract entered into by a person, firm, or corporation with an attorney duly admitted to practice law in this state. (2) Except as otherwise provided by law, administrative rule, or valid legal process, any person, firm or corporation who, for any consideration and without the prior written permission of a patient or his or her personal representative, furnishes, receives, buys, offers to buy, sells, or offers to sell, directly or indirectly, the identity of the patient or any information concerning the treatment of the patient, including, but not limited to, information contained in the files or records of a health care facility, health care provider, or insurance company, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1947, Act 123, Eff. Oct. 11, 1947 ;-- CL 1948, 750.410 ;-- Am. 1975, Act 125, Imd. Eff. July 1, 1975 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Constitutionality:The limitation in this section to prosecution of personal injury claims does not deny equal protection of the law. Further, while the statute may be unconstitutional because of overbreadth, the overbreadth can be cured by a limiting construction. Woll v Attorney General, 409 Mich 500; 297 NW2d 578 (1980).Former Law:See sections 1 and 2 of Act 280 of 1925, being CL 1929, §§ 13607 and 13608.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.410a - Conspiring to Commit Person to Institution for Mental Incompetents Deemed Felony.

Sec. 410a. Any person who shall conspire with another person or persons to commit any person to an institution for mental incompetents without just and reasonable grounds therefor shall be deemed guilty of a felony. History:Add. 1949, Act 108, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.410b - Contact With Individual or Family Member Sustaining Personal Injury as Result of Motor Vehicle Accident; Prohibition; Exceptions; Definitions; Violation as Misdemeanor; Costs.

Sec. 410b. (1) A person shall not intentionally contact any individual that the person knows has sustained a personal injury as a direct result of a motor vehicle accident, or an immediate family member of that individual, with a direct solicitation to provide a service until the expiration of 30 days after the date of that motor vehicle accident. This subsection does not apply if either of the following circumstances exists: (a) The individual or his or her immediate family member has requested the contact from that person. (b) The person is an employee or agent of an insurance company and the person is contacting the individual or his or her family member on behalf of that insurance company to adjust a claim. This subdivision does not apply to a referral of the individual or his or her immediate family member to an attorney or to any other person for representation by an attorney. (2) As used in this section: (a) "Direct solicitation to provide a service" means a verbal or written solicitation or offer, including by electronic means, made to the injured individual or a family member seeking to provide a service for a fee or other remuneration that is based upon the knowledge or belief that the individual has sustained a personal injury as a direct result of a motor vehicle accident and that is directed toward that individual or a family member. (b) "Immediate family member" means the individual's spouse, parent, child, or sibling. (c) "Personal injury" means any physical or mental injury, including wrongful death. (3) A person who violates this section is guilty of a misdemeanor punishable as follows: (a) Except as provided in subsection (b), by a fine of not more than $30,000.00. (b) For a second or subsequent violation of this section, by imprisonment for not more than 1 year or a fine of not more than $60,000.00, or both. (4) The court may order an individual convicted of violating this section to pay the costs of prosecution as provided in the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69. History:Add. 2013, Act 219, Eff. Jan. 1, 2014

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.410c - Distributing, Delivering, Selling, or Possessing a Drug-Masking Product; Prohibition; Violation as a Misdemeanor.

Sec. 410c. (1) A person shall not distribute, deliver, sell, or possess with intent to distribute, deliver, or sell a drug-masking product. (2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (3) As used in this section: (a) "Drug-masking product" includes synthetic urine, human urine, a substance designed to be added to human urine, or a substance designed to be added to or used on human hair or oral fluid, for the purpose of defrauding an alcohol or a drug screening test. (b) "Synthetic urine" means a substance that is designed to simulate the composition, chemical properties, physical appearance, or physical properties of human urine. History:Add. 2022, Act 147, Imd. Eff. July 19, 2022

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411 - Hospitals, Pharmacies, Physicians; Duty to Report Injuries; Violation as Misdemeanor; Immunity; Limitations.

Sec. 411. (1) A person, firm, or corporation conducting a hospital or pharmacy in this state, the person managing or in charge of a hospital or pharmacy, or the person in charge of a ward or part of a hospital to which 1 or more persons come or are brought suffering from a wound or other injury inflicted by means of a knife, gun, pistol, or other deadly weapon, or by other means of violence, has a duty to report that fact immediately, both by telephone and in writing, to the chief of police or other head of the police force of the village or city in which the hospital or pharmacy is located, or to the county sheriff if the hospital or pharmacy is located outside the incorporated limits of a village or city. The report shall state the name and residence of the person, if known, his or her whereabouts, and the cause, character, and extent of the injuries and may state the identification of the perpetrator, if known. (2) A physician or surgeon who has under his or her charge or care a person suffering from a wound or injury inflicted in the manner described in subsection (1) has a duty to report that fact in the same manner and to the same officer as required by subsection (1). (3) A person, firm, or corporation that violates this section is guilty of a misdemeanor. (4) To the extent not protected by the immunity conferred by 1964 PA 170, MCL 691.1401 to 691.1415, a person who makes a report in good faith under subsection (1) or (2) or who cooperates in good faith in an investigation, civil proceeding, or criminal proceeding conducted as a result of such a report is immune from civil or criminal liability that would otherwise be incurred by making the report or cooperating in the investigation or civil or criminal proceeding. A person who makes a report under subsection (1) or (2) or who cooperates in an investigation, civil proceeding, or criminal proceeding conducted as a result of such a report is presumed to have acted in good faith. The presumption created by this subsection may be rebutted only by clear and convincing evidence. (5) The immunity from civil and criminal liability granted under subsection (4) extends only to the actions described in subsection (4) and does not extend to another act or omission that is negligent or that amounts to professional malpractice, or both, and that causes personal injury or death. (6) The physician-patient privilege created under section 2157 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2157, a health professional-patient privilege created under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, and any other health professional-patient privilege created or recognized by law do not apply to a report made under subsection (1) or (2), are not valid reasons for a failure to comply with subsection (1) or (2), and are not a defense to a misdemeanor charge filed under this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.411 ;-- Am. 2000, Act 339, Eff. Apr. 1, 2001

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411a - False Report of Crime or Report of Medical or Other Emergency; Violation; Penalty; Payment of Costs by Juvenile; Jurisdiction; Definitions.

Sec. 411a. (1) Except as otherwise provided in subsections (2) and (3), a person who intentionally makes a false report of the commission of a crime, or intentionally causes a false report of the commission of a crime to be made, to a peace officer, police agency of this state or of a local unit of government, 9-1-1 operator, or any other governmental employee or contractor or employee of a contractor who is authorized to receive reports of a crime, knowing the report is false, is guilty of a crime as follows: (a) Except as provided in subdivisions (b) through (e), if the report is a false report of a misdemeanor, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (b) Except as provided in subdivisions (c) through (e), if the report is a false report of a felony, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (c) Except as provided in subdivisions (d) and (e), if the false report results in a response to address the reported crime and a person incurs physical injury as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $20,000.00, or both. (d) If the false report results in a response to address the reported crime and a person incurs serious impairment of a body function as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $25,000.00, or both. (e) If the false report results in a response to address the reported crime and a person is killed as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $25,000.00 or more than $50,000.00, or both. (2) A person shall not do either of the following: (a) Knowingly make a false report of a violation or attempted violation of chapter XXXIII or section 327, 328, 397a, or 436 and communicate or cause the communication of the false report to any other person, knowing the report to be false. (b) Threaten to violate chapter XXXIII or section 327, 328, 397a, or 436 and communicate or cause the communication of the threat to any other person. (3) A person who violates subsection (2) is guilty of a felony punishable as follows: (a) Subject to subsection (1)(c) through (e), for a first conviction under subsection (2), by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (b) Subject to subsection (1)(d) and (e), for a second or subsequent conviction under subsection (2), imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both. (4) A person shall not intentionally make or intentionally cause to be made a false report of a medical or other emergency to a peace officer, police agency of this state or of a local unit of government, firefighter or fire department of this state or a local unit of government of this state, 9-1-1 operator, medical first responder, or any governmental employee or contractor or employee of a contractor who is authorized to receive reports of medical or other emergencies. A person who violates this subsection is guilty of a crime as follows: (a) Except as provided in subdivisions (b) through (d), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (b) Except as provided in subdivisions (c) and (d), if the false report results in a response to address the reported medical or other emergency and a person incurs physical injury as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $20,000.00, or both. (c) If the false report results in a response to address the reported medical or other emergency and a person incurs serious impairment of a body function as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $25,000.00, or both. (d) If the false report results in a response to address the reported crime and a person is killed as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $25,000.00 or more than $50,000.00, or both. (5) The court may order a person convicted under subsection (2) or (4) to pay to the state or a local unit of government the costs of responding to the false report or threat including, but not limited to, use of police, fire, medical, or other emergency response vehicles and teams, under section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f, unless otherwise expressly provided for in this section. (6) If the person ordered to pay costs under subsection (5) is a juvenile under the jurisdiction of the family division of the circuit court under chapter 10 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1001 to 600.1043, all of the following apply: (a) If the court determines that the juvenile is or will be unable to pay all of the costs ordered, after notice to the juvenile's parent or parents and an opportunity for the parent or parents to be heard, the court may order the parent or parents having supervisory responsibility for the juvenile, at the time of the acts upon which the order is based, to pay any portion of the costs ordered that is outstanding. An order under this subsection does not relieve the juvenile of his or her obligation to pay the costs as ordered, but the amount owed by the juvenile shall be offset by any amount paid by his or her parent. As used in this subsection, "parent" does not include a foster parent. (b) If the court orders a parent to pay costs under subdivision (a), the court shall take into account the financial resources of the parent and the burden that the payment of the costs will impose, with due regard to any other moral or legal financial obligations that the parent may have. If a parent is required to pay the costs under subdivision (a), the court shall provide for payment to be made in specified installments and within a specified period of time. (c) A parent who has been ordered to pay the costs under subdivision (a) may petition the court for a modification of the amount of the costs owed by the parent or for a cancellation of any unpaid portion of the parent's obligation. The court shall cancel all or part of the parent's obligation due if the court determines that payment of the amount due will impose a manifest hardship on the parent. (7) A violation or attempted violation of this section occurs if the communication of the false report originates in this state, is intended to terminate in this state, or is intended to terminate with a person who is in this state. (8) A

violation or attempted violation of this section may be prosecuted in any jurisdiction in which the communication originated or terminated. (9) As used in this section: (a) "Local unit of government" means: (i) A city, village, township, or county. (ii) A local or intermediate school district. (iii) A public school academy. (iv) A community college. (b) "Medical first responder" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906. (c) "Serious impairment of a body function" means that term as defined in section 395. (d) "State" includes, but is not limited to, a state institution of higher education. History:Add. 1941, Act 24, Eff. Jan. 10, 1942 ;-- CL 1948, 750.411a ;-- Am. 1958, Act 58, Eff. Sept. 13, 1958 ;-- Am. 1996, Act 303, Eff. Jan. 1, 1997 ;-- Am. 2000, Act 370, Eff. Apr. 1, 2001 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003 ;-- Am. 2004, Act 104, Eff. July 1, 2004 ;-- Am. 2012, Act 330, Eff. Jan. 1, 2013

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411b - Excess Fees to Members of Legislature, for Services.

Sec. 411b. It shall be unlawful for any person after he has been elected or while he is a member of the state legislature to be employed by any person, firm, association or corporation who shall pay or agree to pay for the services rendered or to be rendered any moneys or other valuable consideration in excess of the reasonable value of such service if the same was performed by a person not a member of the legislature when such person, firm, association or corporation will directly or indirectly benefit from the passage of any bill or law or the defeat of any bill or law by the state legislature whether the subject matter of the employment is related to proposed legislation or not. It shall be unlawful for any person who is a member of the legislature to accept payment for any services which he shall perform exclusively in connection with the passage or defeat of any bill, act or amendment thereto. Any person violating any of the provisions of this section shall be guilty of a felony. History:Add. 1945, Act 146, Eff. Sept. 6, 1945 ;-- CL 1948, 750.411b

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411c - Asphyxia or Death From Submersion in Water, Reports, Investigations, Penalty.

Sec. 411c. (1) Every physician or surgeon, having under his care a person who suffers from asphyxia or dies due to submersion in water, shall report same to any peace officer, the nearest state police post or the sheriff of the county in which the injury or death occurred. Every coroner or medical examiner who completes a death certificate attributing death to drowning shall make a like report to the appropriate officers hereinabove named. (2) The officer receiving the report shall investigate the circumstances surrounding the injury or death and shall submit a complete report to the director of state police on forms prescribed by him. The department of natural resources shall receive from the director of state police a copy of the officer's report where the asphyxia or death occurred in waters under the jurisdiction of that department. (3) Any person violating any provision of this section shall be guilty of a misdemeanor. History:Add. 1962, Act 164, Eff. Mar. 28, 1963 ;-- Am. 1969, Act 201, Eff. Mar. 20, 1970

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411d - Requesting Assistance of Ambulance Service or Advanced Mobile Emergency Care Service With Intent Not to Use Assistance as Misdemeanor; Penalty.

Sec. 411d. A person who, with the intent not to use the assistance, knowingly causes or makes a request for the assistance of an ambulance service or an advanced mobile emergency care service is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. History:Add. 1980, Act 490, Eff. Mar. 31, 1981 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411f - Violations of Michigan Employment Security Act; Prosecution; Effective Date of Section.

Sec. 411f. (1) Sections 157a, 174, 218, and 356 shall not apply to violations of the Michigan employment security act, Act No. 1 of the Public Acts of the Extra Session of 1936, being sections 421.1 to 421.73 of the Michigan Compiled Laws. A violation of Act No. 1 of the Public Acts of the Extra Session of 1936 that corresponds to the offenses described in sections 157a, 174, 218, and 356 shall only be prosecuted under the applicable sections of Act No. 1 of the Public Acts of the Extra Session of 1936. (2) This section shall take effect April 1, 1992. History:Add. 1991, Act 9, Eff. Apr. 1, 1992

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411g - “Bed and Breakfast” and “Hotel” Defined; Prohibited Acts; Penalties; Restitution for Room Damage; Posting Copy of Section in Conspicuous Place; Prosecution for Underlying Violation.

Sec. 411g. (1) As used in this section: (a) "Bed and breakfast" means that term as defined in section 12901 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.12901 of the Michigan Compiled Laws. (b) "Hotel" means that term as

defined in section 1 of Act No. 188 of the Public Acts of 1913, being section 427.1 of the Michigan Compiled Laws. (2) An individual or group that does 1 or more of the following on the premises or property of a hotel or bed and breakfast, or an individual or group that rents or leases a hotel room or bed and breakfast room with reason to know that another individual or group will do 1 or more of the following on the premises or property of a hotel or bed and breakfast, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, community service, or by a fine of not more than $500.00, or a combination of any of these punishments: (a) Uses or possesses a controlled substance in violation of section 7403 or 7404 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7403 and 333.7404 of the Michigan Compiled Laws, or a local ordinance substantially similar to those sections. (b) Consumes or possesses alcoholic liquor in violation of section 33b of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33b of the Michigan Compiled Laws, or a local ordinance substantially similar to that section. (c) Commits a violation of this section resulting in damage to the room or its furnishings. (3) In a case involving damage to the room, a court may order the individual to pay restitution which may include the reasonable loss of revenue resulting from the inability to rent or lease the room during the period of time the room is being repaired. (4) The owner or operator of the hotel or bed and breakfast shall post a copy of this section in a conspicuous place adjacent to the site of registration for a room or inside the room. (5) This section does not prohibit the prosecution of an individual for the underlying violation which occurred on the premises or property of the hotel or bed and breakfast. History:Add. 1991, Act 56, Eff. Jan. 1, 1992

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411h - Stalking; Definitions; Violation as Misdemeanor; Penalties; Probation; Conditions; Evidence of Continued Conduct as Rebuttable Presumption; Additional Penalties.

Sec. 411h. (1) As used in this section: (a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose. (b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. (c) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling. (d) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose. (e) "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (f) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following: (i) Following or appearing within the sight of that individual. (ii) Approaching or confronting that individual in a public place or on private property. (iii) Appearing at that individual's workplace or residence. (iv) Entering onto or remaining on property owned, leased, or occupied by that individual. (v) Contacting that individual by telephone. (vi) Sending mail or electronic communications to that individual. (vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual. (g) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment. (2) An individual who engages in stalking is guilty of a crime as follows: (a) Except as provided in subdivision (b), a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (b) If the victim was less than 18 years of age at any time during the individual's course of conduct and the individual is 5 or more years older than the victim, a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (c) If the victim and the individual are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of the same household, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (3) The court may place an individual convicted of violating this section on probation for a term of not more than 5 years. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following: (a) Refrain from stalking any individual during the term of probation. (b) Refrain from having any contact with the victim of the offense. (c) Be evaluated to determine the need for psychiatric, psychological, or social counseling and if, determined appropriate by the court, to receive psychiatric, psychological, or social counseling at the individual's own expense. (4) In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (5) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct. History:Add. 1992, Act 260, Eff. Jan. 1, 1993 ;-- Am. 1997, Act 65, Eff. Mar. 31, 1998 ;-- Am. 2023, Act 199, Eff. Feb. 13, 2024

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750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411i - Definitions; Aggravated Stalking; Circumstances; Violation as Felony; Penalty; Probation; Additional Conditions of Probation; Effect of Continued Course of Conduct; Rebuttable Presumption; Additional Penalty.

Sec. 411i. (1) As used in this section: (a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose. (b) "Credible threat" means a threat to kill another individual or a threat to inflict physical injury upon another individual that is made in any manner or in any context that causes the individual hearing or receiving the threat to reasonably fear for his or her safety or the safety of another individual. (c) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling. (d) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose. (e) "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (f) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following: (i) Following or appearing within the sight of that individual. (ii) Approaching or confronting that individual in a public place or on private property. (iii) Appearing at that individual's workplace or residence. (iv) Entering onto or remaining on property owned, leased, or occupied by that individual. (v) Contacting that individual by telephone. (vi) Sending mail or electronic communications to that individual. (vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual. (g) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment. (2) An individual who engages in stalking is guilty of aggravated stalking if the violation involves any of the following circumstances: (a) At least 1 of the actions constituting the offense is in violation of a restraining order and the individual has received actual notice of that restraining order or at least 1 of the actions is in violation of an injunction or preliminary injunction. (b) At least 1 of the actions constituting the offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release, or a condition of release on bond pending appeal. (c) The course of conduct includes the making of 1 or more credible threats against the victim, a member of the victim's family, or another individual living in the same household as the victim. (d) The individual has been previously convicted of a violation of this section or section 411h. (3) Aggravated stalking is a felony punishable as follows: (a) Except as provided in subdivision (b), by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (b) If the victim was less than 18 years of age at any time during the individual's course of conduct and the individual is 5 or more years older than the victim, by imprisonment for not more than 10 years or a fine of not more than $15,000.00, or both. (4) The court may place an individual convicted of violating this section on probation for any term of years, but not less than 5 years. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following: (a) Refrain from stalking any individual during the term of probation. (b) Refrain from any contact with the victim of the offense. (c) Be evaluated to determine the need for psychiatric, psychological, or social counseling and, if determined appropriate by the court, to receive psychiatric, psychological, or social counseling at his or her own expense. (5) In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (6) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for contempt of court arising from the same conduct. History:Add. 1992, Act 261, Eff. Jan. 1, 1993 ;-- Am. 1997, Act 65, Eff. Mar. 31, 1998Constitutionality:Michigan's anti-stalking law is not an unconstitutionally vague threat to freedom of speech. Staley v Jones, 239 F3d 769 (CA 6, 2001).

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Sec. 411j. As used in this section and sections 411k to 411q: (a) "Controlled substance offense" means a felony violation of part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, concerning controlled substances. (b) "Cryptocurrency" means digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, and that operates independently of a central bank. (c) "Knowingly", in the case of a corporation, means with the approval or prior actual knowledge of the board of directors, a majority of the directors, or persons who together hold a majority of the voting ownership interests in the corporation. In determining whether a majority of the directors approved of or had knowledge of the activity, a director who was not aware of the activity due to his or her own negligence or other fault is regarded as having had knowledge of the activity. This subdivision does not limit the liability of any individual officer, employee, director, or stockholder of a corporation. (d) "Financial transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, exchange, or other disposition of a monetary instrument or other property and, with respect to a financial institution, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of

deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected. (e) "Financial institution" means 1 or more of the following, if located in or doing business in this state: (i) An insured bank, as defined in section 3(h) of the federal deposit insurance act, 12 USC 1813(h). (ii) A commercial bank or trust company. (iii) A private banker. (iv) An agency or branch of a foreign bank. (v) A savings and loan institution. (vi) A thrift institution. (vii) A credit union. (viii) A broker or dealer registered with the securities and exchange commission under the securities exchange act of 1934, 15 USC 78a to 78nn. (ix) A broker or dealer in securities or commodities. (x) An investment banker or investment company. (xi) A currency exchange. (xii) An insurer, redeemer, or cashier of traveler's checks, checks, or money orders. (xiii) An operator of a credit card system. (xiv) An insurance company. (xv) A dealer in precious metals, stones, or jewels. (xvi) A pawnbroker. (xvii) A loan, finance, or mortgage company. (xviii) A travel agency. (xix) A licensed sender of money. (xx) A telegraph company. (f) "Monetary instrument" means coin or currency of the United States or another country, or group of countries, a traveler's check, personal check, bank check, money order, cryptocurrency, or investment security or negotiable instrument in bearer form or in any other form such that delivery is sufficient to pass title. (g) "Proceeds of a specified criminal offense" means any monetary instrument or other real, personal, or intangible property obtained through the commission of a specified criminal offense, including any appreciation in the value of the monetary instrument or property. (h) "Specified criminal offense" means any of the following: (i) A felony violation of section 8 of the tobacco products tax act, 1993 PA 327, MCL 205.428, or section 9 of former 1947 PA 265, concerning cigarette taxes. (ii) A violation of section 11151 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11151, or section 48(3) of former 1979 PA 64, concerning felonious disposal of hazardous waste. (iii) A controlled substance offense. (iv) A felony violation of section 60 of the social welfare act, 1939 PA 280, MCL 400.60, concerning welfare fraud. (v) A violation of section 4, 5, or 7 of the medicaid false claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607, concerning Medicaid fraud. (vi) A felony violation of section 18 of the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.218, concerning the business of gaming. (vii) A violation of section 409 of former 1964 PA 265, or section 508 of the uniform securities act (2002), 2008 PA 551, MCL 451.2508, concerning securities fraud. (viii) A violation of section 5 or 7 of 1978 PA 33, MCL 722.675 and 722.677, concerning the display or dissemination of obscene matter to minors. (ix) A felony violation of section 72, 73, 74, or 75, concerning arson. (x) A violation of section 93, 94, 95, or 96, concerning bank bonds, bills, notes, or property. (xi) A violation of section 117, 118, 119, 120, 121, or 124, concerning bribery. (xii) A violation of section 120a, concerning jury tampering. (xiii) A violation of section 145c, concerning child sexually abusive activity or material. (xiv) A felony violation of section 157n, 157p, 157q, 157r, 157s, 157t, or 157u, concerning credit cards or financial transaction devices. (xv) A violation of section 159i, concerning racketeering. (xvi) A felony violation of section 174, 175, 176, 180, 181, or 182, concerning embezzlement. (xvii) A felony violation of chapter XXXIII, concerning explosives or bombs. (xviii) A violation of section 213, concerning extortion. (xix) A felony violation of section 218, concerning false pretenses. (xx) A felony violation of chapter XLI, concerning forgery or counterfeiting. (xxi) A violation of section 271, 272, 273, or 274, concerning securities fraud. (xxii) A violation of section 301, 302, 303, 304, 305, 305a, or 313, concerning gambling. (xxiii) A violation of section 316 or 317 concerning murder. (xxiv) A violation of section 330, 331, or 332, concerning horse racing. (xxv) A violation of section 349, 349a, or 350, concerning kidnapping. (xxvi) A felony violation of chapter LII, concerning larceny. (xxvii) A violation of section 422, 423, 424, or 425, concerning perjury or subornation of perjury. (xxviii) A violation of section 452, 455, 457, 458, or 459, concerning prostitution. (xxix) A violation of section 529, 530, or 531, concerning robbery. (xxx) A felony violation of section 535 or 535a, concerning stolen, embezzled, or converted property. (xxxi) A violation of chapter LXXXIII-A, concerning terrorism. (xxxii) A violation of section 5 of 1984 PA 343, MCL 752.365, concerning obscenity. (xxxiii) A conspiracy, attempt, or solicitation to commit an offense listed in subparagraphs (i) to (xxxii). (i) "Substituted proceeds of a specified criminal offense" means any monetary instrument or other real, personal, or intangible property obtained or any gain realized by the sale or exchange of proceeds of a specified criminal offense. History:Add. 1994, Act 284, Eff. Oct. 1, 1994 ;-- Am. 1996, Act 80, Imd. Eff. Feb. 27, 1996 ;-- Am. 1997, Act 75, Imd. Eff. July 17, 1997 ;-- Am. 2002, Act 136, Eff. Apr. 22, 2002 ;-- Am. 2009, Act 82, Imd. Eff. Aug. 31, 2009 ;-- Am. 2019, Act 171, Eff. Mar. 19, 2020

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411k - Proceeds of Criminal Offense; Receipt; Acquisition; Financial Transaction.

Sec. 411k. (1) A person shall not knowingly receive or acquire a monetary instrument or other property that constitutes the proceeds or substituted proceeds of a specified criminal offense with prior actual knowledge of both of the following: (a) The monetary instrument or other property represents the proceeds or substituted proceeds of a criminal offense. (b) The receipt or acquisition of the proceeds or substituted proceeds meets 1 or more of the following criteria: (i) It will aid that person or another person in promoting or carrying on the criminal offense from which the proceeds or substituted proceeds were derived or any other criminal offense. (ii) It is designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds or substituted proceeds of the specified criminal offense or to avoid a transaction reporting requirement under state or federal law. (2) A person shall not knowingly conduct, attempt to conduct, or participate in conducting or attempting to conduct a financial transaction involving a monetary instrument or other property that constitutes the proceeds or substituted proceeds of a specified criminal offense with prior actual knowledge of both of the following: (a) The monetary instrument or other property represents the proceeds or substituted proceeds of a criminal offense. (b) The financial transaction meets 1 or more of the following criteria: (i) It will aid that person or another person in promoting or carrying on the criminal offense from which the proceeds or

substituted proceeds were derived or any other criminal offense. (ii) It is designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds or substituted proceeds of the specified criminal offense, or to avoid a transaction reporting requirement under state or federal law. History:Add. 1994, Act 284, Eff. Oct. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411l - Fourth-Degree Money Laundering.

Sec. 411l. Except as otherwise provided in sections 411m to 411o, a person who violates section 411k is guilty of fourth-degree money laundering, a misdemeanor punishable by imprisonment for not more than 2 years, or by a fine of not more than $10,000.00 or twice the value of the proceeds or substituted proceeds of the specified criminal offense involved in the violation, whichever is greater, or both. History:Add. 1994, Act 284, Eff. Oct. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411m - Third-Degree Money Laundering.

Sec. 411m. (1) Except as otherwise provided in sections 411n and 411o, a person who violates section 411k is guilty of third-degree money laundering if the violation involves 1 of the following circumstances: (a) The value of the proceeds or substituted proceeds of the specified criminal offense involved in the violation is $10,000.00 or more. (b) The specified criminal offense involved in the violation is a controlled substance offense, or an attempt, solicitation, or conspiracy to commit a controlled substance offense. (c) The violation is committed with the intent to do 1 or more of the following: (i) Promote the commission of the criminal offense from which the proceeds or substituted proceeds were derived or any other criminal offense. (ii) Conceal or disguise the nature, location, source, ownership, or control of the proceeds or substituted proceeds of the specified criminal offense or avoid a transaction reporting requirement under state or federal law. (2) Third-degree money laundering is a felony punishable by imprisonment for not more than 5 years, or by a fine of not more than $50,000.00 or twice the value of the proceeds or substituted proceeds of the specified criminal offense involved in the violation, whichever is greater, or both. (3) For purposes of this section, the $10,000.00 threshold for the value of the proceeds or substituted proceeds of a specified criminal offense may be aggregated over a period of 30 calendar days. History:Add. 1994, Act 284, Eff. Oct. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411n - Second-Degree Money Laundering.

Sec. 411n. (1) Except as otherwise provided in section 411o, a person who violates section 411k is guilty of second-degree money laundering if the value of the proceeds or substituted proceeds of the specified criminal offense involved in the violation is $10,000.00 or more and the violation involves either of the following: (a) The specified criminal offense involved in the violation is a controlled substance offense, or an attempt, solicitation, or conspiracy to commit a controlled substance offense. (b) The violation is committed with the intent to do 1 or more of the following: (i) Promote the commission of the criminal offense from which the proceeds or substituted proceeds were derived or any other criminal offense. (ii) Conceal or disguise the nature, location, source, ownership, or control of the proceeds or substituted proceeds of the specified criminal offense or avoid a transaction reporting requirement under state or federal law. (2) Second-degree money laundering is a felony punishable by imprisonment for not more than 10 years, or by a fine of not more than $100,000.00 or twice the value of the proceeds or substituted proceeds of the specified criminal offense involved in the violation, whichever is greater, or both. (3) For purposes of this section, the $10,000.00 threshold for the value of the proceeds or substituted proceeds of a specified criminal offense may be aggregated over a period of 30 calendar days. History:Add. 1994, Act 284, Eff. Oct. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411o - First-Degree Money Laundering.

Sec. 411o. (1) A person who violates section 411k is guilty of first-degree money laundering if the violation involves all of the following circumstances: (a) The value of the proceeds or substituted proceeds of the specified criminal offense involved in the violation is $10,000.00 or more. (b) The specified criminal offense involved in the violation is a controlled substance offense, or an attempt, solicitation, or conspiracy to commit a controlled substance offense. (c) The violation is committed with the intent to do 1 or more of the following: (i) Promote the commission of the criminal offense from which the proceeds or substituted proceeds were derived or any other criminal offense. (ii) Conceal or disguise the nature, location, source, ownership, or control of the proceeds or substituted proceeds of the specified criminal offense or avoid a transaction reporting requirement under state or federal law. (2) First-degree money laundering is a felony punishable by imprisonment for not more than 20 years, or by a fine of not more than $500,000.00 or twice the value of the proceeds or substituted proceeds of the specified criminal offense involved in the violation, whichever is greater, or both. (3) For purposes of this section, the $10,000.00 threshold for the value of the proceeds or substituted proceeds of a specified criminal offense may be aggregated over a period of 30 calendar days. History:Add. 1994, Act 284, Eff. Oct. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411p - Financial Transaction Involving

Proceeds of Criminal Offense; Representation by Law Enforcement Officer; Felony; Penalty; Threshold Amount.

Sec. 411p. (1) A person who conducts, attempts to conduct, or participates in conducting or attempting to conduct a financial transaction involving a monetary instrument or other property that a law enforcement officer represents to be the proceeds or substituted proceeds of a specified criminal offense is guilty of a felony, punishable as provided in subsection (2), if that person conducts, attempts to conduct, or participates in conducting or attempting to conduct the financial transaction with the intent to do 1 or more of the following: (a) Promote the commission of a criminal offense. (b) Conceal or disguise the nature, location, source, ownership, or control of a monetary instrument or other property believed to be the proceeds or substituted proceeds of a specified criminal offense or avoid a transaction reporting requirement under state or federal law. (2) A person who violates subsection (1) is guilty of a felony punishable as follows: (a) If the monetary instrument or other property involved in the transaction is represented to be the proceeds or substituted proceeds of a controlled substance offense and has a value of $10,000.00 or more, by imprisonment for not more than 20 years or a fine of not more than $500,000.00, or both. (b) If the monetary instrument or other property involved in the transaction is represented to be the proceeds or substituted proceeds of a controlled substance offense or has a value of $10,000.00 or more, by imprisonment for not more than 10 years or a fine of not more than $100,000.00, or both. (c) In all cases not described in subdivision (a) or (b), by imprisonment for not more than 5 years or a fine of not more than $50,000.00, or both. (3) For purposes of this section, a representation of a monetary instrument or other property as the proceeds or substituted proceeds of a specified criminal offense may be made by a person at the direction of, or with the approval of, a law enforcement official authorized to investigate or prosecute violations of this section. (4) For purposes of this section, the $10,000.00 threshold for the value of the monetary instrument or other property represented to be proceeds or substituted proceeds may be aggregated over a period of 30 calendar days. History:Add. 1994, Act 284, Eff. Oct. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411q - Obtaining Information and Access to Financial Crimes Enforcement Network; Disseminating Information; Authorization by Federal Government.

Sec. 411q. The director of the department of state police, in consultation with the attorney general, may enter into agreements with federal authorities, including the United States department of treasury and the United States department of justice, to obtain reported information and access to the financial crimes enforcement network and may disseminate information obtained to state and local law enforcement authorities as authorized by the federal government. History:Add. 1994, Act 284, Eff. Oct. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411r - Unused Property Merchant; Prohibited Acts; Violation as Misdemeanor; Definitions.

Sec. 411r. (1) Subject to subsection (2), an unused property merchant who sells or offers to sell 1 or more of the following items at an unused property market is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00, or both: (a) Food manufactured, packaged, and labeled specifically for sale or consumption by a child less than 2 years of age. (b) A nonprescription drug that is past its expiration date. (c) A medical device. (2) Subsection (1) does not apply if the unused property merchant who sells or offers to sell an item described in subsection (1) is authorized in writing to sell the item at retail by the manufacturer of the item or the manufacturer's authorized distributor, the authorization states the person's name and the date the authorization expires, and the person provides for examination the authorization to any person at the unused property market who requests to examine the authorization. An unused property merchant who provides to another person for examination pursuant to this subsection an authorization that is forged, contains a false statement, or was obtained by fraud is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00, or both. (3) An unused property merchant shall obtain and retain for not less than 2 years a purchase receipt for each item of new and unused property the unused property merchant acquires. The receipt must show the date of the acquisition, the name and address of the person from which the item was acquired, an identification and description of the item, and the price paid for the item. It is a misdemeanor, punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00, or both, for an unused property merchant to knowingly do any of the following with respect to a receipt the unused property merchant is required to obtain and retain under this subsection: (a) Falsify or obliterate a receipt. (b) Refuse or fail to make a receipt available for inspection by a law enforcement official within a reasonable time after an inspection of the receipt is requested. This subdivision does not require an unused property merchant to possess the receipt on his or her person without reasonable notice. (c) Destroy or dispose of a receipt before the end of the 2-year period described in this subsection. (4) As used in this section: (a) "Drug" means that term as defined in section 17703 of the public health code, 1978 PA 368, MCL 333.17703. (b) "Medical device" means a device as that term is defined in section 17703 of the public health code, 1978 PA 368, MCL 333.17703. (c) "New and unused property" means tangible personal property properly acquired by an unused property merchant directly from a producer, manufacturer, wholesaler, or retailer in the ordinary course of business, and that has never been used since its production or manufacture, or is in its original and unopened package or container if it was packaged when originally produced or manufactured. New and unused property does not include any of the following: (i) A vehicle subject to the registration and certificate of title requirements of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. (ii) Firewood, ice, or livestock. (iii) Unused antique property. (iv) Arts, crafts, or similar merchandise sold or offered for sale by the individual who made or produced it or an employee or agent of the individual. (v) Personal property

sold for future delivery solely by use of a sample of the property, a catalog, or a brochure. (d) "Nonprescription drug" means a nonnarcotic drug that may be sold without a prescription and that is labeled and packaged in compliance with applicable state or federal law. Nonprescription drug does not include vitamins or an herbal product, dietary supplement, or botanical extract. (e) "Unused property market" means either an event at which 2 or more persons offer tangible personal property for sale or exchange, and a fee is charged for the sale or exchange of personal property or a fee is charged to prospective buyers for admission to the event, or an event at which more than 6 times a year 1 or more persons offer or display tangible personal property for sale or exchange. Unused property market includes, but is not limited to, events or locations commonly known as swap meets, indoor swap meets, or flea markets. Unused property market does not include any of the following: (i) An industry or association trade show. (ii) An event organized for the exclusive benefit of a community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, if no portion of any fee charged vendors or prospective purchasers and none of the gross receipts or net earnings of the sale or exchange of personal property benefit a private shareholder or person participating in the event or the organization of the event. (iii) An event or location at which all of the personal property offered for sale or on display is new and each person selling, exchanging, offering, or displaying personal property for sale or exchange is the manufacturer of the property or an authorized representative or distributor of the manufacturer. (f) "Unused property merchant" means a person who offers, displays, sells, or exchanges tangible personal property at an unused property market. Unused property merchant does not include a person who only sells tangible personal property for future delivery by sample, catalog, or brochure or a person who sells or offers to sell tangible personal property to a consumer pursuant to an individual invitation issued directly to the consumer at a location or premises owned or legally occupied by the person. History:Add. 2000, Act 332, Eff. Feb. 1, 2001

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411s - Posting Message Through Electronic Medium; Prohibitions; Penalty; Exceptions; Definitions.

Sec. 411s. (1) A person shall not post a message through the use of any medium of communication, including the internet or a computer, computer program, computer system, or computer network, or other electronic medium of communication, without the victim's consent, if all of the following apply: (a) The person knows or has reason to know that posting the message could cause 2 or more separate noncontinuous acts of unconsented contact with the victim. (b) Posting the message is intended to cause conduct that would make the victim feel terrorized, frightened, intimidated, threatened, harassed, or molested. (c) Conduct arising from posting the message would cause a reasonable person to suffer emotional distress and to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (d) Conduct arising from posting the message causes the victim to suffer emotional distress and to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (2) A person who violates subsection (1) is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $5,000.00, or both. (b) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both: (i) Posting the message is in violation of a restraining order and the person has received actual notice of that restraining order or posting the message is in violation of an injunction or preliminary injunction. (ii) Posting the message is in violation of a condition of probation, a condition of parole, a condition of pretrial release, or a condition of release on bond pending appeal. (iii) Posting the message results in a credible threat being communicated to the victim, a member of the victim's family, or another individual living in the same household as the victim. (iv) The person has been previously convicted of violating this section or section 145d, 411h, or 411i, or section 6 of 1979 PA 53, MCL 752.796, or a substantially similar law of another state, a political subdivision of another state, or of the United States. (v) The victim is less than 18 years of age when the violation is committed and the person committing the violation is 5 or more years older than the victim. (3) This section does not apply to an internet or computer network service provider who in good faith, and without knowledge of the specific nature of the message posted, provides the medium for disseminating information or communication between persons. (4) The court may order a person convicted of violating this section to reimburse this state or a local unit of government of this state for the expenses incurred in relation to the violation in the same manner that expenses may be ordered to be reimbursed under section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f. (5) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this section. (6) This section does not prohibit constitutionally protected speech or activity. (7) A person may be prosecuted in this state for violating or attempting to violate this section only if 1 of the following applies: (a) The person posts the message while in this state. (b) Conduct arising from posting the message occurs in this state. (c) The victim is present in this state at the time the offense or any element of the offense occurs. (d) The person posting the message knows that the victim resides in this state. (8) As used in this section: (a) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network. (b) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers. (c) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network. (d) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or

hardware. (e) "Credible threat" means a threat to kill another individual or a threat to inflict physical injury upon another individual that is made in any manner or in any context that causes the individual hearing or receiving the threat to reasonably fear for his or her safety or the safety of another individual. (f) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses. (g) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling. (h) "Internet" means that term as defined in section 230 of title II of the communications act of 1934, chapter 652, 110 Stat. 137, 47 U.S.C. 230. (i) "Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating or attempting to transfer, send, post, publish, disseminate, or otherwise communicate information, whether truthful or untruthful, about the victim. (j) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes any of the following: (i) Following or appearing within sight of the victim. (ii) Approaching or confronting the victim in a public place or on private property. (iii) Appearing at the victim's workplace or residence. (iv) Entering onto or remaining on property owned, leased, or occupied by the victim. (v) Contacting the victim by telephone. (vi) Sending mail or electronic communications to the victim through the use of any medium, including the internet or a computer, computer program, computer system, or computer network. (vii) Placing an object on, or delivering or having delivered an object to, property owned, leased, or occupied by the victim. (k) "Victim" means the individual who is the target of the conduct elicited by the posted message or a member of that individual's immediate family. History:Add. 2000, Act 475, Eff. Apr. 1, 2001

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411t - Hazing Prohibited; Violation; Penalty; Exceptions; Certain Defenses Barred; Definitions; Section Title.

Sec. 411t. (1) Except as provided in subsection (4), a person who attends, is employed by, or is a volunteer of an educational institution shall not engage in or participate in the hazing of an individual. (2) A person who violates subsection (1) is guilty of a crime punishable as follows: (a) If the violation results in physical injury, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00, or both. (b) If the violation results in serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $2,500.00, or both. (c) If the violation results in death, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (3) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct. (4) This section does not apply to an individual who is the subject of the hazing, regardless of whether the individual voluntarily allowed himself or herself to be hazed. (5) This section does not apply to an activity that is normal and customary in an athletic, physical education, military training, or similar program sanctioned by the educational institution. (6) It is not a defense to a prosecution for a crime under this section that the individual against whom the hazing was directed consented to or acquiesced in the hazing. (7) As used in this section: (a) "Educational institution" means a public or private school that is a middle school, junior high school, high school, vocational school, college, or university located in this state. (b) "Hazing" means an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization. Subject to subsection (5), hazing includes any of the following that is done for such a purpose: (i) Physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity. (ii) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual. (iii) Activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual. (iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing. (c) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, athletic team, or similar group whose members are primarily students at an educational institution. (d) "Pledge" means an individual who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in any organization. (e) "Pledging" means any action or activity related to becoming a member of an organization. (f) "Serious impairment of a body function" means that term as defined in section 479a. (8) This section shall be known and may be cited as "Garret's law". History:Add. 2004, Act 111, Eff. Aug. 18, 2004

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411u - Associate or Member of Gang; Commission or Attempt to Commit Felony; Membership in Gang as Motive, Means, or Opportunity; Penalty; Definitions; Consecutive Sentence.

Sec. 411u. (1) If a person who is an associate or a member of a gang commits a felony or attempts to commit a felony and the person's association or membership in the gang provides the motive, means, or opportunity to commit the felony, the person is guilty of a felony punishable by imprisonment for not more than 20 years. As used in this section: (a) "Gang" means an ongoing

organization, association, or group of 5 or more people, other than a nonprofit organization, that identifies itself by all of the following: (i) A unifying mark, manner, protocol, or method of expressing membership, including a common name, sign or symbol, means of recognition, geographical or territorial sites, or boundary or location. (ii) An established leadership or command structure. (iii) Defined membership criteria. (b) "Gang member" or "member of a gang" means a person who belongs to a gang. (2) A sentence imposed under this section is in addition to the sentence imposed for the conviction of the underlying felony or the attempt to commit the underlying felony and may be served consecutively with and preceding any term of imprisonment imposed for the conviction of the felony or attempt to commit the felony. History:Add. 2008, Act 564, Eff. Apr. 1, 2009

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411v - Causing, Encouraging, Recruiting, Soliciting, or Coercing Another to Join, Participate In, or Assist Gang in Felony; Violation as Felony; Threat of Injury or Damage as Felony; Additional Sentence; Definitions.

Sec. 411v. (1) A person shall not cause, encourage, recruit, solicit, or coerce another to join, participate in, or assist a gang in committing a felony. A person who violates this subsection is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. (2) A person shall not communicate, directly or indirectly, to another person a threat of injury or damage to the person or property of that person or to an associate or relative of that person with the intent to do either of the following: (a) Deter the other person from assisting a gang member or associate of a gang to withdraw from the gang. (b) Punish or retaliate against the other person for having withdrawn from a gang. (3) A person who violates subsection (2) is guilty of a felony punishable for not more than 20 years or a fine of not more than $20,000.00, or both. (4) A sentence imposed under this section is in addition to a sentence imposed for the conviction of another felony or attempt to commit a felony arising out of the same transaction and may be ordered to be served consecutively with and preceding a term of imprisonment imposed for the conviction of that felony or attempt to commit that felony. (5) As used in this section: (a) "Gang" means an ongoing organization, association, or group of 5 or more people, other than a nonprofit organization, that identifies itself by all of the following: (i) A unifying mark, manner, protocol, or method of expressing membership, including a common name, sign or symbol, means of recognition, and geographical or territorial sites, or boundary or location. (ii) An established leadership or command structure. (iii) Defined membership criteria. (b) "Gang member" means a person who belongs to a gang. History:Add. 2008, Act 563, Eff. Apr. 1, 2009

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411w - Automated Sales Suppression Device or Zapper, Phantom-Ware, or Skimming Device; Sale, Purchase, Installation, Transfer, or Possession Prohibited; Violation as Felony; Liability for Taxes and Penalties; Exception; Definitions.

Sec. 411w. (1) A person shall not knowingly sell, purchase, install, transfer, or possess in this state any automated sales suppression device or zapper, phantom-ware, or a skimming device. (2) A person who violates subsection (1) is guilty of a felony and shall be imprisoned for not less than 1 year or more than 5 years and, in addition, may be fined not more than $100,000.00. (3) A person who violates subsection (1) is liable for all taxes and penalties due the state as the result of the fraudulent use of an automated sales suppression device, phantom-ware, or a skimming device and shall disgorge all profits associated with the sale or use of an automated sales suppression device, phantom-ware, or a skimming device. (4) Subsection (1) does not apply to equipment or technology utilized by a law enforcement officer while the officer is in the lawful performance of his or her duties as a law enforcement officer. (5) As used in this section: (a) "Automated sales suppression device" or "zapper" means a software program carried on a memory stick or removable compact disc, accessed through an internet link, or accessed through any other means, that falsifies the electronic records of electronic cash registers and other point-of-sale systems, including, but not limited to, transaction data and transaction reports. (b) "Electronic cash register" means a device that keeps a register or supporting documents through the means of an electronic device or computer system designed to record transaction data for the purpose of computing, compiling, or processing retail sales transaction data in whatever manner. (c) "Financial transaction device" means that term as defined in section 157m of the Michigan penal code, 1931 PA 328, MCL 750.157m. (d) "Personal identifying information" and "personal information" mean those terms as defined in section 3 of the identity theft protection act, 2004 PA 452, MCL 445.63. (e) "Phantom-ware" means a hidden, preinstalled, or installed at a later time programming option embedded in the operating system of an electronic cash register or hardwired into the electronic cash register that can be used to create a virtual second till or may eliminate or manipulate transaction records that may or may not be preserved in digital formats to represent the true or manipulated record of transactions in the electronic cash register. (f) "Skimming device" means any combination of devices or methods that are designed or adapted to be placed on the physical property of another person and to obtain the personal information or personal identifying information of another, or any other information that allows access to a person's financial accounts, from a financial transaction device without the permission of the owner of the financial transaction device. (g) "Transaction data" includes information regarding items purchased by a customer, the price for each item, a taxability determination for each item, a segregated tax amount for each of the taxed items, the amount of cash or credit tendered, the net amount returned to the customer in change, the date and time of the purchase, the name, address, and identification number of the vendor, and the receipt or invoice number of the transaction. (h) "Transaction report" means a report that includes, but need not be limited to, the sales, taxes collected, media totals, and discount voids at an electronic cash register that is printed on cash register tape at the end of a day or shift, or a report documenting every action at an

electronic cash register that is stored electronically. History:Add. 2012, Act 146, Eff. Aug. 29, 2012 ;-- Am. 2013, Act 212, Eff. Apr. 1, 2014

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LX - Chapter LX Miscellaneous (750.409...750.411x)Section 750.411x - Cyberbullying Prohibited; Violation as Misdemeanor; Violation as Felony; Definitions.

Sec. 411x. (1) A person shall not cyberbully another person. (2) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (3) A person who violates subsection (1), and who has a prior conviction for a violation of subsection (1), is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (4) A person who violates subsection (1) in a manner that involves a continued pattern of harassing or intimidating behavior and by that violation causes serious injury to the victim is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. As used in this subsection, "serious injury" means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person. (5) A person who violates subsection (1) in a manner that involves a continued pattern of harassing or intimidating behavior and by that violation causes the death of the victim is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $10,000.00, or both. (6) As used in this section: (a) "Cyberbully" includes posting a message or statement in a public media forum about any other person if both of the following apply: (i) The message or statement is intended to place a person in fear of bodily harm or death and expresses an intent to commit violence against the person. (ii) The message or statement is posted with the intent to communicate a threat or with knowledge that it will be viewed as a threat. (b) "Pattern of harassing or intimidating behavior" means a series of 2 or more separate noncontinuous acts of harassing or intimidating behavior. (c) "Public media forum" means the internet or any other medium designed or intended to be used to convey information to other individuals, regardless of whether a membership or password is required to view the information. History:Add. 2018, Act 457, Eff. Mar. 27, 2019

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.412 - Definition.

Sec. 412. Definition—The term "motor vehicle" as used in this chapter shall include all vehicles impelled on the public highways of this state by mechanical power, except traction engines, road rollers and such vehicles as run only upon rails or tracks. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.412

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.413 - Motor Vehicle; Taking Possession and Driving Away.

Sec. 413. Taking possession of and driving away a motor vehicle—Any person who shall, wilfully and without authority, take possession of and drive or take away, and any person who shall assist in or be a party to such taking possession, driving or taking away of any motor vehicle, belonging to another, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.413Former Law:See section 1 of Act 44 of 1907, being CL 1915, § 15430; CL 1929, § 16969; Act 220 of 1917; Act 313 of 1919; and Act 50 of 1927.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.414 - Motor Vehicle; Use Without Authority but Without Intent to Steal.

Sec. 414. Any person who takes or uses without authority any motor vehicle without intent to steal the same, or who is a party to such unauthorized taking or using, is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $1,500.00. However, in case of a first offense, the court may reduce the punishment to imprisonment for not more than 3 months or a fine of not more than $500.00. However, this section does not apply to any person or persons employed by the owner of said motor vehicle or anyone else, who, by the nature of his or her employment, has the charge of or the authority to drive said motor vehicle if said motor vehicle is driven or used without the owner's knowledge or consent. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.414 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 33 of 1909, being CL 1915, § 15431; and CL 1929, § 16970.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.414a - Unlawful Possession of Motor Vehicle Master Key; Definition; Exceptions; Penalty.

Sec. 414a. (a) Except as provided in subsection (c) of this section, no person shall have a motor vehicle master key in his possession. (b) As used in this section, "motor vehicle master key" means a key which is designed to open locks on more than one motor vehicle but excludes keys supplied with the motor vehicle by the manufacturer or dealer or the exact duplicate of such keys, and excludes keys supplied with replacement locks or the exact duplicate of such keys. (c) The provisions of subsection (a) shall not apply to the

following: (1) Keys in the possession of garage mechanics, parking lot attendants or others engaged in the business of repairing or storing motor vehicles. (2) Keys in the possession of law enforcement officers. (3) Keys in the possession of locksmiths, key makers or other persons engaged in the business of making, altering, duplicating or repairing locks or keys. (d) Violation of the provisions of this section shall be a misdemeanor. History:Add. 1966, Act 272, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.415 - Concealing or Misrepresenting Identity of Motor Vehicle or Mechanical Device as Misdemeanor or Felony; Evidence of Violation; Confiscation; Sale at Public Auction; Revocation of Dealer's License; Vehicle Identification Plate and Applicable Labels; Motor Vehicle or Part With Identification Number Removed.

Sec. 415. (1) A person who, without the intent to mislead another as to the identity of the vehicle, conceals or misrepresents the identity of a motor vehicle or of a mechanical device by removing or defacing the manufacturer's serial number or the engine or motor number on the motor vehicle, or by replacing a part of the motor vehicle or mechanical device bearing the serial number or engine or motor number of the vehicle with a new part upon which the proper serial number or engine or motor number has not been stamped, is guilty of a misdemeanor. (2) A person who, with the intent to mislead another as to the identity of a vehicle, conceals or misrepresents the identity of a motor vehicle or of a mechanical device by removing or defacing the manufacturer's serial number or the engine or motor number on the motor vehicle, or by replacing a part of the motor vehicle or mechanical device bearing the serial number or engine or motor number of the vehicle with a new part upon which the proper serial number or engine or motor number has not been stamped, is guilty of a felony, and if the person is a licensed dealer, the dealer's license shall be revoked. (3) In all prosecutions under this section, possession by a person of a motor vehicle or of a mechanical device with the manufacturer's serial number or the engine or motor number removed, defaced, destroyed or altered or with a part bearing the number or numbers replaced by one on which the proper number does not appear, shall be prima facie evidence of violation of this section. (4) If the identification of a motor vehicle or a mechanical device has been removed, defaced, or altered as provided in this section and the real identity of the motor vehicle or mechanical device cannot be determined, the motor vehicle or mechanical device shall be subject to confiscation by the state and shall be sold at public auction, put to official use by the government agency seizing the vehicle, or rendered scrap. If the items are confiscated from a licensed vehicle dealer, the dealer's license shall be revoked. (5) A person shall not knowingly possess, buy, deliver, or offer to buy, sell, exchange, or give away any manufacturer's vehicle identification number plate, federal safety certification label, antitheft label, posident die stamps, secretary of state vehicle identification label, rosette rivet, or any facsimile thereof. This subsection does not apply to a motor vehicle manufacturer, a motor vehicle parts supplier under contract with a motor vehicle manufacturer, or a law enforcement officer in the official performance of his or her duties or to a motor vehicle in which a manufacturer's vehicle identification plate and each of the applicable labels listed in this subsection have been installed as prescribed by law. A person who violates this subsection is guilty of a felony, punishable by imprisonment for not more than 4 years, a fine of not more than $10,000.00, or both. If the person who violates this subsection is a licensed dealer or repair facility, its license shall be revoked. (6) A person shall not buy, receive, or obtain control of a motor vehicle or motor vehicle part with the intent to sell or otherwise dispose of the motor vehicle or motor vehicle part knowing that an identification number of that motor vehicle or motor vehicle part has been removed, obliterated, tampered with, or altered. This subsection does not apply to a motor vehicle obtained from or at the direction of a law enforcement agency. A person who violates this subsection is guilty of a felony punishable by imprisonment for not more than 10 years, a fine of not more than $20,000.00, or both. (7) As used in this section: (a) "Antitheft label" means a label containing the vehicle identification number affixed to a motor vehicle by the manufacturer in accordance with subtitle VI of title 49 of the United States Code, 49 U.S.C. 30101 to 33118. (b) "Federal safety certification label" means a label affixed to a motor vehicle that certifies that the motor vehicle conforms to current safety standards at the time of production and displays the vehicle identification number. (c) "Motor vehicle" means a device in, upon, or by which a person or property is or may be transported or drawn upon a street, highway, or waterway, whether subject to or exempt from registration, except a device exclusively moved by human power or used exclusively upon stationary rails or tracks. (d) "Posident die stamps" means specially designed die stamps used by motor vehicle manufacturers to produce unique letters and numbers when stamping vehicle identification numbers upon vehicle identification plates, tags, and parts affixed to a motor vehicle. (e) "Rosette rivet" means a special rivet designed to prevent removal or tampering with a vehicle identification number plate affixed by the manufacturer to a motor vehicle and that, when used to affix a vehicle identification number plate, forms 5 or 6 petals at the rivet head. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.415 ;-- Am. 1978, Act 494, Eff. Dec. 13, 1978 ;-- Am. 2000, Act 217, Eff. Oct. 1, 2000Former Law:See sections 1 to 3 of Act 182 of 1917, being CL 1929, §§ 16972 to 16974; Act 115 of 1919; and Act 129 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.416 - Motor Vehicle; Damaging, Tampering or Meddling With.

Sec. 416. Damaging or unauthorized tampering or meddling with motor vehicle—Any person shall be guilty of a misdemeanor, who shall: Intentionally and without authority from the owner, start or cause to be started the motor of any motor vehicle, or maliciously shift or change the starting device or gears of a standing motor vehicle to a position other than that in which it was left by the owner or driver of said motor vehicle; or Intentionally cut, mark, scratch or damage the chassis, running gear, body, sides, top, covering or

upholstering of any motor vehicle, the property of another, or intentionally cut, mash, mark, destroy or damage such motor vehicle, or any of the accessories, equipment, appurtenances or attachments thereof, or any spare or extra parts thereon being or thereto attached, without the permission of the owner thereof; or Intentionally release the brake upon any standing motor vehicle, with intent to injure said machine or cause the same to be removed without the consent of the owner: Provided, That this section shall not apply in case of moving or starting of motor vehicles by the police under authority of local ordinance or by members of fire departments in case of emergency in the vicinity of a fire. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.416Former Law:See section 1 of Act 219 of 1917, being CL 1929, § 16971.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.417 - Motor Vehicle; Removal Out of State, Consent of Mortgagee.

Sec. 417. Removal of and remaining out of state of motor vehicle, under mortgage, without consent of mortgagee—Any person who shall have made or executed any mortgage or instrument in writing intended to operate as a mortgage of any motor vehicle and who shall remove such motor vehicle so mortgaged from the state, without fully paying and satisfying said mortgage, and who shall cause or permit the motor vehicle so mortgaged and removed from the state, to remain outside of the state for a period of 30 days or more, without the consent of mortgagee named in said mortgage, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.417Former Law:See section 1 of Act 233 of 1925, being CL 1929, § 16975.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.417a - Vehicle, Watercraft, or Aircraft Subject to Conditional Sales Contract, Security Agreement, or Lease Contract; Written Consent Required for Lease or Sublease; Violation as Misdemeanor; Court Action; Construction of Section.

Sec. 417a. (1) A person other than the buyer shall not assist, cause, arrange, or induce the buyer of a vehicle, watercraft, or aircraft that is subject to a conditional sales contract or security agreement to lease or sublease the vehicle, watercraft, or aircraft to another person without first obtaining written consent to the lease or sublease from the holder of the security agreement. (2) A person other than a party to the lease shall not assist, cause, arrange, or induce the lessee of a vehicle, watercraft, or aircraft that is subject to a lease contract to sublease the vehicle, watercraft, or aircraft to another person without first obtaining written consent to the sublease from the lessor under the lease contract. (3) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or by a fine of not more than $10,000.00, or both. (4) A person who suffers a loss as a result of a violation of this section may bring an action in a court of competent jurisdiction to recover 1 or more of the following: (a) An injunction or restraining order enjoining a person from engaging in a method, act, or practice which is a violation of this section. (b) Any other equitable relief. (5) This section shall not be construed to limit the rights or duties a person may have under any other law. History:Add. 1994, Act 140, Eff. Mar. 30, 1995

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.418 - Motor Vehicle; Removal Out of State, Consent of Vendor.

Sec. 418. Removal of and remaining out of state of motor vehicle, under a conditional sales contract, without consent of vendor—Any person who shall have acquired possession of a motor vehicle under a conditional sales contract or under a property note, in which said conditional sales contract or property note the title is reserved in the vendor, and who shall remove such motor vehicle so acquired from the state without fully paying for said motor vehicle, and who shall cause or permit said motor vehicle so acquired and removed from the said state, to remain out of the state for a period of 30 days or more, without the consent of the vendor named in said conditional sales contract or property note, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.418Former Law:See section 2 of Act 233 of 1925, being CL 1929, § 16976.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.419 - Operating or Riding Motorcycle; Moped, or Other Motor Vehicle on Bicycle Path or Sidewalk; Misdemeanor; Exception.

Sec. 419. A person who operates or rides a motorcycle, moped, or other motor vehicle, excepting motorized wheelchairs upon a bicycle path or a sidewalk regularly laid out and constructed for the use of pedestrians, not including a crosswalk or driveway, is guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.419 ;-- Am. 1975, Act 281, Imd. Eff. Nov. 26, 1975 ;-- Am. 1978, Act 56, Eff. Mar. 30, 1979Former Law:See sections 1 and 2 of Act 38 of 1917, being CL 1929, §§ 4221 and 4222.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.420 - Motor Vehicle; Equipment With Smoke or Gas Producing Devices.

Sec. 420. Motor vehicles equipped with smoke or gas producing devices—Any person who shall own, operate or have in his

possession any motor vehicle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle or in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.420Former Law:See section 1 of Act 58 of 1929, being CL 1929, § 4778.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.421a - Motor Vehicle; Assignment of Title Upon Trade-In.

Sec. 421a. Whenever a licensed motor vehicle dealer, his agent or representative, shall give a credit allowance to the owner of a motor vehicle as consideration or part consideration of the purchase price of another motor vehicle sold by said dealer, he shall demand from such owner, and such owner shall furnish to such dealer, a properly assigned certificate of title thereof in the dealer's name. Any licensed motor vehicle dealer, his agent or representative, or the owner of such motor vehicle, who shall assign, or shall permit, aid, counsel or assist in any way in assigning the certificate of title of said motor vehicle to a person other than such dealer, shall be guilty of a misdemeanor. The term "licensed motor vehicle dealer" as used in this section shall be construed to mean a dealer licensed under the provisions of section 14 of Act No. 46 of the Public Acts of 1921, being section 4671 of the Compiled Laws of 1929, as amended. History:Add. 1939, Act 345, Imd. Eff. July 5, 1939 ;-- CL 1948, 750.421aCompiler's Notes:Section 14 of Act 46 of 1921, referred to in this section, is MCL 256.114, which was repealed by Act 300 of 1949.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.421b - Motor Vehicle; Transporting Farm or Commercial Products, Hindering.

Sec. 421b. Any person who shall, without lawful authority, by force, stop or hinder the operation of any vehicle transporting farm or commercial products within this state, or the loading or unloading of such vehicle, with the intent to prevent, hinder or delay transportation, loading or unloading of such products, upon conviction thereof, shall be guilty of an offense punishable by imprisonment in the county or municipal jail for not more than 90 days or by a fine of not more than $100.00, or by both such fine and imprisonment, and upon a second or subsequent offense shall be punished by imprisonment in the state prison for not more than 2 years or by a fine of not more than $1,000.00, or by both such fine and imprisonment. This section shall not apply to railroads. History:Add. 1943, Act 24, Eff. July 30, 1943 ;-- CL 1948, 750.421b

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.421c - Sale of Motor Vehicle to Unemancipated Minor Prohibited Without Consent of Parent or Guardian; Retention of Form; Penalty.

Sec. 421c. No person shall knowingly sell a motor vehicle to an unemancipated minor under age 18 without the written consent of 1 of the minor's parents or his guardian on a form approved by the secretary of state. No person shall present a false document purporting to be the written consent hereunder. The seller under this section shall retain the required form for a period of 3 years from the date of sale. Any violation of this section constitutes a misdemeanor. History:Add. 1966, Act 164, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXI - Chapter LXI Motor Vehicles (750.412...750.421e)Section 750.421d - Importing, Manufacturing, Selling, Distributing, Installing, or Reinstalling Counterfeit Supplemental Restraint System or Nonfunctional Airbag; Penalties; Applicability of Section; Definitions.

Sec. 421d. (1) A person shall not do any of the following: (a) Knowingly and intentionally import, manufacture, sell, offer for sale, distribute, install, or reinstall in a motor vehicle a device intended to replace a supplemental restraint system component if the device is a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that the person knows was not designed to comply with 49 CFR 571.208 for the make, model, and year of that motor vehicle. (b) Knowingly and intentionally sell, offer for sale, install, or reinstall in any motor vehicle a device that the person knows will cause a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning supplemental restraint system. (c) Knowingly and intentionally sell, lease, or trade a motor vehicle to a consumer if the person has actual knowledge that a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that the person has actual knowledge was not designed to comply with 49 CFR 571.208 for the make, model, and year of the motor vehicle has been installed as part of the motor vehicle's inflatable restraint system. (2) A person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $10,000.00, or both. (3) This section does not apply to the owner or employee of a new or used motor vehicle dealership who does not have actual knowledge of the presence of a counterfeit supplemental restraint system component or nonfunctional airbag before it is sold. (4) This section does not create a duty for or require the owner or employee of a new or used motor vehicle dealership to inspect any vehicle in the motor vehicle dealership's possession for counterfeit supplemental restraint system components or nonfunctional airbags before the sale of the vehicle. (5) This section does not apply to a person who installs a motor vehicle airbag used solely for research and development of airbag technology on motor

vehicles that will not be driven on public roadways. (6) As used in this section: (a) "Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system. (b) "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component that displays a mark that is identical or substantially similar to the genuine mark of a manufacturer or a supplier of parts to a manufacturer without authorization from the manufacturer or supplier. (c) "Nonfunctional airbag" means a replacement airbag to which 1 or more of the following applies: (i) The airbag was previously deployed or damaged. (ii) The airbag has an electric fault that is detected by a motor vehicle's diagnostic system when the installation procedure is complete and the motor vehicle is returned to the customer who requested the work to be performed or when ownership of the vehicle is intended to be transferred. (iii) The airbag includes a part or object, including, but not limited to, a supplemental restraint system component installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed. (iv) The airbag violates 49 USC 30120(j). (d) "Supplemental restraint system" means an inflatable restraint system as that term is defined in 49 CFR 571.208 that is designed for use in conjunction with active restraint systems. Supplemental restraint system includes 1 or more airbags and all components required to ensure that an airbag functions as designed by the manufacturer, including, but not limited to, all of the following: (i) That the airbag will operate as necessary in the event of a crash. (ii) That the airbag is designed in accordance with federal motor vehicle safety standards for the make, model, and year of the motor vehicle in which it is or will be installed. History:Add. 2020, Act 269, Eff. Mar. 29, 2021Compiler's Notes:Former MCL 750.421d, which pertained to alteration of odometers, was repealed by Act 367 of 1974, Eff. Apr. 1, 1975.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXII - Chapter LXII Perjury (750.422...750.427)Section 750.422 - Perjury Committed in Courts.

Sec. 422. Perjury committed in courts—Any person who, being lawfully required to depose the truth in any proceeding in a court of justice, shall commit perjury shall be guilty of a felony, punishable, if such perjury was committed on the trial of an indictment for a capital crime, by imprisonment in the state prison for life, or any term of years, and if committed in any other case, by imprisonment in the state prison for not more than 15 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.422Former Law:See section 1 of Ch. 156 of R.S. 1846, being CL 1857, § 5820; CL 1871, § 7653; How., § 9235; CL 1897, § 11305; CL 1915, § 14972; and CL 1929, § 16563.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXII - Chapter LXII Perjury (750.422...750.427)Section 750.422a - Making Intentional Material False Statement in Petition as Felony; Penalty; Consecutive Terms of Imprisonment.

Sec. 422a. (1) An individual who intentionally makes a material false statement in a petition filed under section 16 of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.16, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (2) The court may order a term of imprisonment imposed under this section to be served consecutively to any other term of imprisonment being served by the individual. History:Add. 2008, Act 411, Imd. Eff. Jan. 6, 2009

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXII - Chapter LXII Perjury (750.422...750.427)Section 750.423 - Perjury; Penalty; "Record" and "Signed" Defined.

Sec. 423. (1) Any person authorized by a statute of this state to take an oath, or any person of whom an oath is required by law, who willfully swears falsely in regard to any matter or thing respecting which the oath is authorized or required is guilty of perjury, a felony punishable by imprisonment for not more than 15 years. (2) Subsection (1) applies to a person who willfully makes a false declaration in a record that is signed by the person and given under penalty of perjury. As used in this subsection: (a) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. (b) "Signed" means the person did either of the following to authenticate or adopt the record: (i) Executed or adopted a tangible symbol. (ii) Attached to or logically associated with the record an electronic symbol, sound, or process. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.423 ;-- Am. 2012, Act 360, Eff. Apr. 1, 2013Former Law:See section 2 of Ch. 156 of R.S. 1846, being CL 1857, § 5821; CL 1871, § 7654; How., § 9236; CL 1897, § 11306; CL 1915, § 14973; and CL 1929, § 16564.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXII - Chapter LXII Perjury (750.422...750.427)Section 750.424 - Subornation of Perjury.

Sec. 424. Subornation of perjury—Any person who shall be guilty of subornation of perjury, by procuring another person to commit the crime of perjury, shall be punished as provided in the next preceding section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.424Former Law:See section 3 of Ch. 156 of R.S. 1846, being CL 1857, § 5822; CL 1871, § 7655; How., § 9237; CL 1897, § 11307; CL 1915, § 14974; and CL 1929, § 16565.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXII - Chapter LXII Perjury (750.422...750.427)Section 750.425 - Inciting or Procuring One to Commit

Perjury.

Sec. 425. Inciting or procuring one to commit perjury—Any person who shall endeavor to incite or procure any person to commit the crime of perjury, though no perjury be committed, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.425Former Law:See section 4 of Ch. 156 of R.S. 1846, being CL 1857, § 5823; CL 1871, § 7656; How., § 9239; CL 1897, § 11308; CL 1915, § 14975; and CL 1929, § 16566.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXII - Chapter LXII Perjury (750.422...750.427)Section 750.426 - Court Reasonably Believes Perjury Committed.

Sec. 426. Proceeding when court reasonably believes perjury has been committed—Whenever it shall appear to any court of record that any witness or party who has been legally sworn and examined or has made an affidavit in any proceeding in a court of justice, has testified in such a manner as to induce a reasonable presumption that he has been guilty of perjury therein, the court may immediately commit such witness or party, by an order or process for that purpose, or may take a recognizance with sureties, for his appearing to answer to an indictment for perjury; and thereupon the witness to establish such perjury may, if present, be bound over to the proper court, and notice of the proceedings shall forthwith be given to the prosecuting attorney. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.426Former Law:See section 5 of Ch. 156 of R.S. 1846, being CL 1857, § 5824; CL 1871, § 7657; How., § 9239; CL 1897, § 11309; CL 1915, § 14976; and CL 1929, § 16567.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXII - Chapter LXII Perjury (750.422...750.427)Section 750.427 - Perjury Trial; Securing and Detaining Papers.

Sec. 427. Securing and detaining papers, etc., necessary in perjury trial—If, in any proceeding in a court of justice, in which perjury shall be reasonably presumed, as aforesaid, any papers, books, or documents shall have been produced, which shall be deemed necessary to be used on any prosecution for such perjury, the court may, by order, detain the same from the person producing them so long as may be necessary in order to their being used in such prosecution. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.427Former Law:See section 6 of Ch. 156 of R.S. 1846, being CL 1857, § 5825; CL 1871, § 7658; How., § 9240; CL 1897, § 11310; CL 1915, § 14977; and CL 1929, § 16568.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIII - Chapter LXIII Physicians and Surgeons (750.428...750.430a)Section 750.428 - Dividing Fees.

Sec. 428. Any physician or surgeon who shall divide fees with or shall promise to pay a part of his or her fee to or pay a commission to any other physician or surgeon or person who calls him or her in consultation or sends patients to him or her for treatment or operation, and any physician or surgeon who shall receive any money prohibited by this section, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00. If a physician or surgeon is convicted of violating this section, the board of registration in medicine, upon a first conviction, may and upon a subsequent conviction shall, revoke the license of the person so convicted. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.428 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 to 3 of Act 167 of 1919, being CL 1929, §§ 6753 to 6755.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIII - Chapter LXIII Physicians and Surgeons (750.428...750.430a)Section 750.429 - Employing Solicitors, Cappers, or Drummers.

Sec. 429. Any physician or surgeon engaged in the practice of medicine in this state who shall employ any solicitor, capper, or drummer for the purpose of procuring patients, or who shall subsidize any hotel or boarding house, or who shall pay or present to any person money or other valuable gift for bringing patients to him or her, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.429 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 157 of 1907, being CL 1915, § 6737; and CL 1929, § 6752.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIII - Chapter LXIII Physicians and Surgeons (750.428...750.430a)Section 750.430 - Prohibited Conduct by Licensed Health Care Professional; Submission to Chemical Analysis; Admissibility as Evidence; Conduct of Collection and Testing; Other Violations Arising Out of Same Transaction; Good Faith Emergency Care; Order to Participate in Health Professional Recovery Program; Violation as Misdemeanor; Penalties; Probation; Discharge and Dismissal; Nonpublic Record; "Licensed Health Care Professional" Defined.

Sec. 430. (1) A licensed health care professional shall not do either of the following: (a) Engage in the practice of his or her health profession with a bodily alcohol content of .05 or more grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (b) Engage in the practice of his or her health profession while he or she is under the influence of a controlled substance and, due to the illegal or improper use of the controlled substance, his or her ability to safely and skillfully engage in the practice of his or her health profession is visibly impaired. (2) A peace officer who has reasonable cause to believe an individual

violated subsection (1) may require the individual to submit to a chemical analysis of his or her breath, blood, or urine. Before an individual is required to submit to a chemical analysis under this subsection, the peace officer shall inform the individual of all of the following: (a) The individual may refuse to submit to the chemical analysis, but if he or she refuses, the officer may obtain a court order requiring the individual to submit to a chemical analysis. (b) If the individual submits to the chemical analysis, he or she may obtain a chemical analysis from a person of his or her own choosing. (3) The failure of a peace officer to comply with the requirements of subsection (2) renders the results of a chemical analysis inadmissible as evidence in a criminal prosecution for violating this section, in a civil action arising out of a violation of this section, or in any administrative proceeding arising out of a violation of this section. (4) The collection and testing of breath, blood, or urine specimens under this section shall be conducted in the same manner that breath, blood, or urine specimens are collected and tested for alcohol-related and controlled substance-related driving violations under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. (5) This section does not prohibit the individual from being charged with, convicted of, or sentenced for any other violation of law arising out of the same transaction as the violation of this section in lieu of being charged with, convicted of, or sentenced for the violation of this section. (6) This section does not apply to a licensed health care professional who in good faith renders emergency care without compensation at the scene of an emergency unless the acts or omissions by the licensed health care professional amount to gross negligence or willful and wanton misconduct. (7) If an individual is convicted under this section, the court shall order that individual to participate in the health professional recovery program established under section 16167 of the public health code, 1978 PA 368, MCL 333.16167. (8) An individual who violates this section is guilty of a misdemeanor punishable as follows: (a) For a first offense, by imprisonment for not more than 180 days or a fine of not more than $1,000.00, or both. (b) For a second or subsequent offense, by imprisonment for not more than 1 year or a fine of not less than $1,000.00 or more than $2,500.00, or both. (9) If the individual's conduct did not result in physical harm or injury to the patient and the individual has not been convicted previously for violating this section, the court, without entering a judgment of guilt and with the consent of the accused and of the prosecuting attorney, may defer further proceedings and place the accused on probation upon terms and conditions that shall include, but are not limited to, participation in the health professional recovery program established under section 16167 of the public health code, 1978 PA 368, MCL 333.16167. The terms and conditions of probation may include participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1084. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided under subsection (8). Upon fulfillment of the terms and conditions, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt and are not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including additional penalties imposed for second or subsequent convictions under this subsection. There may only be 1 discharge and dismissal under this section as to an individual. Unless the court enters a judgment of guilt under this subsection, the records and identifications division of the department of state police shall retain a nonpublic record of the arrest, court proceedings, and disposition under this subsection. This record shall only be furnished to any of the following: (a) To the courts of this state, law enforcement personnel, and prosecuting attorneys upon request for the purpose of showing whether the individual accused of violating this section has already once utilized this subdivision. (b) To the courts of this state, law enforcement personnel, and prosecuting attorneys upon request for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under section 1076(4) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1076. (c) To the courts of this state, law enforcement personnel, the department of corrections, and prosecuting attorneys for use only in the performance of their duties or to determine whether an employee of the department of corrections has violated his or her conditions of employment or whether an applicant meets criteria for employment with the department of corrections. (10) As used in this section, "licensed health care professional" means an individual licensed or registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.430 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003 ;-- Am. 2003, Act 235, Eff. Mar. 30, 2004 ;-- Am. 2004, Act 223, Eff. Jan. 1, 2005 ;-- Am. 2013, Act 224, Eff. Jan. 1, 2014Former Law:See section 4 of Ch. 159 of R.S. 1846, being CL 1857, § 5889; CL 1871, § 7729; How., § 9318; CL 1897, § 11407; CL 1915, § 15125; and CL 1929, § 16694.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIII - Chapter LXIII Physicians and Surgeons (750.428...750.430a)Section 750.430a - Human Cloning; Prohibition; Exception; Violation; Penalty; “Human Cloning” Defined.

Sec. 430a. (1) An individual shall not intentionally engage in or attempt to engage in human cloning. (2) Subsection (1) does not prohibit scientific research or cell-based therapies not specifically prohibited by that subsection. (3) An individual who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $10,000,000.00, or both. (4) As used in this section, "human cloning" means that term as defined in section 16274 of the public health code, 1978 PA 368, MCL 333.16274. History:Add. 1998, Act 110, Eff. Mar. 23, 1999

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIV - Chapter LXIV Poisons (750.431...750.438)Section 750.431 - Poisons and Antidotes; Marking Name by Retailers.

Sec. 431. Retailers of poisons to mark same poisons and name antidote—Any apothecary, druggist or other person who shall sell and deliver at retail, any arsenic, corrosive sublimate, prussic acid, or any other substance or liquid usually denominated poisonous,

without having the word "poison", and the true name thereof, and the name of some simple antidote, if any is known, written or printed upon a label attached to the vial, box, or parcel containing the same, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.431Former Law:See section 5 of Ch. 159 of R.S. 1846, being CL 1857, § 5890; CL 1871, § 7730; How., § 9319; CL 1897, § 11408; CL 1915, § 15126; CL 1929, § 16695; and Act 74 of 1873.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIV - Chapter LXIV Poisons (750.431...750.438)Section 750.432 - Recording Sales of Poisons.

Sec. 432. Recording sales of poisons—Every apothecary, druggist or other person who sells any arsenic, strychnine, corrosive sublimate, prussic acid or other poison, shall keep a record of the date of such sale, and the article and amount thereof sold, and the person or persons to whom delivered, and their residence, which record shall be open to the inspection of any police officer or physician during the business hours of each day and each and every neglect to keep such record as herein provided, shall be a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.432Former Law:See section 1 of Act 123 of 1863, being CL 1871, § 7732; How., § 9321; CL 1897, § 11435; CL 1915, § 15143; and CL 1929, § 16703.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIV - Chapter LXIV Poisons (750.431...750.438)Section 750.433 - Giving False or Fictitious Name.

Sec. 433. Giving false or fictitious name—Any person who shall give a false or fictitious name to the apothecary, druggist or other person from whom any poison mentioned in the next preceding section was purchased shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.433Former Law:See section 2 of Act 123 of 1863, being CL 1871, § 7733; How., § 9322; CL 1897, § 11436; CL 1915, § 15144; and CL 1929, § 16704.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIV - Chapter LXIV Poisons (750.431...750.438)Section 750.434 - Marking Containers of Naphtha and Alcohol.

Sec. 434. Marking containers of wood alcohol, etc.—Any person who shall sell, offer for sale, give away, deal in or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in or supply any methanol (otherwise known as wood naphtha, wood alcohol or methyl alcohol) or completely denatured alcohol, either crude or refined, unless the container in which the same is sold, offered for sale, given away, dealt in or supplied shall have lithographed or imprinted upon said container or upon a label pasted upon said container the following device and words, in bold characters in red color on white, viz.: (Skull and cross-bones represented) POISON shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.434Former Law:See sections 1 and 3 of Act 111 of 1927, being CL 1929, §§ 16705 and 16707.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIV - Chapter LXIV Poisons (750.431...750.438)Section 750.435 - Denatured Alcohol Container; Label.

Sec. 435. Label on completely denatured alcohol container—Any person who shall sell, offer for sale, give away, deal in or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in or supply any completely denatured alcohol unless the container in which the same is sold, offered for sale, given away, dealt in or supplied shall have lithographed, imprinted or pasted upon said container the "poison" label prescribed by the federal government under the provisions of the national prohibition act, or any supplement thereto or amendment thereof, shall be guilty of a misdemeanor: Provided, however, That the provisions of this section shall not apply to completely denatured alcohol transferred from manufacturers' or dealers' storage tanks directly to the radiators of automotive vehicles. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.435Former Law:See sections 2 and 3 of Act 111 of 1927, being CL 1929, §§ 16706 and 16707.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIV - Chapter LXIV Poisons (750.431...750.438)Section 750.436 - Mingling Poison or Harmful Substance With Food, Drink, Nonprescription Medicine, or Pharmaceutical Product, or Placing Poison or Harmful Substance in Spring, Well, Reservoir, or Public Water Supply; False Information; Violation; Penalties.

Sec. 436. (1) A person shall not do either of the following: (a) Willfully mingle a poison or harmful substance with a food, drink, nonprescription medicine, or pharmaceutical product, or willfully place a poison or harmful substance in a spring, well, reservoir, or public water supply, knowing or having reason to know that the food, drink, nonprescription medicine, pharmaceutical product, or water may be ingested or used by a person to his or her injury. (b) Maliciously inform another person that a poison or harmful substance has been or will be placed in a food, drink, nonprescription medicine, pharmaceutical product, spring, well, reservoir, or public water supply, knowing that the information is false and that it is likely that the information will be disseminated to the public. (2) A person who violates subsection (1)(a) is guilty of a crime as follows: (a) Except as provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (b) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $15,000.00, or both. (c) If the violation causes physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 25 years

or a fine of not more than $20,000.00, or both. (d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than $25,000.00, or both. As used in this subdivision, "serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. (e) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than $40,000.00, or both. (3) A person who violates subsection (1)(b) is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (b) If the person has previously been convicted of violating subsection (1)(b), the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both. (4) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other violation of law arising out of the same transaction as the violation of this section. (5) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.436 ;-- Am. 1988, Act 87, Eff. July 1, 1988 ;-- Am. 2002, Act 135, Eff. Apr. 22, 2002 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014Former Law:See section 27 of Ch. 153 of R.S. 1846, being CL 1857, § 5737; CL 1871, § 7536; How., § 9101; CL 1897, § 11496; CL 1915, § 15218; and CL 1929, § 16734.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIV - Chapter LXIV Poisons (750.431...750.438)Section 750.437 - Exposing Poisonous Substances Where Liable to Be Eaten by Beasts; Exception.

Sec. 437. Exposing poisonous substances where liable to be eaten by beasts—Any person who shall expose any known poisonous substance, whether mixed with meat or other food or not, so that the same shall be liable to be eaten by any horses, cattle, dogs or other beasts of another, shall be guilty of a misdemeanor: Provided, That it shall not be unlawful to expose on one's own premises common rat poisons mixed only with vegetable substances, nor for any person to expose on his own premises, not within the limits of any incorporated city or village, poisons for the destruction of predatory or dangerous prowling animals. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.437Former Law:See section 1 of Act 145 of 1895, being CL 1897, § 11598; CL 1915, § 15353; and CL 1929, § 17000.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIV - Chapter LXIV Poisons (750.431...750.438)Section 750.438 - Poisonous Fly Killers; Regulations; Noncompliance; Misdemeanor.

Sec. 438. Manufacture, etc., of poisonous fly killers—Any person who shall manufacture, compound, sell or offer for sale, or cause to be manufactured, compounded, sold or offered for sale, any fly paper or other form of fly killer which contains arsenic or other poison in sufficient quantity to be dangerous to the life or health of persons, unless the same, when so manufactured, compounded, sold or offered for sale, shall be so prepared, constructed or guarded that when in use said poisonous paper, substance, compound or solution shall be inaccessible to children or other persons who might eat, drink or swallow the same, or any portion thereof, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.438Former Law:See sections 1 and 2 of Act 269 of 1915, being CL 1915, §§ 6344 and 6345; and CL 1929, §§ 17110 and 17111.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIX - Chapter LXIX Public Health (750.466...750.477a)Section 750.466 - Selling Diseased or Unwholesome Provisions Without Notice.

Sec. 466. Any person who shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.466 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Ch. 159 of R.S. 1846, being CL 1857, § 5886; CL 1871, § 7726; How., § 9316; CL 1897, § 11404; CL 1915, § 15122; and CL 1929, § 16691.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIX - Chapter LXIX Public Health (750.466...750.477a)Section 750.467 - Feeding Animals or Fowls Putrid or Unwholesome Food.

Sec. 467. Feeding animals or fowls putrid or unwholesome food—Any person who shall feed to animals or fowls the flesh of an animal which has become sick, or which has died from such cause, or offal or flesh that is putrid or unwholesome, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.467Former Law:See sections 1 and 2 of Act 179 of 1913, being CL 1915, §§ 15156 and 15157; CL 1929, §§ 5242 and 5243; and Act 8 of 1919.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIX - Chapter LXIX Public Health (750.466...750.477a)Section 750.468 - Baked Goods and Pastries; Sanitary and Dust Proof Containers.

Sec. 468. Shipment of baked goods and pastries in sanitary and dust proof containers—It shall be unlawful for any person engaged in the manufacture of baked goods and pastries, by himself or his agent or employe to convey, ship or transport any baked goods or pastries from the place where such goods are manufactured to any place in this state where such baked goods and pastries are to be consumed or offered for sale, without first placing such baked goods and pastries in a clean and sanitary container or package sufficiently tight and compact to exclude all dust and dirt and other contamination. None of such containers or packages containing baked goods or pastries shall be opened or exposed to the dust or dirt or other contamination from the place where manufactured until they arrive in the place where such baked goods and pastries are to be consumed or exposed for sale. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.468Former Law:See sections 1 and 2 of Act 320 of 1925, being CL 1929, §§ 5479 and 5480.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIX - Chapter LXIX Public Health (750.466...750.477a)Section 750.469 - Standard Clinical Thermometers.

Sec. 469. (1) Any person, dealer, agent or employe of any corporation, who shall directly or indirectly use, sell or offer for sale, give away or offer to give away, any standard clinical thermometer that does not comply with the definition stated in this section for a standard clinical thermometer, shall be guilty of a misdemeanor. (2) A standard clinical thermometer is a certified thermometer that registers accurately at every reading and is in compliance with the rules promulgated by the board of pharmacy for all self-registering clinical thermometers commonly used for measuring body temperature. These thermometers shall not have a variance of over 2/10 of a degree at 98 degrees fahrenheit and 102 degrees fahrenheit nor by more than 3/10 of a degree at 106 degrees fahrenheit. (3) The board of pharmacy shall make such rules as may be necessary for the enforcement of this section in accordance with Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Compiled Laws of 1948. The board of pharmacy shall investigate all complaints under this section and take all steps necessary to its enforcement. A person, dealer, or employe of any corporation shall not be prosecuted under the provisions of this section when he can establish a guarantee, signed by a wholesaler, jobber, manufacturer or other parties residing in this state, from whom such thermometers were purchased, to the effect that the clinical thermometers so purchased were certified to comply with subsection (2). (4) In order to obtain certification by the Michigan board of pharmacy, a standard clinical thermometer shall meet the requirements of accuracy, lack of defects in construction, and other criteria provided in the rules promulgated by the board of pharmacy. (5) Each manufacturer whose thermometers are approved for sale in this state on or before June 30 of each year, after the first year of his certification, shall renew his certificate by paying an annual fee of $50.00 to the state of Michigan directed to the Michigan board of pharmacy, in return for which a renewal certification shall be issued. In order to be actively engaged in the sale and distribution of thermometers each manufacturer must re-register within 30 days after June 30. A penalty of $50.00 shall be paid for failure to re-register by this date. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.469 ;-- Am. 1972, Act 124, Imd. Eff. Apr. 27, 1972Former Law:See sections 1 to 4 of Act 106 of 1927, being CL 1929, §§ 6863 to 6866.Admin Rule:R 338.488 of the Michigan Administrative Code.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIX - Chapter LXIX Public Health (750.466...750.477a)Section 750.470 - Cigarettes, Cigars, or Other Tobacco Products; Sale or Distribution Through Use of Vending Machines in Places of Public Accommodation; Prohibition; Exceptions; Violation as Misdemeanor; Penalty; Enforcement.

Sec. 470. (1) Except as provided in subsection (2), a person, in a place of public accommodation to which access by minors is not prohibited by law, shall not sell or distribute cigarettes, cigars, or other tobacco products through the use of a vending machine, or install or maintain a vending machine with the intent of selling or distributing cigarettes, cigars, or other tobacco products. For purposes of this section, "place of public accommodation" has the same meaning as that term has in section 301(a) of the persons with disabilities civil rights act, 1976 PA 220, MCL 37.1301. (2) This section does not apply to a cigarette vending machine that meets either of the following criteria: (a) The cigarette vending machine is located in an establishment that has a class C license as defined in section 2t of the Michigan liquor control act, 1933 (Ex Sess) PA 8, MCL 436.2t, and 1 of the following applies: (i) If the establishment has a bar that is located in a room that is separated from the remainder of the establishment by a wall and a doorway, the cigarette vending machine is located entirely in that room. (ii) If the establishment has a bar that is not located in a room that is separated from the remainder of the establishment by a wall and a doorway, the cigarette vending machine is located not more than 20 feet from the bar, is located clearly within the bar area and not in a hallway, coat room, rest room, or similar unrelated area, and is under the direct visual supervision of an adult. (b) The cigarette vending machine is located entirely in an area, office, plant, factory, or private membership club that is not open to the public, and is located not less than 20 feet from all entrances and exits that are accessible to the general public. (3) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 6 months, service to the community for a period of not more than 45 days, or a fine of not more than $1,000.00, or any combination of imprisonment, community service, or fine. Each day that a person has a vending machine that dispenses cigarettes, cigars, or other tobacco products constitutes a separate offense. (4) The provisions of this section shall be enforceable by a local health department to the same extent and by the same means as regulations adopted by that local health department. History:Add. 1992, Act 271, Eff. June 16, 1993 ;-- Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998Compiler's Notes:Former MCL 750.470, which pertained to employment of persons with infections or venereal disease in cigar or food establishments, was

repealed by Act 368 of 1978, Eff. Sept. 30, 1978.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIX - Chapter LXIX Public Health (750.466...750.477a)Section 750.471 - Transportation of Dressed Calves, Sheep, Hogs, and Beeves; Violation of Act, Misdemeanor.

Sec. 471. Transportation of dressed calves, sheep, hogs and beeves—All dressed calves, sheep, hogs and beeves, or any portion of the same, when being shipped or transported by freight or express, shall be kept in a clean and sanitary manner. Any carcass, or any portion thereof, which shall be transported in any car, shall when practicable be hung in such car during such transportation. Such carcass, when tendered for shipment, shall be covered with clean covers of cloth of such texture as to exclude all dirt and dust: Provided, This shall not apply to carcasses shipped with the hides left on. Any person violating any of the provisions of this section, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.471Former Law:See sections 1 and 2 of Act 90 of 1917, being CL 1929, §§ 5461 and 5462.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIX - Chapter LXIX Public Health (750.466...750.477a)Section 750.473 - Use of Tobacco Product on School Property Prohibited; Violation as Misdemeanor; Definitions; Applicability of Subsection (1) to Outdoor Areas.

Sec. 473. (1) Except as otherwise provided in subsection (4), a person shall not use a tobacco product on school property. (2) A person who violates subsection (1) is guilty of a misdemeanor, punishable by a fine of not more than $50.00. (3) As used in this section: (a) "School district" means a school district, local act school district, or intermediate school district, as those terms are defined in the school code of 1976, Act No. 451 of the Public Acts of 1976, being sections 380.1 to 380.1852 of the Michigan Compiled Laws; a joint high school district formed under part 3A of Act No. 451 of the Public Acts of 1976, being sections 380.171 to 380.187 of the Michigan Compiled Laws; or a consortium or cooperative arrangement consisting of any combination of these. (b) "School property" means a building, facility, or structure and other real estate owned, leased, or otherwise controlled by a school district. (c) "Tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth. (d) "Use a tobacco product" means any of the following: (i) The carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device. (ii) The inhaling or chewing of a tobacco product. (iii) The placing of a tobacco product within a person's mouth. (4) Subsection (1) does not apply to that part of school property consisting of outdoor areas including, but not limited to, an open-air stadium, during either of the following time periods: (a) Saturdays, Sundays, and other days on which there are no regularly scheduled school hours. (b) After 6 p.m. on days during which there are regularly scheduled school hours. History:Add. 1993, Act 140, Eff. Sept. 1, 1993

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIX - Chapter LXIX Public Health (750.466...750.477a)Section 750.474 - Transportation or Possession of Usable Marihuana; Violation as Misdemeanor; Penalty.

Sec. 474. (1) A person shall not transport or possess usable marihuana as defined in section 26423 of the public health code, 1978 PA 368, MCL 333.26423, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable marihuana is 1 or more of the following: (a) Enclosed in a case that is carried in the trunk of the vehicle. (b) Enclosed in a case that is not readily accessible from the interior of the vehicle, if the vehicle in which the person is traveling does not have a trunk. (2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. History:Add. 2012, Act 460, Imd. Eff. Dec. 27, 2012Compiler's Notes:Former MCL 750.474, which pertained to exposing others to communicable disease, was repealed by Act 368 of 1978, Eff. Sept. 30, 1978.Compiler's Notes:In subsection (1), the reference to “section 26423 of the public health code, 1978 PA 368, MCL 333.26423” evidently should read “section 3 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26423.”

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXIX - Chapter LXIX Public Health (750.466...750.477a)Section 750.477a - Horse and Dog Meat; Unlawful to Sell Not Labelled; Violation of Section, Misdemeanor.

Sec. 477a. Horse and dog meat—Any person who shall knowingly sell any horse or dog meat unless plainly labelled shall be guilty of a misdemeanor. History:Add. 1943, Act 116, Eff. July 30, 1943 ;-- CL 1948, 750.477a

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXV - Chapter LXV Polygamy (750.439...750.441)Section 750.439 - Polygamy; Definition; Felony.

Sec. 439. Polygamy—Any person who has a former husband or wife living, who shall marry another person, or shall continue to cohabit with such second husband or wife, in this state, he or she shall, except in the cases mentioned herein, be guilty of the crime of polygamy, a felony. The provisions of this section shall not extend to any person whose husband or wife shall have voluntarily remained beyond the sea, or shall have voluntarily withdrawn from the other and remained absent for the space of five years next preceding such marriage, the party marrying again, not knowing the other to be living within that time, nor to any person who shall have good reason to believe such husband or wife to be dead, nor to any person who has been legally divorced from the bonds of

matrimony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.439Former Law:See sections 4 and 5 of Ch. 158 of R.S. 1846, being CL 1857, §§ 5859 and 5860; CL 1871, §§ 7694 and 7695; How., §§ 9280 and 9281; CL 1897, §§ 11691 and 11692; CL 1915, §§ 15465 and 15466; CL 1929, §§ 16820 and 16821; and Act 91 of 1869.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXV - Chapter LXV Polygamy (750.439...750.441)Section 750.440 - Knowingly Marrying One to Whom Marriage Is Prohibited; Felony.

Sec. 440. Knowingly marrying one to whom marriage is prohibited—Any person who knowingly enters into a marriage with another, which is prohibited to the latter by the foregoing provisions of this chapter, is guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.440

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXV - Chapter LXV Polygamy (750.439...750.441)Section 750.441 - Teaching, Soliciting and Advocating Polygamy; Felony.

Sec. 441. Teaching, soliciting and advocating the practice of polygamy—Any person who shall solicit to a polygamous life, or teach polygamy as a correct form of family life, for the purpose of inducing men and women to enter into the practice of polygamy or advocate the doctrine and practice of polygamy, or attempt to persuade any person by private or public discourse to adopt a polygamous life, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.441Former Law:See section 1 of Act 249 of 1899, being CL 1915, § 15501; and CL 1929, § 16845.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.448 - Soliciting, Accosting, or Inviting to Commit Prostitution or Immoral Act; Crime.

Sec. 448. A person 16 years of age or older who accosts, solicits, or invites another person in a public place or in or from a building or vehicle, by word, gesture, or any other means, to commit prostitution or to do any other lewd or immoral act, is guilty of a crime punishable as provided in section 451. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.448 ;-- Am. 1969, Act 243, Eff. Mar. 20, 1970 ;-- Am. 2002, Act 45, Eff. June 1, 2002Former Law:See section 1 of Act 231 of 1925, being CL 1929, § 16871.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.449 - Admitting to Place for Purpose of Prostitution; Crime.

Sec. 449. A person 16 years of age or older who receives or admits or offers to receive or admit a person into a place, structure, house, building, or vehicle for the purpose of prostitution, lewdness, or assignation, or who knowingly permits a person to remain in a place, structure, house, building, or vehicle for the purpose of prostitution, lewdness, or assignation, is guilty of a crime punishable as provided in section 451. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.449 ;-- Am. 1969, Act 243, Eff. Mar. 20, 1970 ;-- Am. 2002, Act 46, Eff. June 1, 2002Former Law:See section 2 of Act 231 of 1925, being CL 1929, § 16872.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.449a - Engaging Services for Purpose of Prostitution, Lewdness, or Assignation; Engaging Services With Person Less Than 18 Years of Age for Purpose of Prostitution, Lewdness, or Assignation; Penalty.

Sec. 449a. (1) Except as provided in subsection (2), a person who engages or offers to engage the services of another person, not his or her spouse, for the purpose of prostitution, lewdness, or assignation, by the payment in money or other forms of consideration, is guilty of a misdemeanor. A person convicted of violating this section is subject to part 52 of the public health code, 1978 PA 368, MCL 333.5201 to 333.5210. (2) A person who engages or offers to engage the services of another person, who is less than 18 years of age and who is not his or her spouse, for the purpose of prostitution, lewdness, or assignation, by the payment in money or other forms of consideration, is guilty of a crime punishable as provided in section 451. History:Add. 1969, Act 243, Eff. Mar. 20, 1970 ;-- Am. 2014, Act 326, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.450 - Aiding, Assisting, or Abetting; Penalty.

Sec. 450. A person 16 years of age or older who aids, assists, or abets another person to commit or offer to commit an act prohibited under section 448, 449, or 449a is guilty of a crime punishable as provided in section 451. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.450 ;-- Am. 1969, Act 243, Eff. Mar. 20, 1970 ;-- Am. 2002, Act 46, Eff. June 1, 2002 ;-- Am. 2014, Act 326, Eff. Jan. 14, 2015Former Law:See section 3 of Act 231 of 1925, being CL 1929, § 16873.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.451 - Violation of MCL 750.448, 750.449, 750.449a(1), 750.450, or 750.462; Prior Convictions; Penalty; Prosecution of Person Under 18 Years of Age; Presumption; Report; Investigation by Department of Health and Human Services; "Prior Conviction" Defined.

Sec. 451. (1) Except as otherwise provided in this section, a person convicted of violating section 448, 449, 449a(1), 450, or 462 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (2) A person 16 years of age or older who is convicted of violating section 448, 449, 449a(1), 450, or 462 and who has 1 prior conviction is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (3) A person convicted of violating section 448, 449, 449a(1), 450, or 462 and who has 2 or more prior convictions is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. (4) A person convicted of violating section 449a(2) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (5) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (6) In any prosecution of a person under 18 years of age for an offense punishable under this section or a local ordinance substantially corresponding to an offense punishable under this section, it shall be presumed that the person under 18 years of age was coerced into child sexually abusive activity or commercial sexual activity in violation of section 462e or otherwise forced or coerced into committing that offense by another person engaged in human trafficking in violation of sections 462a to 462h. The prosecution may overcome this presumption by proving beyond a reasonable doubt that the person was not forced or coerced into committing the offense. The state may petition the court to find the person under 18 years of age to be dependent and in danger of substantial physical or psychological harm under section 2(b)(3) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2. A person under 18 years of age who fails to substantially comply with court-ordered services under section 2(b)(3) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, is not eligible for the presumption under this section. (7) Excluding any reasonable period of detention for investigation purposes, a law enforcement officer who encounters a person under 18 years of age engaging in any conduct that would be a violation of section 448, 449, 450, or 462, or a local ordinance substantially corresponding to section 448, 449, 450, or 462, if engaged in by a person 16 years of age or over shall immediately report to the department of health and human services a suspected violation of human trafficking involving a person under 18 years of age in violation of sections 462a to 462h. (8) The department of health and human services shall begin an investigation of a human trafficking violation reported to the department of health and human services under subsection (7) within 24 hours after the report is made to the department of health and human services, as provided in section 8 of the child protection law, 1975 PA 238, MCL 722.628. The investigation shall include a determination as to whether the person under 18 years of age is dependent and in danger of substantial physical or psychological harm under section 2(b)(3) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2. (9) As used in this section, "prior conviction" means a violation of section 448, 449, 449a(1), 450, or 462 or a violation of a law of another state or of a political subdivision of this state or another state substantially corresponding to section 448, 449, 449a(1), 450, or 462. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.451 ;-- Am. 1969, Act 243, Eff. Mar. 20, 1970 ;-- Am. 2002, Act 43, Imd. Eff. Mar. 14, 2002 ;-- Am. 2002, Act 44, Eff. June 1, 2002 ;-- Am. 2014, Act 336, Eff. Jan. 14, 2015 ;-- Am. 2016, Act 338, Eff. Mar. 14, 2017Former Law:See section 4 of Act 231 of 1925, being CL 1929, § 16874.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.451a - Law Enforcement Officers; Applicability.

Sec. 451a. Except as provided in section 451b, sections 448, 449, 449a, 450, 451, and 459 do not apply to a law enforcement officer while in the performance of the officer's duties as a law enforcement officer. History:Add. 1969, Act 243, Eff. Mar. 20, 1970 ;-- Am. 2017, Act 195, Eff. Mar. 13, 2018

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.451b - Applicability of MCL 750.451a.

Sec. 451b. Section 451a does not apply to a law enforcement officer if the officer engages in sexual penetration as that term is defined in section 520a while in the course of his or her duties. History:Add. 2017, Act 194, Eff. Mar. 13, 2018

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.451c - Individual as Victim of Human Trafficking Violation; Applicability of Subsection (2); Deferred Proceedings; Determination of Court; Violation of Term or Condition of Probation; Adjudication of Guilt; Circumstances; Discharge and Dismissal; Proceedings Open to Public; Record; Nonpublic Record; "Human Trafficking Violation" Defined.

Sec. 451c. (1) This section applies only if the violation described in subsection (2) was committed as a direct result of the individual

being a victim of a human trafficking violation. (2) When an individual pleads guilty to, or is found guilty of, a violation of section 448, 449, 450, or 462 or a local ordinance substantially corresponding to section 448, 449, 450, or 462, the court, without entering a judgment of guilt and with the consent of the accused and of the prosecuting attorney, may defer further proceedings and place the accused on probation as provided in this section. However, before deferring proceedings under this subsection, the court shall determine whether the accused has met the conditions described in subsection (1) as follows: (a) The accused bears the burden of proving to the court by a preponderance of the evidence that the violation was a direct result of his or her being a victim of human trafficking. (b) To prove that he or she is a victim of human trafficking, the accused shall state under oath that he or she meets the conditions described in subsection (1) with facts supporting his or her claim that the violation was a direct result of being a victim of human trafficking. (3) Upon a violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided in this chapter. (4) An order of probation entered under subsection (2) may include any condition of probation authorized under section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3, including, but not limited to, requiring the accused to participate in a mandatory counseling program. The court may order the accused to pay the reasonable costs of the mandatory counseling program. The court also may order the accused to participate in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1084. The court may order the defendant to be imprisoned for not more than 93 days at a time or at intervals, which may be consecutive or nonconsecutive and within the period of probation, as the court determines. However, the period of imprisonment must not exceed the maximum period of imprisonment authorized for the offense if the maximum period is less than 93 days. The court may permit day parole as authorized under 1962 PA 60, MCL 801.251 to 801.258. The court may permit a work or school release from jail. (5) The court shall enter an adjudication of guilt and proceed as otherwise provided in this chapter if any of the following circumstances exist: (a) The accused commits a violation of section 448, 449, 450, or 462 or a local ordinance substantially corresponding to section 448, 449, 450, or 462 during the period of probation. (b) The accused violates an order of the court that he or she receive counseling regarding his or her violent behavior. (c) The accused violates an order of the court that he or she have no contact with a named individual. (6) Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this section must be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. (7) All court proceedings under this section must be open to the public. Except as provided in subsection (8), if the record of proceedings as to the defendant is deferred under this section, the record of proceedings during the period of deferral must be closed to public inspection. (8) Unless the court enters a judgment of guilt under this section, the department of state police shall retain a nonpublic record of the arrest, court proceedings, and disposition of the criminal charge under this section. However, the nonpublic record must be open to the following individuals and entities for the purposes noted: (a) The courts of this state, law enforcement personnel, the department of corrections, and prosecuting attorneys for use only in the performance of their duties or to determine whether an employee of the court, law enforcement agency, department of corrections, or prosecutor's office has violated his or her conditions of employment or whether an applicant meets criteria for employment with the court, law enforcement agency, department of corrections, or prosecutor's office. (b) Prosecuting attorneys for informing consent under subsection (2). (c) The department of health and human services for enforcing child protection laws and vulnerable adult protection laws or ascertaining the preemployment criminal history of any individual who will be engaged in the enforcement of child protection laws or vulnerable adult protection laws. (9) As used in this section, "human trafficking violation" means a violation of chapter LXVIIA. History:Add. 2014, Act 334, Eff. Jan. 14, 2015 ;-- Am. 2017, Act 34, Eff. Aug. 21, 2017

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.452 - House of Ill-Fame or for Purpose of Prostitution or Lewdness; Keeping, Maintaining, or Operating as Felony; Penalty.

Sec. 452. A person who keeps, maintains, or operates, or aids and abets in keeping, maintaining, or operating, a house of ill-fame, bawdy house, or any house or place resorted to for the purpose of prostitution or lewdness is guilty of a felony punishable by imprisonment for not more than 5 years or by a fine of not more than $5,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.452 ;-- Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014Former Law:See section 10 of Ch. 158 of R.S. 1846, being CL 1857, § 5865; CL 1871, § 7700; How., § 9286; CL 1897, § 11697; CL 1915, § 15471; CL 1929; § 16826; Act 34 of 1887; Act 37 of 1927; and Act 40 of 1927.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.453 - Providing Incriminating Testimony or Evidence; Use of Truthful Testimony, Evidence, or Other Information Against Witness in Criminal Case.

Sec. 453. A person shall not be excused from attending and testifying or producing any books, papers, or other documents before a court or magistrate upon an investigation, proceeding, or trial for a violation of this chapter on the ground that the testimony or evidence may tend to degrade or incriminate the person. Truthful testimony, evidence, or other truthful information compelled under this section and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to testify or produce evidence as required. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.453 ;-- Am. 1999, Act 251, Imd. Eff. Dec. 28, 1999Former Law:See section 2 of Act 40 of 1927, being CL 1929, § 16861.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.454 - Leasing Houses for Purposes of Prostitution; Misdemeanor.

Sec. 454. Any person who shall let any dwelling house, knowing that the lessee intends to use it as a house of ill-fame or place of resort for the purpose of prostitution and lewdness, or for the purpose of gambling for money or other property, or who shall knowingly permit such lessee to use the same for such purpose, or who shall receive any rent for any dwelling, house, room, or apartment which is used as a house of ill-fame or place of resort for prostitutes, or for the purpose of prostitution and lewdness, or for the purpose of gambling for money or other property, having reasonable cause to believe such house, room, or apartment is used for any such purpose, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00. However, no person shall be liable for receiving rent as aforesaid for any period prior to the time when he or she has reasonable cause to believe that such house, room, or apartment is used for any such purpose. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.454 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 12 of Ch. 158 of R.S. 1846, being CL 1857, § 5867; CL 1871, § 7702; How., § 9288; CL 1897, § 11699; CL 1915, § 15473; CL 1929, § 16828; Act 226 of 1865; and Act 77 of 1873.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.455 - Certain Conduct as Felony.

Sec. 455. A person who does any of the following is guilty of a felony punishable by imprisonment for not more than 20 years: (a) Procures an inmate for a house of prostitution. (b) Induces, persuades, encourages, inveigles, or entices a person to become a prostitute. (c) By promise, threat, or violence, or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles, or entices a person to become an inmate of a house of prostitution or assignation place or any place where prostitution is practiced, encouraged, or allowed. (d) By any promise or threat, or by violence or any device or scheme, causes, induces, persuades, encourages, inveigles, or entices an inmate of a house of prostitution or place of assignation to remain there as an inmate. (e) By any promise or threat, or by violence, any device or scheme, fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages, or procures any person to engage in prostitution. (f) Inveigles, entices, persuades, encourages, or procures any person to come into this state or to leave this state for the purpose of prostitution. (g) Upon the pretense of marriage, takes or detains a person for the purpose of sexual intercourse. (h) Receives or gives, or agrees to receive or give, any money or thing of value for procuring or attempting to procure any person to become a prostitute or to come into this state or leave this state for the purpose of prostitution. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.455 ;-- Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014Former Law:See section 1 of Act 63 of 1911, being CL 1915, § 15494; CL 1929, § 16862; Act 330 of 1925; and Act 37 of 1927.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.456 - Placing Spouse in House of Prostitution; Felony.

Sec. 456. Any person who by force, fraud, intimidation, or threat places or leaves, or procures any other person to place or leave, his or her spouse in a house of prostitution or to lead a life of prostitution, is guilty of a felony punishable by imprisonment for not more than 20 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.456 ;-- Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014Former Law:See section 2 of Act 63 of 1911, being CL 1915, § 15495; CL 1929, § 16863.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.457 - Accepting, Receiving, Levying, or Appropriating From Earnings of Person Engaged in Prostitution.

Sec. 457. (1) Any person who knowingly accepts, receives, levies, or appropriates any money or valuable thing without consideration from the proceeds of the earnings of any person engaged in prostitution, or any person, knowing a person to be a prostitute, who lives or derives support or maintenance, in whole or in part, from the earnings or proceeds of the prostitution of a prostitute, or from money loaned or advanced to or charged against a prostitute by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, is guilty of a felony punishable by imprisonment for not more than 20 years. (2) The acceptance, receipt, levy, or appropriation of money or any thing of value described in subsection (1) is presumptive evidence of lack of consideration. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.457 ;-- Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014Former Law:See section 3 of Act 63 of 1911, being CL 1915, § 15496; CL 1929, § 16864; Act 284 of 1934; Act 330 of 1925; Act 37 of 1927; and section 1 of Act 389 of 1919, being CL 1929, § 16869.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.458 - Detaining Person in House of Prostitution for Debt; Felony.

Sec. 458. Any person who attempts to detain any person in a disorderly house or house of prostitution because of any debt or debts the person has contracted, or is said to have contracted while living in that house, is guilty of a felony punishable by imprisonment

for not less than 2 years or more than 20 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.458 ;-- Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014Former Law:See section 4 of Act 63 of 1911, being CL 1915, § 15497; and CL 1929, § 16865.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.459 - Transporting Person for Prostitution; Sale of Travel Services for Purposes of Prostitution or Human Trafficking; Conduct Against Minor; Felony; "Travel Services" Defined.

Sec. 459. (1) A person shall not knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, by any means of conveyance, into, through, or across this state, any person for the purpose of prostitution or with the intent and purpose to induce, entice, or compel that person to become a prostitute. A person who violates this subsection is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. (2) A person shall not knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in what would be a violation of this chapter, concerning prostitution, or of chapter LXVIIA, concerning human trafficking, if the violation occurred in this state. Except as provided in subsection (3), a person who violates this subsection is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (3) If a person violates subsection (2) and the violation involves conduct against a minor, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00, or both. (4) A person who violates this section may be prosecuted, indicted, tried, and convicted in any county or city in or through which he or she shall transport or attempt to transport any person in violation of this section. (5) As used in this section, "travel services" means transportation by air, sea, or ground, hotel or other lodging accommodations, package tours, or the provision of vouchers or coupons to be redeemed for future travel, or accommodations for a fee, commission, or other valuable consideration. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.459 ;-- Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014 ;-- Am. 2016, Act 485, Eff. Apr. 6, 2017Former Law:See section 5 of Act 63 of 1911, being CL 1915, § 15498; and CL 1929, § 16866.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.460 - Acts Committed Outside State.

Sec. 460. (1) It is not a defense to a prosecution for a violation of this chapter that any part of that violation was committed outside this state. (2) A person who violates this chapter may be tried and punished in any county in which the prostitution was intended to be practiced, or in which the offense was consummated, or in which any overt act in furtherance of the offense was committed. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.460 ;-- Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014Former Law:See section 6 of Act 63 of 1911, being CL 1915, § 15499; and CL 1929, § 16867.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.461 - Competency of Person to Testify for or Against Accused Notwithstanding Person's Marriage to Accused.

Sec. 461. An individual referred to in sections 455 to 459 may be a competent witness in a prosecution under this chapter to testify for or against the accused as to any transaction or as to any conversation with the accused or by the accused with another person in the individual's presence regardless of whether the individual married the accused before or after the violation or whether the individual is called as a witness during the existence of the marriage or after its dissolution. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.461 ;-- Am. 1999, Act 251, Imd. Eff. Dec. 28, 1999Former Law:See section 7 of Act 63 of 1911, being CL 1915, § 15500; CL 1929, § 16868; Act 330 of 1925; Act 37 of 1927; and section 2 of Act 389 of 1919, being CL 1929, § 16870.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVII - Chapter LXVII Prostitution (750.448...750.462)Section 750.462 - Female 16 Years of Age or Less in House of Prostitution; Crime.

Sec. 462. A person who, for a purpose other than prostitution, takes or conveys to, or employs, receives, detains, or allows a person 16 years of age or less to remain in, a house of prostitution, house of ill-fame, bawdy-house, house of assignation, or any house or place for the resort of prostitutes or other disorderly persons is guilty of a crime punishable as provided in section 451. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.462 ;-- Am. 2002, Act 46, Eff. June 1, 2002Former Law:See sections 2 and 3 of Act 209 of 1885, being How., §§ 9314g and 9314h; CL 1897, §§ 11725 and 11726; CL 1915, §§ 15516 and 15517; and CL 1929, §§ 16881 and 16882.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIIA - Chapter Lxviia Human Trafficking (750.462a...750.462j)Section 750.462a - Definitions.

Sec. 462a. As used in this chapter: (a) "Bodily injury" means any physical injury. (b) "Coercion" includes, but is not limited to, any of the following: (i) Threatening to harm or physically restrain any individual or the creation of any scheme, plan, or pattern intended to cause an individual to believe that failure to perform an act would result in psychological, reputational, or financial harm to, or physical restraint of, any individual. (ii) Abusing or threatening abuse of the legal system, including threats of arrest or deportation without regard to whether the individual being threatened is subject to arrest or deportation under the laws of this state

or the United States. (iii) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document from any individual without regard to whether the documents are fraudulent or fraudulently obtained. (iv) Facilitating or controlling an individual's access to a controlled substance, as that term is defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104, other than for a legitimate medical purpose. (c) "Commercial sexual activity" means 1 or more of the following for which anything of value is given or received by any person: (i) An act of sexual penetration or sexual contact as those terms are defined in section 520a. (ii) Any conduct prohibited under section 145c. (iii) Any sexually explicit performance as that term is defined in section 3 of 1978 PA 33, MCL 722.673. (d) "Debt bondage" includes, but is not limited to, the status or condition of a debt arising from a pledge by the debtor of his or her personal services or those of an individual under his or her control as a security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not specifically limited and defined. (e) "Financial harm" means any of the following: (i) Conduct prohibited under section 1 of 1968 PA 259, MCL 438.41. (ii) Extortion. (iii) Employment contracts that violate 1978 PA 390, MCL 408.471 to 408.490. (iv) Any other adverse financial consequence. (f) "Force" includes, but is not limited to, physical violence or threat of physical violence or actual physical restraint or confinement or threat of actual physical restraint or confinement without regard to whether injury occurs. (g) "Forced labor or services" means labor or services that are obtained or maintained by force, fraud, or coercion. (h) "Fraud" includes, but is not limited to, a false or deceptive offer of employment or marriage. (i) "Labor" means work of economic or financial value. (j) "Minor" means an individual under 18 years of age. (k) "Serious bodily injury" means any physical injury requiring medical treatment, regardless of whether the victim seeks medical treatment. (l) "Services" means an ongoing relationship between a person and an individual in which the individual performs activities under the supervision of or for the benefit of the person, including, but not limited to, commercial sexual activity and sexually explicit performances. History:Add. 2006, Act 162, Eff. Aug. 24, 2006 ;-- Am. 2014, Act 329, Eff. Jan. 14, 2015 ;-- Am. 2018, Act 119, Eff. July 25, 2018

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIIA - Chapter Lxviia Human Trafficking (750.462a...750.462j)Section 750.462b - Forced Labor or Services; Prohibition.

Sec. 462b. A person shall not knowingly recruit, entice, harbor, transport, provide, or obtain an individual for forced labor or services. History:Add. 2006, Act 162, Eff. Aug. 24, 2006 ;-- Am. 2014, Act 329, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIIA - Chapter Lxviia Human Trafficking (750.462a...750.462j)Section 750.462c - Holding Individual in Debt Bondage.

Sec. 462c. A person shall not knowingly recruit, entice, harbor, transport, provide, or obtain an individual for the purpose of holding the individual in debt bondage. History:Add. 2006, Act 162, Eff. Aug. 24, 2006 ;-- Am. 2014, Act 329, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIIA - Chapter Lxviia Human Trafficking (750.462a...750.462j)Section 750.462d - Prohibited Conduct.

Sec. 462d. A person shall not do either of the following: (a) Knowingly recruit, entice, harbor, transport, provide, or obtain an individual by any means, knowing that individual will be subjected to forced labor or services or debt bondage. (b) Knowingly benefit financially or receive anything of value from participation in an enterprise, as that term is defined in section 159f, if the enterprise has engaged in an act proscribed under this chapter. History:Add. 2006, Act 162, Eff. Aug. 24, 2006 ;-- Am. 2014, Act 329, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIIA - Chapter Lxviia Human Trafficking (750.462a...750.462j)Section 750.462e - Forced Labor or Services; Prohibited Conduct as It Relates to Age of Minor.

Sec. 462e. A person shall not do any of the following, regardless of whether the person knows the age of the minor: (a) Recruit, entice, harbor, transport, provide, or obtain by any means a minor for commercial sexual activity. (b) Recruit, entice, harbor, transport, provide, or obtain by any means a minor for forced labor or services. History:Add. 2006, Act 162, Eff. Aug. 24, 2006 ;-- Am. 2014, Act 329, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIIA - Chapter Lxviia Human Trafficking (750.462a...750.462j)Section 750.462f - Violation of MCL 750.462b, 750.462c, and 750.462d; Violation of MCL 750.462e; Attempting, Conspiring, or Soliciting Another to Violate Chapter; Violation of Law Arising Out of Same Transaction; Consecutive Terms; Restitution.

Sec. 462f. (1) Except as otherwise provided in this section, a person who violates section 462b, 462c, or 462d is guilty of a crime as follows: (a) Except as provided in subdivisions (b), (c), and (d), the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $10,000.00, or both. (b) If the violation results in bodily injury to an individual or results in an individual being engaged in commercial sexual activity, the person is guilty of a felony punishable by imprisonment for

not more than 15 years or a fine of not more than $15,000.00, or both. (c) If the violation results in serious bodily injury to an individual, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. (d) If the violation involves kidnapping or attempted kidnapping, criminal sexual conduct in the first degree or attempted criminal sexual conduct in the first degree, or an attempt to kill or the death of an individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than $50,000.00, or both. (2) Except as otherwise provided in this section, a person who violates section 462e is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. (3) A person who attempts, conspires, or solicits another to violate this chapter is subject to the same penalty as a person who commits a violation of this chapter. (4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section. (5) The court may order a term of imprisonment imposed for violating this section to be served consecutively to a term of imprisonment imposed for the commission of any other crime, including any other violation of law arising out of the same transaction as the violation of this section. (6) In addition to any mandatory restitution applicable under section 16 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.766, the court may order a person convicted of violating this section to pay restitution to the victim in the manner provided in section 16b of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.766b, and to reimburse any governmental entity for its expenses incurred in relation to the violation in the same manner that expenses may be ordered to be reimbursed under section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f. History:Add. 2006, Act 162, Eff. Aug. 24, 2006 ;-- Am. 2014, Act 329, Eff. Jan. 14, 2015 ;-- Am. 2016, Act 338, Eff. Mar. 14, 2017

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIIA - Chapter Lxviia Human Trafficking (750.462a...750.462j)Section 750.462g.amended - Testimony of Victim; Admissibility of Expert Testimony as to Human Trafficking Victim's Behavior.

***** 750.462g.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 462g. (1) The testimony of a victim is not required in a prosecution under this chapter. However, if a victim testifies, that testimony need not be corroborated. (2) Expert testimony as to the behavioral patterns of human trafficking victims and the manner in which a human trafficking victim's behavior may deviate from societal expectations is admissible as evidence in court in a prosecution under this chapter if the expert testimony is otherwise admissible under the rules of evidence and laws of this state. (3) A victim or complainant must not be excused from attending and testifying or producing any books, papers, or other documents before a court or magistrate on an investigation, proceeding, or trial for a violation of this chapter on the grounds that the testimony or evidence may tend to incriminate the victim or complainant. Truthful testimony, evidence, or other truthful information elicited under this section and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information must not be used against the victim or complainant in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to testify or produce evidence as required. History:Add. 2006, Act 162, Eff. Aug. 24, 2006 ;-- Am. 2014, Act 329, Eff. Jan. 14, 2015 ;-- Am. 2017, Act 53, Eff. Sept. 13, 2017 ;-- Am. 2024, Act 185, Eff. (sine die)

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIIA - Chapter Lxviia Human Trafficking (750.462a...750.462j)Section 750.462g - Testimony of Victim; Admissibility of Expert Testimony as to Human Trafficking Victim's Behavior.

***** 750.462g THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 750.462g.amended ***** Sec. 462g. (1) The testimony of a victim is not required in a prosecution under this chapter. However, if a victim testifies, that testimony need not be corroborated. (2) Expert testimony as to the behavioral patterns of human trafficking victims and the manner in which a human trafficking victim's behavior may deviate from societal expectations is admissible as evidence in court in a prosecution under this chapter if the expert testimony is otherwise admissible under the rules of evidence and laws of this state. History:Add. 2006, Act 162, Eff. Aug. 24, 2006 ;-- Am. 2014, Act 329, Eff. Jan. 14, 2015 ;-- Am. 2017, Act 53, Eff. Sept. 13, 2017

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIIA - Chapter Lxviia Human Trafficking (750.462a...750.462j)Section 750.462h - Relevancy of Resistance or Lack of Resistance.

Sec. 462h. In a prosecution under this chapter, the victim's resistance or lack of resistance to the actor is not relevant. History:Add. 2006, Act 162, Eff. Aug. 24, 2006 ;-- Am. 2014, Act 329, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIII - Chapter LXVIII Public Exhibitions and Entertainment (750.463...750.465a)Section 750.463 - Unpublished and Undedicated Plays and Compositions; Consent of Owner.

Sec. 463. Public presentation for profit of unpublished or undedicated plays and compositions without consent of owner—No unpublished, uncopyrighted or undedicated dramatic play and no unpublished or undedicated musical composition shall be publicly

performed or represented for profit, without consent of the owner or proprietor thereof. Any person who shall cause to be publicly performed or represented for profit any unpublished, uncopyrighted or undedicated dramatic composition, or unpublished or undedicated musical composition, without the consent of the owner or proprietor or who, knowing that such dramatic or musical composition is unpublished or undedicated, and, without the consent of its owner or proprietor, permits, aids or takes part in such a performance or representation, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.463Former Law:See sections 1 and 2 of Act 268 of 1905, being CL 1915, §§ 3476 and 3477; and CL 1929, §§ 17022 and 17023.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIII - Chapter LXVIII Public Exhibitions and Entertainment (750.463...750.465a)Section 750.464 - Sale of Seats in Places of Public Entertainment.

Sec. 464. Sale of seats in places of public entertainment—It shall not be lawful for the proprietor, lessee or manager of any theatre, concert or lecture hall, or other place of public entertainment, to mark, or cause to be marked, any seat or seats in any theatre, concert or lecture hall, or other place of public entertainment, as sold, reserved or taken, unless the seat or seats so marked or designated shall have been actually sold or reserved, at least 1 hour prior to the time of beginning each performance, or entertainment in said theatre, concert or lecture hall, or place of public entertainment, and the purchase of reserved seats for the purpose of selling them is hereby prohibited. Any proprietor, lessee or manager, or other person who shall violate the provisions of this section, shall on conviction thereof, be fined not less than 1 dollar, and not more than 5 dollars, for every seat so marked, designated or purchased. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.464Former Law:See sections 1 and 2 of Act 12 of 1877, being How., §§ 2089 and 2090; CL 1897, §§ 5466 and 5467; CL 1915, §§ 7150 and 7151; and CL 1929, §§ 8892 and 8893.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIII - Chapter LXVIII Public Exhibitions and Entertainment (750.463...750.465a)Section 750.464a - Consuming Intoxicating Liquor in Unlicensed Places; Liability.

Sec. 464a. It shall be unlawful for any person to consume, or any person, persons, co-partnership or corporation engaged in the business of operating any public dance hall to knowingly allow, permit or suffer to be consumed any intoxicating liquor, wine, or beer, in any public dance hall, in any toilet, cloak room or appendage to any such dance hall, or in any other room directly connected therewith unless said premises are duly licensed by the Michigan liquor control commission. Any person engaged in the business of operating any public dance hall whether as owner, proprietor, manager, or employee, shall be held liable for knowingly permitting the violation of the provisions of this section, and any such owner or proprietor shall be held criminally liable for knowingly permitting the acts of his manager, servant, agent or employee in violation of the provisions of this section. The violation of any of the provisions of this section is hereby declared to be a misdemeanor. History:Add. 1945, Act 292, Eff. Sept. 6, 1945 ;-- CL 1948, 750.464a

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIII - Chapter LXVIII Public Exhibitions and Entertainment (750.463...750.465a)Section 750.464b - Definitions for MCL 750.465.

Sec. 464b. As used in section 465: (a) "Internet domain name" means a globally unique, hierarchical reference to an internet host or server, which is assigned through a centralized internet naming authority, and which is composed of a series of character strings separated by periods with the rightmost string specifying the top of the hierarchy. (b) "Ticket website" means a website advertising the sale of tickets, offering the sale of tickets, or facilitating a secondary ticket exchange. (c) "URL" means the uniform resource locator for a website on the internet. (d) "Venue" includes a sports venue, concert venue, theatrical venue, club, convention center, fairgrounds, public assembly facility, or mass gathering location. History:Add. 2020, Act 175, Eff. Dec. 30, 2020

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIII - Chapter LXVIII Public Exhibitions and Entertainment (750.463...750.465a)Section 750.465 - Sale of Tickets for Theatre, Circus, Athletic Game, or Place of Public Entertainment or Amusement; Requirements; Prohibitions; Penalty.

Sec. 465. (1) The owner, lessee, operator, or manager of each theatre, circus, athletic grounds used for an athletic game, or place of public entertainment or amusement shall have printed on each ticket issued for admission to, or for a seat of, the theatre, circus, athletic grounds, or place of public entertainment or amusement, in conspicuous type, the price of the ticket, and the number on the seat if the seats are numbered. The owner, lessee, operator, or manager also shall print or endorse on the ticket the charge in excess of the box office price at which the ticket is sold if the ticket is purchased at a location other than the box office where the event occurs and the following statement: "This ticket may be purchased at the box office price without the surcharge by purchasing the ticket at the box office where the event is scheduled to occur.". (2) A person shall not knowingly sell, give, transfer, use, distribute, or possess with the intent to distribute software that is primarily designed or produced for the purpose of interfering with the ticket sale operations of any owner, lessee, operator, or manager of a theatre, circus, athletic grounds, or place of public entertainment or

amusement over the internet by circumventing any measures or controls on the seller's website that are instituted to enforce event ticket purchasing limits or to maintain the integrity of online purchasing order rules. (3) Except as provided in subsection (4), a person owning, operating, or controlling a ticket website for an event scheduled at a venue in this state shall not use an internet domain name or subdomain thereof in the ticket website's URL that contains any of the following: (a) The name of the venue. (b) The name of the event, including the name of a person or entity scheduled to perform or appear at the event. (c) A name substantially similar to those described in subdivision (a) or (b). (4) Subsection (3) does not apply if the person owning, operating, or controlling a ticket website for an event scheduled in this state is acting on behalf of the venue, event, person, or entity scheduled to perform or appear at the event. (5) A person shall not make available for sale a ticket that is not in his or her possession or control. (6) This section does not alter or affect the remedies available for unfair, unconscionable, or deceptive methods, acts, or practices related to the sale of tickets under the Michigan consumer protection act, 1976 PA 331, MCL 445.901 to 445.922, or for untrue, deceptive, or misleading advertising of tickets under the Michigan shopping reform and modernization act, 2011 PA 15, MCL 445.311 to 445.324. (7) If any provision of this act or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and, to this end, the provisions of this act are severable. (8) A person that violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.465 ;-- Am. 1979, Act 33, Imd. Eff. June 19, 1979 ;-- Am. 2020, Act 176, Eff. Dec. 30, 2020Former Law:See sections 1 to 6 of Act 138 of 1907, being CL 1915, §§ 7152 to 7157; CL 1929, §§ 8894 to 8899.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXVIII - Chapter LXVIII Public Exhibitions and Entertainment (750.463...750.465a)Section 750.465a - Operation of Audiovisual Device in Theatrical Facility; Prohibited Conduct; Violation; Exception; Definitions.

Sec. 465a. (1) A person who knowingly operates an audiovisual recording function of a device in a theatrical facility where a motion picture is being exhibited without the consent of the owner or lessee of that theatrical facility and of the licensor of the motion picture being exhibited is guilty of a crime as follows: (a) Except as provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $10,000.00, or both. (b) If the person has 1 prior conviction for violating this subsection, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $20,000.00, or both. (c) If the person has 2 or more prior convictions for violating this subsection, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $40,000.00, or both. (2) This section does not prevent any lawfully authorized investigative, law enforcement, protective, or intelligence-gathering employee or agent, of this state or the United States, from operating the audiovisual recording function of a device in a theatrical facility where a motion picture is being exhibited as part of an investigative, protective, law enforcement, or intelligence-gathering activity. (3) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that proscribes conduct described in this section and that provides a greater penalty. (4) As used in this section: (a) "Audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part of a motion picture by technological means. (b) "Theatrical facility" means a facility being used to exhibit a motion picture to the public, but does not include an individual's residence or a retail establishment. History:Add. 2004, Act 423, Eff. Mar. 15, 2005

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.478 - Willful Neglect of Duty; Public Officer or Person Holding Public Trust or Employment; Penalty.

Sec. 478. When any duty is or shall be enjoined by law upon any public officer, or upon any person holding any public trust or employment, every willful neglect to perform such duty, where no special provision shall have been made for the punishment of such delinquency, constitutes a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.478 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 25 of Ch. 156 of R.S. 1846, being CL 1857, § 5844; CL 1871, § 7677; How., § 9259; CL 1897, § 11329; CL 1915, § 14996; and CL 1929, § 16587.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.478a - Legal Process; Intimidation, Hindering, or Obstruction of Public Officer or Employee.

Sec. 478a. (1) A person shall not attempt to intimidate, hinder, or obstruct a public officer or public employee or a peace officer in the discharge of his or her official duties by a use of unauthorized process. (2) Except as provided in subsection (3), a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00, or both. (3) A person who violates subsection (1) after 1 or more prior convictions for violating subsection (1) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (4) This section does not apply to a lien authorized under a statute of this state. (5) This section does not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law that individual commits while violating this section. (6) This section does not prohibit individuals from assembling lawfully or lawful free expression of opinions or designation of group affiliation or association. (7) As used in this section: (a) "Lawful tribunal" means a tribunal created, established, authorized, or sanctioned by law

or a tribunal of a private organization, association, or entity to the extent that the organization, association, or entity seeks in a lawful manner to affect only the rights or property of persons who are members or associates of that organization, association, or entity. (b) "Legal process" means a summons, complaint, pleading, writ, warrant, injunction, notice, subpoena, lien, order, or other document issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency that is used as a means of exercising or acquiring jurisdiction over a person or property, to assert or give notice of a legal claim against a person or property, or to direct persons to take or refrain from an action. (c) "Public employee" means an employee of this state, an employee of a city, village, township, or county of this state, or an employee of a department, board, agency, institution, commission, authority, division, council, college, university, court, school district, intermediate school district, special district, or other public entity of this state or of a city, village, township, or county in this state, but does not include a person whose employment results from election or appointment. (d) "Public officer" means a person who is elected or appointed to any of the following: (i) An office established by the state constitution of 1963. (ii) A public office of a city, village, township, or county in this state. (iii) A department, board, agency, institution, commission, court, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of this state or a city, village, township, or county in this state. (e) "Unauthorized process" means either of the following: (i) A document simulating legal process that is prepared or issued by or on behalf of an entity that purports or represents itself to be a lawful tribunal or a court, public officer, or other agency created, established, authorized, or sanctioned by law but that is not a lawful tribunal or a court, public officer, or other agency created, established, authorized, or sanctioned by law. (ii) A document that would otherwise be legal process except that it was not issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency as required by law. However, this subparagraph does not apply to a document that would otherwise be legal process but for 1 or more technical defects, including, but not limited to, errors involving names, spelling, addresses, or time of issue or filing or other defects that do not relate to the substance of the claim or action underlying the document. History:Add. 1998, Act 360, Eff. Jan. 1, 1999

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.478b - Use of Authority to Prevent Reporting of Certain Crimes to Title IX Coordinator; Penalty.

Sec. 478b. (1) A person who intentionally uses the person's professional position of authority over another person to prevent or attempt to prevent the other person from reporting an alleged violation of section 136b, sections 520b to 520e, or section 520g to a title IX coordinator at a postsecondary educational institution is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (2) As used in this section, "postsecondary educational institution" means a degree- or certificate-granting public or private college or university, junior college, or community college. History:Add. 2023, Act 50, Eff. Sept. 27, 2023

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.479 - Resisting or Obstructing Officer in Discharge of Duty; Penalty; Definitions.

Sec. 479. (1) A person shall not knowingly and willfully do any of the following: (a) Assault, batter, wound, obstruct, or endanger a medical examiner, township treasurer, judge, magistrate, probation officer, parole officer, prosecutor, city attorney, court employee, court officer, or other officer or duly authorized person serving or attempting to serve or execute any process, rule, or order made or issued by lawful authority or otherwise acting in the performance of his or her duties. (b) Assault, batter, wound, obstruct, or endanger an officer enforcing an ordinance, law, rule, order, or resolution of the common council of a city board of trustees, the common council or village council of an incorporated village, or a township board of a township. (2) Except as provided in subsections (3), (4), and (5), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. (3) A person who violates this section and by that violation causes a bodily injury requiring medical attention or medical care to an individual described in this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (4) A person who violates this section and by that violation causes serious impairment of a body function of an individual described in this section is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $10,000.00, or both. (5) A person who violates this section and by that violation causes the death of an individual described in this section is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. (6) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. (7) The court may order a term of imprisonment for a violation of this section to be served consecutively to any other term of imprisonment imposed for a violation arising out of the same criminal transaction as the violation of this section. (8) As used in this section: (a) "Obstruct" includes the use or threatened use of physical interference or force or a knowing failure to comply with a lawful command. (b) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.479 ;-- Am. 2002, Act 270, Eff. July 15, 2002Former Law:See section 23 of Ch. 156 of R.S. 1846, being CL 1857, § 5842; CL 1871, § 7675; How., § 9257; CL 1897, § 11327; CL 1915, § 14994; CL 1929, § 16585; Act 202 of 1863; and Act 24 of 1869.

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750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.479a - Failure to Obey Direction of Police or Conservation Officer to Stop Motor Vehicle or Vessel; Violation of Subsection (1); Fleeing and Eluding as Felony; Penalty; Suspension of License; Revocation; Conviction and Sentence Under Other Provision; Definitions.

Sec. 479a. (1) An operator of a motor vehicle or vessel who is given by hand, voice, emergency light, or siren a visual or audible signal by a police or conservation officer, acting in the lawful performance of his or her duty, directing the operator to bring his or her motor vehicle or vessel to a stop shall not willfully fail to obey that direction by increasing the speed of the vehicle or vessel, extinguishing the lights of the vehicle or vessel, or otherwise attempting to flee or elude the police or conservation officer. This subsection does not apply unless the police or conservation officer giving the signal is in uniform and the officer's vehicle or vessel is identified as an official police or department of natural resources vehicle or vessel. (2) Except as provided in subsection (3), (4), or (5), an individual who violates subsection (1) is guilty of fourth-degree fleeing and eluding, a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. (3) Except as provided in subsection (4) or (5), an individual who violates subsection (1) is guilty of third-degree fleeing and eluding, a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both, if 1 or more of the following circumstances apply: (a) The violation results in a collision or accident. (b) For a motor vehicle, a portion of the violation occurred in an area where the speed limit is 35 miles an hour or less, whether that speed limit is posted or imposed as a matter of law or, for a vessel, a portion of the violation occurred in an area designated as "slow—no wake", "no wake", or "restricted" whether the area is posted or created by law or administrative rule. (c) The individual has a prior conviction for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct. (4) Except as provided in subsection (5), an individual who violates subsection (1) is guilty of second-degree fleeing and eluding, a felony punishable by imprisonment for not more than 10 years or a fine of not more than $10,000.00, or both, if 1 or more of the following circumstances apply: (a) The violation results in serious impairment of a body function of an individual. (b) The individual has 1 or more prior convictions for first-, second-, or third-degree fleeing and eluding, attempted first-, second-, or third-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct. (c) The individual has any combination of 2 or more prior convictions for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct. (5) If the violation results in the death of another individual, an individual who violates subsection (1) is guilty of first-degree fleeing and eluding, a felony punishable by imprisonment for not more than 15 years or a fine of not more than $15,000.00, or both. (6) Upon a conviction for a violation or attempted violation under subsection (2) or (3), the following apply: (a) If the individual was operating a motor vehicle, the secretary of state shall suspend the individual's operator's or chauffeur's license as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319. (b) If the individual was operating a vessel, the individual's privilege to operate a vessel shall be suspended for a period not to exceed 5 years. (7) Upon a conviction for a violation or attempted violation under subsection (4) or (5), the following apply: (a) If the individual was operating a motor vehicle, the secretary of state shall revoke the individual's operator's or chauffeur's license as provided in section 303 of the Michigan vehicle code, 1949 PA 300, MCL 257.303. (b) If the individual was operating a vessel, the individual's privilege to operate a vessel shall be revoked for a period of not less than 5 years. (8) Except as otherwise provided in this subsection, a conviction under this section does not prohibit a conviction and sentence under any other applicable provision for conduct arising out of the same transaction. A conviction under subsection (2), (3), (4), or (5) prohibits a conviction under section 602a of the Michigan vehicle code, 1949 PA 300, MCL 257.602a, for conduct arising out of the same transaction. (9) As used in this section: (a) "Prior conviction" means: (i) For a violation of this section while operating a motor vehicle, the person had a previous conviction for a violation of this section while operating a motor vehicle or a previous conviction for fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct while operating a motor vehicle. (ii) For a violation of this section while operating a vessel, the person had a previous conviction for a violation of this section while operating a vessel. (b) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. (c) "Vessel" means that term as defined in section 80104 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80104. (10) This section shall be known and may be cited as the "Lieutenant Donald Bezenah law". History:Add. 1966, Act 299, Eff. Mar. 10, 1967 ;-- Am. 1988, Act 407, Eff. Mar. 30, 1989 ;-- Am. 1996, Act 586, Eff. June 1, 1997 ;-- Am. 1998, Act 344, Eff. Oct. 1, 1999 ;-- Am. 2002, Act 270, Eff. July 15, 2002 ;-- Am. 2012, Act 60, Eff. Nov. 1, 2012

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.479b - Taking of Firearm or Other Weapon From Peace Officer or Corrections Officer; Penalty; Commission of Other Violation; Consecutive Terms of Imprisonment; Definitions.

Sec. 479b. (1) An individual who takes a weapon other than a firearm from the lawful possession of a peace officer or a corrections officer is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,500.00, or both, if all of the following circumstances exist at the time the weapon is taken: (a) The individual knows or has reason to believe the person from whom the weapon is taken is a peace officer or a corrections officer. (b) The peace officer or corrections officer is performing his or her duties as a peace officer or a corrections officer. (c) The individual takes the weapon without consent of the peace officer

or corrections officer. (d) The peace officer or corrections officer is authorized by his or her employer to carry the weapon in the line of duty. (2) An individual who takes a firearm from the lawful possession of a peace officer or a corrections officer is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both, if all of the following circumstances exist at the time the firearm is taken: (a) The individual knows or has reason to believe the person from whom the firearm is taken is a peace officer or a corrections officer. (b) The peace officer or corrections officer is performing his or her duties as a peace officer or a corrections officer. (c) The individual takes the firearm without the consent of the peace officer or corrections officer. (d) The peace officer or corrections officer is authorized by his or her employer to carry the firearm in the line of duty. (3) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. (4) A term of imprisonment imposed for a violation of this section may run consecutively to any term of imprisonment imposed for another violation arising from the same transaction. (5) As used in this section: (a) "Corrections officer" means a prison or jail guard or other employee of a jail or a state or federal correctional facility, who performs duties involving the transportation, care, custody, or supervision of prisoners. (b) "Peace officer" means 1 or more of the following: (i) A police officer of this state or a political subdivision of this state. (ii) A police officer of any entity of the United States. (iii) The sheriff of a county of this state or the sheriff's deputy. (iv) A public safety officer of a college or university who is authorized by the governing board of that college or university to enforce state law and the rules and ordinances of that college or university. (v) A conservation officer of the department of natural resources. (vi) A conservation officer of the United States department of interior. History:Add. 1994, Act 33, Eff. June 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.479c - Person Informed of Criminal Investigation by Peace Officer; Prohibited Conduct; Violation; Penalty; Exception; Definitions.

Sec. 479c. (1) Except as provided in this section, a person who is informed by a peace officer that he or she is conducting a criminal investigation shall not do any of the following: (a) By any trick, scheme, or device, knowingly and willfully conceal from the peace officer any material fact relating to the criminal investigation. (b) Knowingly and willfully make any statement to the peace officer that the person knows is false or misleading regarding a material fact in that criminal investigation. (c) Knowingly and willfully issue or otherwise provide any writing or document to the peace officer that the person knows is false or misleading regarding a material fact in that criminal investigation. (2) A person who violates this section is guilty of a crime as follows: (a) If the crime being investigated is a serious misdemeanor, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00. (b) If the crime being investigated is a misdemeanor punishable by imprisonment for more than 1 year or is a felony punishable by imprisonment for less than 4 years, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,500.00, or both. (c) If the crime being investigated is a felony punishable by imprisonment for 4 years or more, the person is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $5,000.00, or both. (d) If the crime being investigated is any of the following, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both: (i) A violation of section 316 or 317 (first or second degree murder). (ii) A violation of chapter LXVIIA (human trafficking). (iii) A violation of section 520b (first degree criminal sexual conduct). (iv) A violation of section 529 (armed robbery). (v) A violation of section 529a (carjacking). (vi) A violation of chapter LXXXIII-A (terrorism). (vii) If the violation is punishable by imprisonment for not less than 20 years: (A) A violation of chapter X (arson). (B) A violation of chapter XXXIII (explosives and bombs, and harmful devices). (C) A violation of chapter L (kidnapping). (3) This section does not apply to either of the following: (a) Any statement made or action taken by an alleged victim of the crime being investigated by the peace officer. (b) A person who was acting under duress or out of a reasonable fear of physical harm to himself or herself or another person from a spouse or former spouse, a person with whom he or she has or has had a dating relationship, a person with whom he or she has had a child in common, or a resident or former resident of his or her household. (4) This section does not prohibit a person from doing either of the following: (a) Invoking the person's rights under the Fifth Amendment of the constitution of the United States or section 17 of article I of the state constitution of 1963. (b) Declining to speak to or otherwise communicate with a peace officer concerning the criminal investigation. (5) As used in this section: (a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 persons in a business or social context. (b) "Peace officer" means any of the following: (i) A sheriff or deputy sheriff of a county of this state. (ii) An officer of the police department of a city, village, or township of this state. (iii) A marshal of a city, village, or township of this state. (iv) A constable of any local unit of government of this state. (v) An officer of the Michigan state police. (vi) A conservation officer of this state. (vii) A security employee employed by the state under section 6c of 1935 PA 59, MCL 28.6c. (viii) A motor carrier officer appointed under section 6d of 1935 PA 59, MCL 28.6d. (ix) A police officer or public safety officer of a community college, college, or university within this state who is authorized by the governing board of that community college, college, or university to enforce state law and the rules and ordinances of that community college, college, or university. (x) A park and recreation officer commissioned under section 1606 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1606. (xi) A state forest officer commissioned under section 83107 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.83107. (xii) An investigator of the state department of attorney general. (xiii) An agent of the state department of human services, office of inspector general. (xiv) A sergeant at arms or assistant sergeant at arms commissioned as a police officer under section 2 of the legislative sergeant at arms police powers act, 2001 PA 185, MCL 4.382. (c) "Serious

misdemeanor" means that term as defined in section 61 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.811. History:Add. 2012, Act 104, Eff. July 20, 2012

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.480 - Refusing to Deliver Records and Money to Successor in Office.

Sec. 480. Refusing to deliver books, money, etc., to successor in office—Any officer or agent of this state or of any county, city, village, township or school district within the state, into whose hands money, books, papers, evidence of debt or other property shall come by virtue of his office or agency, who shall wilfully refuse or neglect, on demand, to deliver the same to his successor in office or to the person authorized by law to receive or have charge of the same, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.480Former Law:See Section 28 of Ch. 154 of R.S. 1846, being CL 1857, § 5772; CL 1871, § 7579; How., § 9150; CL 1897, § 11564; CL 1915, § 15309; CL 1929, § 16907; and Act 68 of 1895.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.481 - Neglecting or Refusing to Execute Process; Penalty.

Sec. 481. Neglecting or refusing to execute process—Whenever any constable, marshal, deputy or assistant marshal, coroner, sheriff or deputy sheriff of any township, city, village or county, shall at any time wilfully neglect or refuse to execute any lawful process of any court, or judicial officer having authority to issue the same, and which shall be duly issued, or whenever such officer shall, at any time, wilfully neglect or refuse to discharge or execute any special duty imposed on any such officer by any provision of law, such officer shall be guilty of a misdemeanor: Provided, That in all cases where such process shall be taken out in the name of a party, other than the people of this state, it shall appear on the trial for such offense that the legal fees for serving such process have been tendered or paid to such officer. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.481Former Law:See section 1 of Act 9 of 1861, being CL 1871, § 7680; How., § 9262; CL 1897, § 11332; CL 1915, § 14999; and CL 1929, § 16594.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.482 - Neglecting or Refusing to Pay Over Moneys Collected; Penalty.

Sec. 482. Any officer who shall collect or receive any moneys on account of any fine, penalty, forfeiture, or recognizance, and shall neglect or refuse to pay over the same according to law, or shall appropriate or dispose of the same to his or her own use, or in any manner not authorized by law, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.482 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 41 of Chapter 35 of Act 314 of 1915, being CL 1915, § 13433; and CL 1929, § 15180.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.483 - Neglecting or Refusing to Aid Sheriff, Coroner or Constable; Misdemeanor.

Sec. 483. Neglecting or refusing to aid sheriff, etc.—Any person who being required by any sheriff, deputy sheriff, coroner or constable, shall neglect or refuse to assist him in the execution of his office, in any criminal case or in the preservation of the peace, or the apprehending or securing of any person for a breach of the peace, or in any case of escape or rescue of persons arrested upon civil process, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.483Former Law:See section 16 of Ch. 156 of R.S. 1846, being CL 1857, § 5835; CL 1871, § 7668; How., § 9250; CL 1897, § 11320; CL 1915, § 14987; and CL 1929, § 16578.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.483a - Prohibited Acts; Penalties; “Retaliate,” “Official Proceeding,” and “Threaten or Intimidate” Defined.

Sec. 483a. (1) A person shall not do any of the following: (a) Withhold or refuse to produce any testimony, information, document, or thing after the court has ordered it to be produced following a hearing. (b) Prevent or attempt to prevent through the unlawful use of physical force another person from reporting a crime committed or attempted by another person. (c) Intentionally use the person's professional position of authority over another person to prevent or attempt to prevent the other person from reporting a crime listed in section 136b, 520b, 520c, 520d, 520e, or 520g, that is committed or attempted by another person. (d) Retaliate or attempt to retaliate against another person for having reported or attempted to report a crime committed or attempted by another person. As used in this subdivision, "retaliate" means to do any of the following: (i) Commit or attempt to commit a crime against any person. (ii) Threaten to kill or injure any person or threaten to cause property damage. (2) A person who violates subsection (1) is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (b) If the violation involves committing or attempting to commit a crime or a threat to kill or injure any person or to cause property damage, the person is guilty of a felony punishable by

imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (3) A person shall not do any of the following: (a) Give, offer to give, or promise anything of value to any person to influence a person's statement to a police officer conducting a lawful investigation of a crime or the presentation of evidence to a police officer conducting a lawful investigation of a crime. (b) Threaten or intimidate any person to influence a person's statement to a police officer conducting a lawful investigation of a crime or the presentation of evidence to a police officer conducting a lawful investigation of a crime. (4) A person who violates subsection (3) is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (b) If the violation involves committing or attempting to commit a crime or a threat to kill or injure any person or to cause property damage, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (5) A person shall not do any of the following: (a) Knowingly and intentionally remove, alter, conceal, destroy, or otherwise tamper with evidence to be offered in a present or future official proceeding. (b) Offer evidence at an official proceeding that the person recklessly disregards as false. (6) A person who violates subsection (5) is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (b) If the violation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life or any term of years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (7) It is an affirmative defense under subsection (3), for which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to provide a statement or evidence truthfully. (8) Subsections (1)(a), (3)(b), and (5)(b) do not apply to any of the following: (a) The lawful conduct of an attorney in the performance of the attorney's duties, such as advising a client. (b) The lawful conduct or communications of a person as permitted by statute or other lawful privilege. (9) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section. (10) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime including any other violation of law arising out of the same transaction as the violation of this section. (11) As used in this section: (a) "Official proceeding" means a proceeding heard before a legislative, judicial, administrative, or other governmental agency or official authorized to hear evidence under oath, including a referee, prosecuting attorney, hearing examiner, commissioner, notary, or other person taking testimony or deposition in that proceeding. (b) "Threaten or intimidate" does not mean a communication regarding the otherwise lawful access to courts or other branches of government, such as the lawful filing of any civil action or police report of which the purpose is not to harass the other person in violation of section 2907 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2907. History:Add. 2000, Act 451, Eff. Mar. 28, 2001 ;-- Am. 2023, Act 49, Eff. Sept. 27, 2023

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.485 - Accounting for County Money; County and Municipal Officers.

Sec. 485. Accounting for county money by county and municipal officers—It shall be the duty of all county and municipal officers, who may receive or pay out any sum or sums of money belonging to the county in which said officers may reside, to keep an accurate and perfect account of all such moneys, by whom paid and for what purpose, as the board of supervisors of the several counties of this state, or by the board of auditors, wherever authorized to transact such county business, may direct. The several boards of supervisors and board of county auditors are hereby authorized and directed to prepare a system for the keeping of such accounts, and report to the county treasurer, as the several boards may deem proper and necessary in each of the several counties of this state. Whenever the board of supervisors or board of county auditors may prescribe a system for the keeping of such accounts, as provided for by this section, said county and municipality shall comply with requirements of such system in all particulars, as directed to do by said boards of supervisors or boards of county auditors. Any county or municipal officer who may be included under the provisions of this section, who shall neglect or refuse to comply with any of the provisions of this section, in the keeping of such accounts as may be prescribed by said county boards, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.485Former Law:See sections 1 to 3 of Act 237 of 1901, being CL 1915, §§ 2517 to 2519; and CL 1929, §§ 2708 to 2710.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.487 - Defense of Accused by Law Partner of Prosecutor.

Sec. 487. Defense of persons charged with crime by law partner of prosecuting attorney—The law partner or partners of any prosecuting attorney who shall be directly or indirectly engaged or interested in the defense of any person or persons charged with any offense, when it is the duty of such prosecuting attorney in his official capacity to prosecute such person or persons, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.487Former Law:See sections 16 and 17 of Chapter XVI of Act 175 of 1927, being CL 1929, §§ 17506 and 17507.

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750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.488 - Retention of Fees by State Officers and Employees on Salary.

Sec. 488. Retention of fees by state officers and employees on salary—Any officer or employe of the state government, having a salary fixed by law who shall retain any fees received for performance of his official duties, or who shall not promptly turn over to the state treasurer or credit to the proper funds such fees when collected, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison not more than 2 years or by a fine of not more than 1,000 dollars. Any one convicted under the provisions of this section shall be promptly removed from office. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.488

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.489 - False Statement of Public Finances and Transfer of Same.

Sec. 489. False statement of public finances and transfer of same—Any officer, agent, servant or employe of the state of Michigan, or of any county, township, city, village or school district of this state, and any member, agent or employe of any board or commission of the state of Michigan or of any of the municipalities above named, who shall knowingly deliver, publish or give out for publication any false statement relating to the finances, funds, moneys or balances in any fund of said state, county, township, city, village or school district, shall be guilty of a misdemeanor. Any officer, agent, servant or employe of the state of Michigan, or of any county, township, city, village or school district of this state, and any member, agent or employe of any board or commission of the state of Michigan or of any of the municipalities above named, who shall transfer or juggle the funds of the state or other municipal division thereof, or issue false checks, drafts, warrants, vouchers or other evidences of credit, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.489Former Law:See sections 1 to 3 of Act 291 of 1927, being CL 1929, §§ 381 to 383.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.490 - Safe Keeping of Public Moneys.

Sec. 490. Safe keeping of public moneys—All moneys which shall come into the hands of any officer of the state, or of any officer of any county, or of any township, school district, highway district, city or village, or of any other municipal or public corporation within this state, pursuant to any provision of law authorizing such officer to receive the same, shall be denominated public moneys within the meaning of this section. It shall be the duty of every officer charged with the receiving, keeping or disbursing of public moneys to keep the same separate and apart from his own money, and he shall not commingle the same with his own money, nor with the money of any other person, firm, or corporation. No such officer shall, under any pretext, use, or allow to be used, any such moneys for any purpose other than in accordance with the provisions of law; nor shall he use the same for his own private use, nor loan the same to any person, firm or corporation without legal authority so to do. In all cases where public moneys are authorized to be deposited in any bank, or to be loaned to any individual, firm or corporation, for interest, the interest accruing upon such public moneys shall belong to and constitute a general fund of the state, county or other public or municipal corporation, as the case may be. In no case shall any such officer, directly or indirectly, receive any pecuniary or valuable consideration as an inducement for the deposit of any public moneys with any particular bank, person, firm or corporation. The provisions of this section shall apply to all deputies of such officer or officers, and to all clerks, agents and servants of such officer or officers. Any officer who shall wilfully or corruptly draw or issue any warrant, order or certificate for the payment of money in excess of the amount authorized by law, or for a purpose not authorized by law, shall be guilty of a misdemeanor, punishable as provided in this section. Any person who shall violate any of the provisions of this section, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison not more than 2 years or by a fine of not more than 1,000 dollars: Provided, That nothing in this section contained shall prevent a prosecution for embezzlement in cases where the facts warrant the same. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.490Former Law:See sections 1 to 8 of Act 131 of 1875, being How., §§ 423 to 430; CL 1897, §§ 1197 to 1204; CL 1915, §§ 298 to 305; and CL 1929, §§ 358 to 365.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXX - Chapter LXX Public Offices and Officers (750.478...750.490a)Section 750.490a - Purchase by Employee Upon Public Credit for Private Use.

Sec. 490a. An officer or employee of any governmental agency shall not purchase or cause to be purchased any goods, wares, or merchandise of any description in the name of or on the credit of the governmental agency for any other purpose than for use or resale in the regular course of the official business of the governmental agency; or sell or offer for sale goods, wares, or merchandise purchased in the name of or on the credit of the governmental agency, at any price other than the price at which such goods are offered generally to the public by the governmental agency. As used in this section, "governmental agency" means any and all branches or departments of the state government; any and all branches or departments of the government of any county, city, village, school district, township, or other municipal corporation in this state; and any commission, board, or other similar body organized to assist in the conduct of the governmental or proprietary functions of state or local government. Any person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

History:Add. 1939, Act 310, Eff. Sept. 29, 1939 ;-- CL 1948, 750.490a ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXI - Chapter LXXI Public Records (750.491...750.492a)Section 750.491 - Public Records; Disposal; Removal, Mutilation, or Destruction; Violation as Misdemeanor; Penalty.

Sec. 491. (1) All official books, papers, or records created by or received in any office or agency of this state or its political subdivisions are public property belonging to the people of this state. All such books, papers, or records must be disposed of only as provided in section 11 of the Michigan history center act, 2016 PA 470, MCL 399.811, section 2a of the records reproduction act, 1992 PA 116, MCL 24.402a, and sections 2137 and 2138 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2137 and 600.2138. (2) An individual shall not willfully carry away, mutilate, or destroy the books, papers, records, or any part of a book, paper, or record described in subsection (1) and shall not retain and continue to hold the possession of those books, papers, or records, or parts of those books, papers, or records and refuse to deliver up those books, papers, records, or parts of those books, papers, or records to the proper officer having charge of the office to which those books, papers, or records belong upon demand being made by that officer or, if the office is defunct, the Michigan history center created in the Michigan history center act, 2016 PA 470, MCL 399.801 to 399.812. An individual who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.491 ;-- Am. 1952, Act 119, Eff. Sept. 18, 1952 ;-- Am. 1964, Act 147, Eff. Aug. 28, 1964 ;-- Am. 2017, Act 182, Eff. Feb. 19, 2018 ;-- Am. 2020, Act 284, Eff. Mar. 24, 2021Compiler's Notes:For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.For the transfer of powers and duties related to the state archives program from the department of natural resources to the department of technology, management and budget, see E.R.O. 2023-2, compiled at MCL 388.1283.Former Law:See section 1 of Act 6 of 1851, being CL 1857, § 5906; CL 1871, § 7751; How., § 9347; CL 1897, § 11361; CL 1915, § 15079; CL 1929, § 17018; and Act 208 of 1875.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXI - Chapter LXXI Public Records (750.491...750.492a)Section 750.492 - Public Records; Inspection; Use; Copying; Removal.

Sec. 492. Any officer having the custody of any county, city, or township records in this state who shall when requested fail or neglect to furnish proper and reasonable facilities for the inspection and examination of the records and files in his or her office and for making memoranda of transcripts therefrom during the usual business hours, which shall not be less than 4 hours per day, to any person having occasion to make examination of them for any lawful purpose is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. The custodian of said records and files may make such reasonable rules with reference to the inspection and examination of them as shall be necessary for the protection of said records and files and to prevent interference with the regular discharge of the duties of such officer. The officer shall prohibit the use of pen and ink in making copies or notes of records and files in his or her office. No books, records, and files shall be removed from the office of the custodian thereof, except by the order of the judge of any court of competent jurisdiction, or in response to a subpoena duces tecum issued therefrom, or for audit purposes conducted pursuant to 1919 PA 71, MCL 21.41 to 21.55, 1929 PA 52, MCL 14.141 to 14.145, or 1968 PA 2, MCL 141.421 to 141.440a, with the permission of the official having custody of the records if the official is given a receipt listing the records being removed. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.492 ;-- Am. 1970, Act 109, Imd. Eff. July 23, 1970 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 and 2 of Act 92 of 1899, being CL 1915, §§ 3449 and 3450; and CL 1929, §§ 2713 and 2714.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXI - Chapter LXXI Public Records (750.491...750.492a)Section 750.492a - Placing Misleading or Inaccurate Information in Medical Records or Charts; Alteration or Destruction of Medical Records or Charts; Penalties; Applicability of Subsections (1) and (2); Basis for Civil Action for Damages Not Created.

Sec. 492a. (1) Except as otherwise provided in subsection (3), a health care provider or other person, knowing that the information is misleading or inaccurate, shall not intentionally, willfully, or recklessly place or direct another to place in a patient's medical record or chart misleading or inaccurate information regarding the diagnosis, treatment, or cause of a patient's condition. A violation of this subsection is punishable as follows: (a) A health care provider who intentionally or willfully violates this subsection is guilty of a felony. (b) A health care provider who recklessly violates this subsection is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not more than $1,000.00, or both. (c) A person other than a health care provider who intentionally or willfully violates this subsection is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not more than $1,000.00, or both. (d) A person other than a health care provider who recklessly violates this subsection is guilty of a misdemeanor. (2) Except as otherwise provided in subsection (3), a health care provider or other person shall not intentionally or willfully alter or destroy or direct another to alter or destroy a patient's medical records or charts for the purpose of concealing his or her responsibility for the patient's injury, sickness, or death. A health care provider who violates this subsection is guilty of a felony. A person other than a health care provider who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than $1,000.00, or both. (3) Subsections (1) and (2) do not apply to

either of the following: (a) Destruction of a patient's original medical record or chart if all of the information contained in or on the medical record or chart is otherwise retained by means of mechanical or electronic recording, chemical reproduction, or other equivalent techniques that accurately reproduce all of the information contained in or on the original or by reproduction pursuant to the records media act that accurately reproduces all of the information contained in or on the original. (b) Supplementation of information or correction of an error in a patient's medical record or chart in a manner that reasonably discloses that the supplementation or correction was performed and that does not conceal or alter prior entries. (4) This section does not create or provide a basis for a civil cause of action for damages. History:Add. 1986, Act 184, Eff. Mar. 31, 1987 ;-- Am. 1992, Act 210, Imd. Eff. Oct. 5, 1992

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.493 - Protection of Exploration; Pits and Holes.

Sec. 493. Protection of exploration pits and holes—Any person who shall sink, dig or cause to be sunk or dug, any shaft, pit, hole or trench on any uninclosed or unoccupied land within this state to a depth of 4 feet or more, for the purpose of exploring for minerals or making other discoveries, and shall fail and neglect to fill the same or erect or cause to be erected and maintain or cause to be maintained around the same a good substantial fence or enclosure not less than 4 feet high, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.493Former Law:See sections 1 and 2 of Act 188 of 1885, being How., §§ 9120a and 9120b; CL 1897, §§ 11527 and 11528; CL 1915, §§ 15266 and 15267; and CL 1929, §§ 16805 and 16806.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.493a - Placing or Throwing Glass or Other Debris on Beach or Public Highway.

Sec. 493a. Any person who shall place or throw glass or other dangerous pointed or edged substances in or on any beach or waters adjacent thereto, highway, or walk, or on public property within 50 feet of a public highway, shall be guilty of a misdemeanor. History:Add. 1949, Act 50, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.493b - Well or Cistern; Abandoning or Failing to Keep Safely Covered or Fenced; Depth and Width.

Sec. 493b. Any person who shall knowingly abandon or fail to keep safely covered or fenced any well or cistern of a depth of 4 feet or more and with a top width of 12 inches or more on property owned or occupied by such person shall be guilty of a misdemeanor. History:Add. 1949, Act 237, Eff. Sept. 23, 1949

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.493c - Excavation or Basement; Failure to Cover or Fence.

Sec. 493c. Any person who shall hereafter dig or cause to be dug an excavation or a partially constructed basement for any building or structure, and who shall fail to cover or safely fence the same within a period of 90 days after such excavation has been commenced shall be deemed guilty of a misdemeanor. History:Add. 1952, Act 102, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.493d - Icebox or Refrigerator; Abandoned Without Removing Snaplock or Locking Device, Penalty.

Sec. 493d. Any person who knowingly leaves, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container of a kind and size sufficient to permit the entrapment and suffocation of a child therein, without first removing the snaplock or other locking device from the lid or cover thereof, is guilty of a misdemeanor. History:Add. 1954, Act 135, Imd. Eff. Apr. 23, 1954 ;-- Am. 1966, Act 68, Imd. Eff. June 9, 1966

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.493e - Jumping or Diving From Public Bridge or Overpass as Misdemeanor; Effective Date of Section.

Sec. 493e. (1) A person shall not jump or dive from a public bridge or overpass. (2) A person who violates subsection (1) is guilty of a misdemeanor. (3) This section shall not take effect until April 1, 1983. History:Add. 1982, Act 238, Eff. Apr. 1, 1983

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.495 - Shafting; Erection to Protect Public.

Sec. 495. Shafting to be erected to protect public—All shafting put up for the running of machinery on exhibition in this state, where

the public are invited to assemble, shall be so put up as to prevent any person or persons coming in contact with the same. Any person or persons using shafting as named in this section, who shall refuse or neglect to comply with the same before setting said shafting in motion for exhibition, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.495Former Law:See sections 1 and 2 of Act 156 of 1885, being How., §§ 2102q and 2102r; CL 1897, §§ 5550 and 5551; CL 1915, §§ 7219 and 7220; and CL 1929, §§ 8890 and 8891.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.495a - Damage to Saws or Wood Manufacturing or Processing Equipment.

Sec. 495a. (1) A person who drives or places in or on any tree or wood product, without the prior consent of the owner, any iron, steel, or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with the intent to cause inconvenience, annoyance, or alarm to any other person is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than $500.00, or both. (2) A person who drives or places in or on any tree or wood product, without the prior consent of the owner, any iron, steel, or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with the intent to cause inconvenience, annoyance, or alarm to any other person, and who, by doing so, causes injury to a person, is guilty of a felony, punishable by imprisonment for not more than 4 years, or by a fine of not more than $2,500.00, or both. (3) A person who drives or places in or on any tree or wood product, without the prior consent of the owner, any iron, steel, or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with the intent to cause inconvenience, annoyance, or alarm to any other person, and who, by doing so, causes death to a person, is guilty of a felony, punishable by imprisonment for not more than 15 years, or by a fine of not more than $7,500.00, or both. (4) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. (5) This section does not prohibit a landowner from attaching an alarm system to a tree, or authorizing an individual to attach an alarm system to a tree, on the landowner's property. History:Add. 1996, Act 100, Eff. May 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.497 - Detouring Traffic as Public Safety Measure; Notices, Posting.

Sec. 497. Detouring traffic as public safety measure—Whenever in the opinion of the state highway commissioner a condition arises or is about to arise upon any of the highways of the state occasioned by the condition of said highway or by any approaching public gathering likely to bring unusual congestion of traffic thereon, and the public safety of persons using or about to use said highway is put in jeopardy, the state highway commissioner is hereby authorized by an appropriate order, to detour the traffic from or upon, provide the direction for any or all traffic, close to any or all traffic, or limit the traffic on said highway to certain classes of vehicles, under such conditions as he may in such order provide on any of the highways of the state of Michigan for such length of time as he may deem necessary. Whenever the state highway commissioner shall make any order in any way regulating or closing traffic on any highways of this state under the authority of this section, he shall cause to be posted upon said highway in conspicuous places at each terminal of the restricted or closed highway, conspicuous notices of such regulations or closing order. Any person violating any of the provisions of said order, or using said highway in any manner prohibited in said order after and during the time that notices of said order shall be properly posted as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than 10 dollars or by imprisonment in the county jail for not more than 10 days, or by both such fine and imprisonment in the discretion of the court. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 221, Eff. Oct. 29, 1937 ;-- CL 1948, 750.497Former Law:See sections 1 to 3 of Act 302 of 1929, being CL 1929, §§ 4629 to 4631.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.498 - Erection of Traffic Signals by Township Boards on Trunk Lines.

Sec. 498. Erection of traffic control signals by township boards on state trunk line highways—Upon request of any township board, county road commission, or the officials of any incorporated city or village, or upon their own initiative, the state highway commissioner and the commissioner of public safety, acting jointly may investigate or cause to be investigated the traffic conditions on any state trunk line highway within this state, and, if upon such investigation they shall find it in the interest of public safety and convenience, they may direct the said state highway commissioner, township board, county road commission, city or village officials, to erect and maintain, take down, regulate or control such parking, speed and traffic control signs, signals or devices as the said state highway commissioner and commissioner of public safety shall designate, and in default thereof, said state highway commissioner and commissioner of public safety shall be authorized to cause such designated signs, signals and devices to be erected and maintained, taken down, regulated or controlled, in the manner previously directed, and pay for same out of the highway fund designated. A public record of any and all such traffic signs, signals or devices so authorized shall be kept in the office of the state highway commissioner. Any person who shall, on any state trunk line highway in any township, city or village, fail to observe any parking, speed or traffic signs, signals or devices authorized as aforesaid, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than 100 dollars or by imprisonment in the county jail for not more than 10 days or by both

such fine and imprisonment in the discretion of the court. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 221, Eff. Oct. 29, 1937 ;-- CL 1948, 750.498Former Law:See section 1 of Act 85 of 1929, being CL 1929, § 4466.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.498b - Marine Safety Device; Tampering With, Taking, or Removing Prohibited; Violation; Penalty; Definitions.

Sec. 498b. (1) Except as provided in subsection (2), a person who, without lawful authority, tampers with, takes, or removes a marine safety device owned or maintained by this state or a political subdivision of this state knowing or having reason to know that the device is a marine safety device is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00, or both. (2) A person who, without lawful authority, tampers with, takes, or removes a marine safety device owned or maintained by this state or a political subdivision of this state knowing or having reason to know that the device is a marine safety device, and thereby renders the device unavailable or unusable for rescue when needed is guilty of a crime as follows: (a) If the violation is the proximate cause of serious impairment of a body function of another person, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both imprisonment and a fine. (b) If the violation is the proximate cause of the death of another person, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both imprisonment and a fine. (3) As used in this section: (a) "Marine safety device" means a device designed or intended to be used to rescue individuals in marine emergency situations, including, but not limited to, life preservers, safety harnesses, ladders, lines, and throw rings. (b) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. History:Add. 2006, Act 233, Eff. July 1, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.499 - False Active Shooter Alarm; Violation as Misdemeanor.

Sec. 499. (1) A person who knowingly and willfully raises a false active shooter alarm in a public place, including, but not limited to, a school, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year and a fine of not more than $1,000.00. (2) As used in this section, "active shooter alarm" means an alarm system that is designed to alert individuals inside that place that there is an active shooter on or near the premises, including an alarm system that when activated locks doors, informs local law enforcement of the active shooter, flashes a blue light, or broadcasts a message inside the place indicating the presence of an active shooter. History:Add. 2022, Act 155, Eff. Oct. 17, 2022Compiler's Notes:Former MCL 750.499, which pertained to vehicles on highways to display lights from 1 hour after sunset to 1 hour before sunrise, was repealed by Act 300 of 1949, Eff. Sept. 23, 1949.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.502b - Sale or Attempted Sale of Kerosene With Flash Point of Less Than 100 Degrees Fahrenheit as Misdemeanor; Penalty.

Sec. 502b. A person who knowingly sells or attempts to sell to any person in this state, for use in atmospheric pressure wick-feed illuminating apparatus or atmospheric pressure wick-feed heating stoves or in gravity-feed cook stoves, any kerosene, whether manufactured in this state or not, that has a flash point of less than 100 degrees Fahrenheit as determined by an appropriate closed cup tester method specified in the American standards of testing materials standard for kerosene, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00, or both. History:Add. 1952, Act 47, Eff. Sept. 18, 1952 ;-- Am. 1991, Act 44, Imd. Eff. June 27, 1991 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.502c - Public Accommodation; Requirements; Violation as Misdemeanor; Definitions.

Sec. 502c. (1) Except as otherwise provided in subsections (2) and (3), a public accommodation shall modify its policies, practices, and procedures to permit the use of a service animal by a person with a disability. If the service animal is a miniature horse, a public accommodation may use the following assessment factors to determine whether the miniature horse can be accommodated in its facility: (a) The type, size, and weight of the miniature horse and whether the facility can accommodate these features. (b) Whether the handler has sufficient control of the miniature horse. (c) Whether the miniature horse is housebroken. (d) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation. (2) A public accommodation shall not ask a person with a disability to remove a service animal from the premises because of allergies or fear of the animal. A public accommodation may ask a person with a disability to remove his or her service animal from the premises only if either of the following applies: (a) The service animal is out of control and its handler does not take effective action to control the service animal. (b) The service animal is not housebroken. (3) Except as otherwise provided in subsection (2) and this subsection, a public accommodation shall modify its policies, practices, and procedures to permit the use of a service animal in training by an animal raiser or trainer, if the animal raiser or trainer is being accompanied by the service animal in training for the purpose of training or socializing the animal. A public accommodation shall not ask an animal raiser or trainer to remove a service animal in

training from the premises because of allergies or fear of the animal. A public accommodation may ask an animal raiser or trainer to remove his or her service animal in training only if either of the following applies: (a) The service animal in training is out of control and the animal raiser or trainer does not take effective action to control the animal. (b) The service animal in training is not housebroken. (4) If a public accommodation properly excludes a service animal under subsection (2) or a service animal in training under subsection (3), the public accommodation shall give the person with a disability or the animal raiser or trainer the opportunity to obtain goods, services, or accommodations without having the animal on the premises. (5) A service animal must be under the control of the person with a disability and must have a harness, leash, or other tether. If the person with a disability is unable because of a disability to use a harness, leash, or other tether or the use of a harness, leash, or other tether would interfere with the service animal's safe and effective performance of work or tasks, the service animal must be otherwise under the control of the person with a disability. (6) A service animal in training must be under the control of the animal raiser or trainer and must have a harness, leash, or other tether. If the use of a harness, leash, or other tether would interfere with the animal's safe and effective performance of work, tasks, training, or socialization, the service animal in training must be otherwise under the control of the animal raiser or trainer. (7) A public accommodation is not responsible for the care or supervision of a service animal or service animal in training. (8) If it is not obvious what service a service animal provides, staff of a public accommodation shall not ask about a person with a disability's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform work or a task. Subject to subsection (9), staff may make the following 2 inquiries to determine whether an animal qualifies as a service animal: (a) Whether the service animal is required because of a disability. (b) What work or task the service animal has been trained to perform. (9) A public accommodation shall not do either of the following: (a) Require documentation when making an inquiry under subsection (8). (b) Make an inquiry under subsection (8) if it is readily apparent that the service animal is trained to work or perform tasks for a person with a disability. (10) A public accommodation shall permit a person with a disability to be accompanied by his or her service animal and shall permit an animal raiser or trainer to be accompanied by his or her service animal in training in all areas of a place of public accommodation where members of the public, program participants, clients, customers, patrons, or invitees are permitted to go, including public areas of establishments that sell or prepare food, even if state or local health codes prohibit animals on the premises. A public accommodation may exclude a service animal or a service animal in training from a facility if the animal's presence interferes with legitimate safety requirements of the facility such as a surgery or burn unit in a hospital in which a sterile field is required. (11) A public accommodation shall not do any of the following: (a) Isolate a person with a disability accompanied by his or her service animal. (b) Isolate an animal raiser or trainer accompanied by his or her service animal in training. (c) Treat a person with a disability accompanied by his or her service animal less favorably than other patrons. (d) Treat an animal raiser or trainer accompanied by his or her service animal in training less favorably than other patrons. (e) Charge a fee to a person with a disability accompanied by his or her service animal that is not charged to other patrons that are not accompanied by service animals. (f) Charge a fee to an animal raiser or trainer accompanied by his or her service animal in training that is not charged to other patrons that are not accompanied by service animals in training. (g) Ask or require a person with a disability or animal raiser or trainer to pay a surcharge, regardless of whether individuals accompanied by pets are required to pay a surcharge, or to comply with other requirements that are not applicable to individuals that are not accompanied by pets. (12) An animal raiser or trainer is liable for damage to a public accommodation or injury to an individual caused by his or her service animal in training. If a public accommodation normally charges people for damage caused, the public accommodation may charge a person with a disability for damage caused by his or her service animal. (13) A public accommodation that violates subsection (1), (3), (4), (8), (9), (10), (11), or (13) is guilty of a misdemeanor. (14) As used in this section: (a) "Animal raiser or trainer" means an individual who raises and socializes a service animal in training with the intent that the animal will become a service animal. (b) "Facility" means that term as defined in 28 CFR 36.104. (c) "Otherwise under the control of" includes, but is not limited to, voice control or signals. (d) "Person with a disability" means an individual who has a disability as that term is defined in section 3 of the Americans with disabilities act of 1990, 42 USC 12102, and 28 CFR 36.105. Person with a disability includes a veteran who has been diagnosed with 1 or more of the following: (i) Post-traumatic stress disorder. (ii) Traumatic brain injury. (iii) Other service-related disabilities. (e) "Place of public accommodation" means that term as defined in 28 CFR 36.104. (f) "Public accommodation" means that term as defined in section 301 of the Americans with disabilities act of 1990, 42 USC 12181, and 28 CFR 36.104. (g) "Service animal" means all of the following: (i) That term as defined in 28 CFR 36.104. (ii) A miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability. (h) "Service animal in training" means an animal accompanied by an animal raiser or trainer with the intent that animal is being raised, socialized, and trained to become a service animal. (i) "Veteran" means any of the following: (i) An individual who performed military service in the armed forces for a period of more than 90 days and separated from the armed forces in a manner other than a dishonorable discharge. (ii) An individual discharged or released from military service because of a service-related disability. (iii) A member of a reserve branch of the armed forces at the time he or she was ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from military service in a manner other than a dishonorable discharge. History:Add. 1953, Act 185, Eff. Oct. 2, 1953 ;-- Am. 1980, Act 317, Eff. Mar. 31, 1981 ;-- Am. 1984, Act 110, Eff. Oct. 1, 1984 ;-- Am. 1995, Act 114, Eff. Jan. 1, 1996 ;-- Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998 ;-- Am. 2015, Act 144, Eff. Jan. 18, 2016 ;-- Am. 2022, Act 75, Eff. Mar. 29, 2023Compiler's Notes:Section 3 of Act 110 of 1984 provides: “This amendatory act shall take effect October 1, 1984.”

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXII - Chapter LXXII Public Safety (750.493...750.502d)Section 750.502d - Transporting or Possessing Anhydrous Ammonia; “Container Approved by Law” Defined.

Sec. 502d. (1) A person who transports or possesses anhydrous ammonia in a container other than a container approved by law, or who unlawfully tampers with a container approved by law, is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (2) As used in this section, "container approved by law" means a container that was manufactured to satisfy the requirements for the storage and handling of anhydrous ammonia pursuant to R 408.17801 of the Michigan administrative code or its successor rule. History:Add. 2003, Act 312, Eff. Apr. 1, 2004

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXIII - Chapter LXXIII Punishments (750.503...750.506a)Section 750.503 - Punishment of Felonies When Not Fixed by Statute.

Sec. 503. If a person is convicted of a felony for which no punishment is specially prescribed, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.503 ;-- Am. 2002, Act 722, Eff. Mar. 31, 2003

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXIII - Chapter LXXIII Punishments (750.503...750.506a)Section 750.504 - Punishment of Misdemeanors When Not Fixed by Statute.

Sec. 504. If a person is convicted of a crime designated in this act or in any other act of this state to be a misdemeanor for which no punishment is specially prescribed, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.504 ;-- Am. 2002, Act 723, Eff. Mar. 31, 2003Former Law:See section 27 of Ch. 156 of R.S. 1846, being CL 1857, § 5846; CL 1871, § 7679; How., § 9261; CL 1897, § 11331; CL 1915, § 14998; and CL 1929, § 16589.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXIII - Chapter LXXIII Punishments (750.503...750.506a)Section 750.505 - Punishment for Indictable Common Law Offenses.

Sec. 505. Any person who shall commit any indictable offense at the common law, for the punishment of which no provision is expressly made by any statute of this state, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by a fine of not more than $10,000.00, or both in the discretion of the court. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.505 ;-- Am. 1954, Act 66, Eff. Aug. 13, 1954Former Law:See section 15 of Ch. IX of Act 175 of 1927, being CL 1929, § 17343.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXIII - Chapter LXXIII Punishments (750.503...750.506a)Section 750.506 - Optional Jail Sentence for First Offenders Convicted of Felonies.

Sec. 506. Optional jail sentence for first offenders convicted of felonies—Whenever any person shall be convicted of a first offense herein declared to be a felony, punishable by imprisonment for a term of not more than 5 years, the court may instead of imposing the sentence provided, sentence such convicted person to the county jail for a period not to exceed 6 months. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.506

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXIII - Chapter LXXIII Punishments (750.503...750.506a)Section 750.506a - Prisoners Committing Offenses Defined in MCL 750.81 to 750.86; Penalties.

Sec. 506a. (1) If a person, lawfully imprisoned in a jail or other place of confinement established by law, for any crime or offense, or lawfully imprisoned in a jail or other place of confinement after being sentenced for a crime or offense and awaiting or in transit to or from a prison or other place of confinement, commits any offense defined in sections 81 to 86, the court may impose the appropriate penalties prescribed in sections 81 to 86 to run consecutively with any sentence which the person is already serving. (2) If a person, lawfully detained in a jail or other place of confinement established by law, and awaiting arraignment, examination, trial or sentencing for any crime or offense, commits a subsequent offense defined in sections 81 to 86, if convicted of the crime or offense for which he was detained at the time he committed the subsequent offense, any sentences imposed for conviction of the prior offense and for conviction of the subsequent offense under sections 81 to 86 may run consecutively. History:Add. 1974, Act 121, Eff. July 1, 1974

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXIV - Chapter LXXIV Radio Broadcasting (750.507...750.510)Section 750.507 - State Radio Broadcasting Station; Priority of Messages.

Sec. 507. Every telegraph and telephone company operating in this state shall give priority to emergency messages or operator-handled telephone calls directed to any public safety agency and the person responsible for failure so to do shall be guilty of a misdemeanor. For the purposes of this section, public safety agency means any fire department, ambulance company, law enforcement agency, civil defense communications facility and the department of military affairs. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.507 ;-- Am. 1968, Act 195, Eff. Nov. 15, 1968Former Law:See section 4 of Act 152 of 1929, being CL 1929, § 577.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXIV - Chapter LXXIV Radio Broadcasting (750.507...750.510)Section 750.507b - Telegraph and Telephone Companies; Interference, Obstruction.

Sec. 507b. Any unauthorized person who shall wilfully prevent, interfere, obstruct, or impede a public safety radio communication shall be guilty of a misdemeanor. History:Add. 1968, Act 195, Eff. Nov. 15, 1968

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXIV - Chapter LXXIV Radio Broadcasting (750.507...750.510)Section 750.508 - Equipping Vehicle With Radio Able to Receive Signals on Frequencies Assigned for Police or Certain Other Purposes; Violation; Penalties; Radar Detectors Not Applicable.

Sec. 508. (1) A person who has been convicted of 1 or more felonies during the preceding 5 years shall not carry or have in his or her possession a radio receiving set that will receive signals sent on a frequency assigned by the federal communications commission of the United States for police or other law enforcement, fire fighting, emergency medical, federal, state, or local corrections, or homeland security purposes. This subsection does not apply to a person who is licensed as an amateur radio operator by the federal communications commission. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (2) A person shall not carry or have in his or her possession in the commission or attempted commission of a crime a radio receiving set that will receive signals sent on a frequency assigned by the federal communications commission of the United States for police or other law enforcement, fire fighting, emergency medical, federal, state, or local corrections, or homeland security purposes. A person who violates this subsection is guilty of a crime as follows: (a) If this subsection is violated in the commission or attempted commission of a misdemeanor punishable by a maximum term of imprisonment of at least 93 days but less than 1 year, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (b) If this subsection is violated in the commission or attempted commission of a misdemeanor or felony punishable by a maximum term of imprisonment of 1 year or more, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. (3) Subsection (2) does not apply to a person who carries or has in his or her possession a radio receiving set described in subsection (2) in the commission or attempted commission of a misdemeanor punishable by a maximum term of imprisonment of less than 93 days. (4) This section does not apply to the use of radar detectors. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1939, Act 295, Eff. Sept. 29, 1939 ;-- CL 1948, 750.508 ;-- Am. 1957, Act 242, Eff. Sept. 27, 1957 ;-- Am. 1990, Act 77, Imd. Eff. May 24, 1990 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003 ;-- Am. 2006, Act 39, Eff. May 31, 2006Constitutionality:This section, which prohibits equipping or using a vehicle with a radio receiving set capable of receiving frequencies assigned for police purposes, was enacted to facilitate law enforcement activity. This section's restriction of persons permitted to monitor those frequencies involves classifications which are rationally related to the statute's objective, consistent with equal protection and due process guarantees. People v Gilbert, 414 Mich 191; 324 NW2d 834 (1982).Former Law:See section 5 of Act 152 of 1929, being CL 1929, § 578.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXIV - Chapter LXXIV Radio Broadcasting (750.507...750.510)Section 750.509 - False Reports to Police Broadcasting Station.

Sec. 509. Any person who shall willfully make to any radio broadcasting station operated by any law enforcement agency any false, misleading, or unfounded report, for the purpose of interfering with the operation thereof, or with the intention of misleading any peace officer or officers of this state, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1941, Act 24, Eff. Jan. 10, 1942 ;-- CL 1948, 750.509 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 6 of Act 152 of 1929, being CL 1929, § 579.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXIV - Chapter LXXIV Radio Broadcasting (750.507...750.510)Section 750.510 - Broadcasting Regulations; Violation.

Sec. 510. Violation of regulations controlling broadcasting—Any person or corporation who shall knowingly cause or do any act in violation of any rule or order of the Michigan public utilities commission made pursuant to Act No. 131 of the Public Acts of 1927, being sections 11726 to 11731 inclusive of the Compiled Laws of 1929, and amendments thereto, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.510Compiler's Notes:Act 131 of 1927, referred to in this section, was

repealed by Act 55 of 1988, Imd. Eff. Mar. 14, 1988.Former Law:See section 6 of Act 131 of 1927, being CL 1929, § 11731.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXIX - Chapter LXXIX Seduction (750.532...750.532)Section 750.532 - Seduction; Punishment.

Sec. 532. Punishment—Any man who shall seduce and debauch any unmarried woman shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by fine of not more than 2,500 dollars; but no prosecution shall be commenced under this section after 1 year from the time of committing the offense. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.532Former Law:See section 7 of Ch. 158 of R.S. 1846, being CL 1857, § 5862; CL 1871, § 7697; How., § 9283; CL 1897, § 11694; CL 1915, § 15468; and CL 1929, § 16823.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXV - Chapter LXXV Railroads (750.511...750.519)Section 750.511 - Attempt to Wreck or Endanger Safety of Passengers.

Sec. 511. Attempt to wreck railroad trains or endanger safety of passengers—Any person who shall place upon any railroad any timber, stone, iron or other obstruction, or who shall change any switch or track, or who shall loosen or displace any rail of the track of such railroad, or who shall change the brakes upon any car or cars standing on any railroad track in this state or who shall break down or displace, destroy or injure any bridge, culvert or embankment of any railroad, or do any other act with intent to endanger the safety of any person traveling or being upon such railroad, or to throw from such railroad any locomotive, tender, or car moving along the track of such railroad, on which shall be any person or property liable to be injured thereby, shall be guilty of a felony, punishable by imprisonment in the state prison for life or for any term of years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.511Former Law:See section 1 of Act 164 of 1869, being CL 1871, § 7619; How., § 9200; CL 1897, § 11623; CL 1915, § 15388; CL 1929, § 17024; Act 168 of 1871; section 1 of Act 171 of 1897, being CL 1897, § 11634; CL 1915, § 15399; and CL 1929, § 17034.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXV - Chapter LXXV Railroads (750.511...750.519)Section 750.512 - Uncoupling Locomotive or Cars.

Sec. 512. Uncoupling locomotive or cars—Any person, not being employed on any railroad, who shall wilfully and maliciously uncouple or detach the locomotive or tender, or any of the cars of any railroad train, or shall in any way aid, abet, or procure the doing of the same, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.512Former Law:See section 3 of Act 164 of 1869, being CL 1871, § 7621; How., § 9202; CL 1897, § 11625; CL 1915, § 15390; and CL 1929, § 17026.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXV - Chapter LXXV Railroads (750.511...750.519)Section 750.515 - Proof of Existence of Railroad Company.

Sec. 515. Proof of existence of railroad company—At the trial of any case arising under the preceding sections of this chapter, it shall be sufficient prima facie proof of the existence of any railroad company named in the indictment to show that such company was doing business as a railroad company at the time named in the indictment. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.515Former Law:See section 10 of Act 164 of 1869, being How., § 9209; CL 1897, § 11632; CL 1915, § 15397; CL 1929, § 17033; and Act 146 of 1881.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXV - Chapter LXXV Railroads (750.511...750.519)Section 750.518 - Boarding Railroad Train While in Motion.

Sec. 518. Boarding railroad train while in motion—Any person who shall jump or step on board of any railroad train, locomotive or car when in motion except employes and passengers at railway stations shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.518Former Law:See section 1 of Act 31 of 1883, being How., § 9122c; CL 1897, § 11533; CL 1915, § 15276; and CL 1929, § 17041.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXV - Chapter LXXV Railroads (750.511...750.519)Section 750.519 - Disciplining or Discharging on Report of Railroad Detective.

Sec. 519. A common carrier by railroad, its agents, superintendents, managers, or employees owning or operating any line or lines of railroad in this state and engaged in commerce by railroad, employing any special agent, detective, or person commonly known as a spotter for the purpose of investigation and obtaining and reporting to the employer, its agents, superintendents, or managers information concerning its employees shall not discipline or discharge any of its employees if the act of discipline or discharge is based upon the report of such special agent, detective, or spotter, which involves a question of integrity, honesty, or breach of any rule of the employer, unless such employer, its agents, superintendents, or managers first give notice to such employee so reported

and grant a hearing to the employee when he or she so requests and, upon demand by said employee, the employer at the hearing shall state the specific charges against the employee, and the accused employee shall have the right to demand and be confronted with the person making such report to his or her employer, have the right at the hearing to cross-examine the agent, detective, or spotter making the report, and have the right to employ counsel to represent him or her at the hearing. Any common carrier by railroad or any of its agents, superintendents, general managers, officers, or employees that violate this section are guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00. In any case of the violation of this section by any of the officers, agents, or employees of any such common carrier by railroad, the imprisonment provided herein if imposed shall be imposed upon the officers or agents committing the offense. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.519 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 and 2 of Act 92 of 1917, being CL 1929, §§ 8635 and 8636.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520a - Definitions.

Sec. 520a. As used in this chapter: (a) "Actor" means a person accused of criminal sexual conduct. (b) "Developmental disability" means an impairment of general intellectual functioning or adaptive behavior that meets all of the following criteria: (i) It originated before the person became 18 years of age. (ii) It has continued since its origination or can be expected to continue indefinitely. (iii) It constitutes a substantial burden to the impaired person's ability to perform in society. (iv) It is attributable to 1 or more of the following: (A) Intellectual disability, cerebral palsy, epilepsy, or autism. (B) Any other condition of a person that produces a similar impairment or requires treatment and services similar to those required for a person described in this subdivision. (c) "Electronic monitoring" means that term as defined in section 85 of the corrections code of 1953, 1953 PA 232, MCL 791.285. (d) "Intellectual disability" means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b. (e) "Intermediate school district" means a corporate body established under part 7 of the revised school code, 1976 PA 451, MCL 380.601 to 380.705. (f) "Intimate parts" includes the primary genital area, groin, inner thigh, buttock, or breast of a human being. (g) "Mental health professional" means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b. (h) "Mental illness" means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life. (i) "Mentally disabled" means that a person has a mental illness, is intellectually disabled, or has a developmental disability. (j) "Mentally incapable" means that a person suffers from a mental disease or defect that renders that person temporarily or permanently incapable of appraising the nature of his or her conduct. (k) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic, alcohol, or other substance, or due to any act committed upon that person without the person's consent. (l) "Nonpublic school" means a private, denominational, or parochial elementary or secondary school. (m) "Physically helpless" means that a person is unconscious, asleep, or for any other reason is physically unable to communicate unwillingness to an act. (n) "Personal injury" means bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss or impairment of a sexual or reproductive organ. (o) "Public school" means a public elementary or secondary educational entity or agency that is established under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852. (p) "School district" means a general powers school district organized under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852. (q) "Sexual contact" includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for: (i) Revenge. (ii) To inflict humiliation. (iii) Out of anger. (r) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required. (s) "Victim" means the person alleging to have been subjected to criminal sexual conduct. History:Add. 1974, Act 266, Eff. Apr. 1, 1975 ;-- Am. 1983, Act 158, Eff. Mar. 29, 1984 ;-- Am. 2000, Act 505, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 714, Eff. Apr. 1, 2003 ;-- Am. 2006, Act 171, Eff. Aug. 28, 2006 ;-- Am. 2007, Act 163, Eff. July 1, 2008 ;-- Am. 2014, Act 64, Imd. Eff. Mar. 28, 2014 ;-- Am. 2023, Act 65, Eff. Oct. 10, 2023Constitutionality:The provision in the criminal sexual conduct statute which permits elevation of a criminal sexual conduct offense from a lesser to a higher degree on the basis of proof of personal injury to the victim in the form of mental anguish is not unconstitutionally vague. People v Petrella, 424 Mich 221; 380 NW2d 11 (1985).Compiler's Notes:Section 2 of Act 266 of 1974 provides:“Saving clause.“All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act.”

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520b - Criminal Sexual Conduct in the First Degree; Circumstances; Felony; Consecutive Terms.

Sec. 520b. (1) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances exists: (a) That other person is under 13 years of age. (b) That other person is at least 13 but less than 16 years of age and any of the following: (i) The actor is a member of the same household as the victim. (ii) The actor is related to the victim by blood or affinity to the fourth degree. (iii) The actor is in a position of authority over the

victim and used this authority to coerce the victim to submit. (iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled. (v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person. (vi) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency. As used in this subparagraph, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111. (c) Sexual penetration occurs under circumstances involving the commission of any other felony. (d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists: (i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless. (ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes, but is not limited to, any of the circumstances listed in subdivision (f). (e) The actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon. (f) The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances: (i) When the actor overcomes the victim through the actual application of physical force or physical violence. (ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats. (iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, "to retaliate" includes threats of physical punishment, kidnapping, or extortion. (iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable. (v) When the actor, through concealment or by the element of surprise, is able to overcome the victim. (g) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless. (h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following: (i) The actor is related to the victim by blood or affinity to the fourth degree. (ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit. (2) Criminal sexual conduct in the first degree is a felony punishable as follows: (a) Except as provided in subdivisions (b) and (c), by imprisonment for life or for any term of years. (b) For a violation that is committed by an individual 17 years of age or older against an individual less than 13 years of age by imprisonment for life or any term of years, but not less than 25 years. (c) For a violation that is committed by an individual 18 years of age or older against an individual less than 13 years of age, by imprisonment for life without the possibility of parole if the person was previously convicted of a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age or a violation of law of the United States, another state or political subdivision substantially corresponding to a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age. (d) In addition to any other penalty imposed under subdivision (a) or (b), the court shall sentence the defendant to lifetime electronic monitoring under section 520n. (3) The court may order a term of imprisonment imposed under this section to be served consecutively to any term of imprisonment imposed for any other criminal offense arising from the same transaction. History:Add. 1974, Act 266, Eff. Apr. 1, 1975 ;-- Am. 1983, Act 158, Eff. Mar. 29, 1984 ;-- Am. 2002, Act 714, Eff. Apr. 1, 2003 ;-- Am. 2006, Act 165, Eff. Aug. 28, 2006 ;-- Am. 2006, Act 169, Eff. Aug. 28, 2006 ;-- Am. 2007, Act 163, Eff. July 1, 2008 ;-- Am. 2012, Act 372, Eff. Apr. 1, 2013 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014Constitutionality:The provision in the criminal sexual conduct statute which permits elevation of a criminal sexual conduct offense from a lesser to a higher degree on the basis of proof of personal injury to the victim in the form of mental anguish is not unconstitutionally vague. People v Petrella, 424 Mich 221; 380 NW2d 11 (1985).Compiler's Notes:Section 2 of Act 266 of 1974 provides:“Saving clause.“All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act.”

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520c - Criminal Sexual Conduct in the Second Degree; Felony.

Sec. 520c. (1) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists: (a) That other person is under 13 years of age. (b) That other person is at least 13 but less than 16 years of age and any of the following: (i) The actor is a member of the same household as the victim. (ii) The actor is related by blood or affinity to the fourth degree to the victim. (iii) The actor is in a position of authority over the victim and the actor used this authority to coerce the victim to submit. (iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled. (v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an

employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person. (vi) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home in which that other person is a resident and the sexual contact occurs during the period of that other person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111. (c) Sexual contact occurs under circumstances involving the commission of any other felony. (d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists: (i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless. (ii) The actor uses force or coercion to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f). (e) The actor is armed with a weapon, or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon. (f) The actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f). (g) The actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless. (h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following: (i) The actor is related to the victim by blood or affinity to the fourth degree. (ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit. (i) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, the department of corrections who knows that the other person is under the jurisdiction of the department of corrections. (j) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, a private vendor that operates a youth correctional facility under section 20g of the corrections code of 1953, 1953 PA 232, MCL 791.220g, who knows that the other person is under the jurisdiction of the department of corrections. (k) That other person is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program and the actor is an employee or a contractual employee of or a volunteer with the county or the department of corrections who knows that the other person is under the county's jurisdiction. (l) The actor knows or has reason to know that a court has detained the victim in a facility while the victim is awaiting a trial or hearing, or committed the victim to a facility as a result of the victim having been found responsible for committing an act that would be a crime if committed by an adult, and the actor is an employee or contractual employee of, or a volunteer with, the facility in which the victim is detained or to which the victim was committed. (2) Criminal sexual conduct in the second degree is a felony punishable as follows: (a) By imprisonment for not more than 15 years. (b) In addition to the penalty specified in subdivision (a), the court shall sentence the defendant to lifetime electronic monitoring under section 520n if the violation involved sexual contact committed by an individual 17 years of age or older against an individual less than 13 years of age. History:Add. 1974, Act 266, Eff. Apr. 1, 1975 ;-- Am. 1983, Act 158, Eff. Mar. 29, 1984 ;-- Am. 2000, Act 227, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 714, Eff. Apr. 1, 2003 ;-- Am. 2006, Act 171, Eff. Aug. 28, 2006 ;-- Am. 2007, Act 163, Eff. July 1, 2008 ;-- Am. 2012, Act 372, Eff. Apr. 1, 2013Compiler's Notes:Section 2 of Act 266 of 1974 provides:“Saving clause.“All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act.”

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520d - Criminal Sexual Conduct in the Third Degree; Felony.

Sec. 520d. (1) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exist: (a) That other person is at least 13 years of age and under 16 years of age. (b) Force or coercion is used to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in section 520b(1)(f)(i) to (v). (c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless. (d) That other person is related to the actor by blood or affinity to the third degree and the sexual penetration occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation. (e) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies: (i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This subparagraph does not apply if the other person is emancipated at the time of the alleged violation. (ii) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses the actor's employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person. (f) That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the

following applies: (i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are not less than 18 years of age and were lawfully married to each other at the time of the alleged violation. (ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses the actor's employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person. (g) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual penetration occurs during that other person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111. (2) Criminal sexual conduct in the third degree is a felony punishable by imprisonment for not more than 15 years. History:Add. 1974, Act 266, Eff. Apr. 1, 1975 ;-- Am. 1983, Act 158, Eff. Mar. 29, 1984 ;-- Am. 1996, Act 155, Eff. June 1, 1996 ;-- Am. 2002, Act 714, Eff. Apr. 1, 2003 ;-- Am. 2007, Act 163, Eff. July 1, 2008 ;-- Am. 2012, Act 372, Eff. Apr. 1, 2013 ;-- Am. 2023, Act 126, Imd. Eff. Sept. 27, 2023Compiler's Notes:Section 2 of Act 266 of 1974 provides:“Saving clause.“All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act.”

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520e - Criminal Sexual Conduct in the Fourth Degree; Misdemeanor.

Sec. 520e. (1) A person is guilty of criminal sexual conduct in the fourth degree if the person engages in sexual contact with another person and if any of the following circumstances exist: (a) That other person is at least 13 years of age but less than 16 years of age, and the actor is 5 or more years older than that other person. (b) Force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the following circumstances: (i) When the actor overcomes the victim through the actual application of physical force or physical violence. (ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute that threat. (iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute that threat. As used in this subparagraph, "to retaliate" includes threats of physical punishment, kidnapping, or extortion. (iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable. (v) When the actor achieves the sexual contact through concealment or by the element of surprise. (c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless. (d) That other person is related to the actor by blood or affinity to the third degree and the sexual contact occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation. (e) The actor is a mental health professional and the sexual contact occurs during or within 2 years after the period in which the victim is the actor's client or patient and not the actor's spouse. The consent of the victim is not a defense to a prosecution under this subdivision. A prosecution under this subsection shall not be used as evidence that the victim is mentally incompetent. (f) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies: (i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This subparagraph does not apply if the other person is emancipated at the time of the alleged violation. (ii) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses the actor's employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person. (g) That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies: (i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are not less than 18 years of age and were lawfully married to each other at the time of the alleged violation. (ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses the actor's employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person. (h) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual contact occurs during that

other person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111. (2) Criminal sexual conduct in the fourth degree is a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $500.00, or both. History:Add. 1974, Act 266, Eff. Apr. 1, 1975 ;-- Am. 1983, Act 158, Eff. Mar. 29, 1984 ;-- Am. 1988, Act 86, Eff. June 1, 1988 ;-- Am. 1994, Act 213, Eff. Oct. 1, 1994 ;-- Am. 1996, Act 155, Eff. June 1, 1996 ;-- Am. 2000, Act 227, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 505, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 714, Eff. Apr. 1, 2003 ;-- Am. 2007, Act 163, Eff. July 1, 2008 ;-- Am. 2012, Act 372, Eff. Apr. 1, 2013 ;-- Am. 2023, Act 126, Imd. Eff. Sept. 27, 2023Compiler's Notes:Section 2 of Act 266 of 1974 provides:“Saving clause.“All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act.”

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520f - Second or Subsequent Offense; Penalty.

Sec. 520f. (1) If a person is convicted of a second or subsequent offense under section 520b, 520c, or 520d, the sentence imposed under those sections for the second or subsequent offense shall provide for a mandatory minimum sentence of at least 5 years. (2) For purposes of this section, an offense is considered a second or subsequent offense if, prior to conviction of the second or subsequent offense, the actor has at any time been convicted under section 520b, 520c, or 520d or under any similar statute of the United States or any state for a criminal sexual offense including rape, carnal knowledge, indecent liberties, gross indecency, or an attempt to commit such an offense. History:Add. 1974, Act 266, Eff. Apr. 1, 1975Compiler's Notes:Section 2 of Act 266 of 1974 provides:“Saving clause.“All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act.”

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520g - Assault With Intent to Commit Criminal Sexual Conduct; Felony.

Sec. 520g. (1) Assault with intent to commit criminal sexual conduct involving sexual penetration shall be a felony punishable by imprisonment for not more than 10 years. (2) Assault with intent to commit criminal sexual conduct in the second degree is a felony punishable by imprisonment for not more than 5 years. History:Add. 1974, Act 266, Eff. Apr. 1, 1975Compiler's Notes:Section 2 of Act 266 of 1974 provides:“Saving clause.“All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act.”

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520h - Corroboration of Victim's Testimony Not Required.

Sec. 520h. The testimony of a victim need not be corroborated in prosecutions under sections 520b to 520g. History:Add. 1974, Act 266, Eff. Apr. 1, 1975Compiler's Notes:Section 2 of Act 266 of 1974 provides:“Saving clause.“All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act.”

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520i - Resistance by Victim Not Required.

Sec. 520i. A victim need not resist the actor in prosecution under sections 520b to 520g. History:Add. 1974, Act 266, Eff. Apr. 1, 1975Compiler's Notes:Section 2 of Act 266 of 1974 provides:“Saving clause.“All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act.”

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520j - Evidence of Victim's Sexual Conduct.

Sec. 520j. (1) Evidence of specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct shall not be admitted under sections 520b to 520g unless and only to the extent that the judge finds that the following proposed evidence is material to a fact at issue in the case and that its inflammatory or

prejudicial nature does not outweigh its probative value: (a) Evidence of the victim's past sexual conduct with the actor. (b) Evidence of specific instances of sexual activity showing the source or origin of semen, pregnancy, or disease. (2) If the defendant proposes to offer evidence described in subsection (1)(a) or (b), the defendant within 10 days after the arraignment on the information shall file a written motion and offer of proof. The court may order an in camera hearing to determine whether the proposed evidence is admissible under subsection (1). If new information is discovered during the course of the trial that may make the evidence described in subsection (1)(a) or (b) admissible, the judge may order an in camera hearing to determine whether the proposed evidence is admissible under subsection (1). History:Add. 1974, Act 266, Eff. Apr. 1, 1975Constitutionality:This section, the rape-shield law, is not unconstitutional. People v Arenda, 416 Mich 1; 330 NW2nd 814 (1982).In Michigan v Lucas, 500 US 145; 111 S Ct 1743; 114 L Ed2d 205 (1991), the United States Supreme Court held that the Michigan Court of Appeals had erred in adopting a "per se rule" that the notice-and-hearing requirement of Michigan's rape-shield law violated the Sixth Amendment to the United States Constitution in all cases where it was used to preclude evidence of past sexual conduct between a rape victim and a defendant (see People v Lucas, 160 Mich App 692; 408 NW2d 431 (1987)). The Court found that the statute "serves legitimate state interests in protecting against surprise, harassment, and undue delay. Failure to comply with this requirement may ... justify even the severe sanction of preclusion."Compiler's Notes:Section 2 of Act 266 of 1974 provides:"Saving clause."All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act."

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520k - Suppression of Names and Details.

Sec. 520k. Upon the request of the counsel or the victim or actor in a prosecution under sections 520b to 520g the magistrate before whom any person is brought on a charge of having committed an offense under sections 520b to 520g shall order that the names of the victim and actor and details of the alleged offense be suppressed until such time as the actor is arraigned on the information, the charge is dismissed, or the case is otherwise concluded, whichever occurs first. History:Add. 1974, Act 266, Eff. Apr. 1, 1975Constitutionality:The statute authorizing suppression of a court file containing the name of a victim of criminal sexual conduct, the name of the defendant, and the details of the offense until the defendant is arraigned, the charge is dismissed, or the case is otherwise concluded is not a prior restraint upon publication, but a valid legislative restriction on the common-law right of access to public records and the statutory right of access to court proceedings. In re Midland Publishing, 420 Mich 148; 362 NW2d 580 (1984).Compiler's Notes:Section 2 of Act 266 of 1974 provides:"Saving clause."All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act."

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520l - Legal Spouse as Victim.

Sec. 520l. A person may be charged and convicted under sections 520b to 520g even though the victim is his or her legal spouse. However, a person may not be charged or convicted solely because his or her legal spouse is mentally incapable. History:Add. 1974, Act 266, Eff. Apr. 1, 1975 ;-- Am. 1988, Act 138, Imd. Eff. June 1, 1988 ;-- Am. 2023, Act 77, Imd. Eff. July 12, 2023 ;-- Am. 2023, Act 126, Imd. Eff. Sept. 27, 2023Compiler's Notes:Section 2 of Act 266 of 1974 provides:"Saving clause."All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act."Section 2 of Act 138 of 1988 provides: "This amendatory act shall take effect June 1, 1988 and apply to crimes committed on or after that date."

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520m - DNA Identification Profiling; Chemical Testing; Manner of Collecting and Transmitting Samples; Existing DNA Identification Profile; Assessment; Definitions.

Sec. 520m. (1) A person shall provide samples for chemical testing for DNA identification profiling or a determination of the sample's genetic markers and shall provide samples for chemical testing if any of the following apply: (a) The individual is arrested for committing or attempting to commit a felony offense or an offense that would be a felony if committed by an adult. (b) The person is convicted of, or found responsible for, a felony or attempted felony, or any of the following misdemeanors or local ordinances that are substantially corresponding to the following misdemeanors: (i) A violation of section 167(1)(c), (f), or (i), disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution. (ii) A violation of section 335a(1), indecent exposure. (iii) A violation punishable under section 451(1) or (2), first and second prostitution violations. (iv) A violation of section 454, leasing a house for purposes of prostitution. (2) Notwithstanding subsection (1), if at the time the person is arrested for, convicted of, or found responsible for the violation the investigating law enforcement agency or the department of state police already has a sample from the person that meets the requirements of the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176, the person is not required to provide another sample or pay

the assessment required under subsection (5). (3) The county sheriff or the investigating law enforcement agency shall collect and transmit the samples in the manner required under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176. (4) An investigating law enforcement agency, prosecuting agency, or court that has in its possession a DNA identification sample obtained from a person under subsection (1) shall forward the DNA identification sample to the department of state police after the person from whom the sample was taken has been charged with committing or attempting to commit a felony offense or an offense that would be a felony if committed by an adult unless the department of state police already has a DNA identification profile of the person. (5) The court shall order each person found responsible for or convicted of 1 or more crimes listed in subsection (1) to pay an assessment of $60.00. The assessment required under this subsection is in addition to any fine, costs, or other assessments imposed by the court. (6) An assessment required under subsection (5) shall be ordered upon the record, and shall be listed separately in the adjudication order, judgment of sentence, or order of probation. (7) After reviewing a verified petition by a person against whom an assessment is imposed under subsection (5), the court may suspend payment of all or part of the assessment if it determines the person is unable to pay the assessment. (8) The court that imposes the assessment prescribed under subsection (5) may retain 10% of all assessments or portions of assessments collected for costs incurred under this section and shall transmit that money to its funding unit. On the last day of each month, the clerk of the court shall transmit the assessments or portions of assessments collected under this section as follows: (a) Twenty-five percent to the county sheriff or other investigating law enforcement agency that collected the DNA sample as designated by the court to defray the costs of collecting DNA samples. (b) Sixty-five percent to the state treasurer for deposit in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. (9) As used in this section: (a) "DNA identification profile" and "DNA identification profiling" mean those terms as defined in section 2 of the DNA identification profiling system act, 1990 PA 250, MCL 28.172. (b) "Investigating law enforcement agency" means the law enforcement agency responsible for the investigation of the offense for which the person is arrested or convicted. Investigating law enforcement agency includes the county sheriff but does not include a probation officer employed by the department of corrections. (c) "Felony" means a violation of a penal law of this state for which the offender may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony. (d) "Sample" means a portion of a person's blood, saliva, or tissue collected from the person. History:Add. 1990, Act 191, Eff. Oct. 1, 1991 ;-- Am. 1994, Act 163, Eff. Sept. 1, 1994 ;-- Am. 1996, Act 510, Imd. Eff. Jan. 9, 1997 ;-- Am. 2001, Act 89, Eff. Jan. 1, 2002 ;-- Am. 2003, Act 100, Eff. Oct. 1, 2003 ;-- Am. 2008, Act 380, Eff. July 1, 2009 ;-- Am. 2014, Act 459, Eff. July 1, 2015

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520n - Lifetime Electronic Monitoring.

Sec. 520n. (1) A person convicted under section 520b or 520c for criminal sexual conduct committed by an individual 17 years old or older against an individual less than 13 years of age shall be sentenced to lifetime electronic monitoring as provided under section 85 of the corrections code of 1953, 1953 PA 232, MCL 791.285. (2) A person who has been sentenced under this chapter to lifetime electronic monitoring under section 85 of the corrections code of 1953, 1953 PA 232, MCL 791.285, who does any of the following is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both: (a) Intentionally removes, defaces, alters, destroys, or fails to maintain the electronic monitoring device in working order. (b) Fails to notify the department of corrections that the electronic monitoring device is damaged. (c) Fails to reimburse the department of corrections or its agent for the cost of the monitoring. (3) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. (4) A term of imprisonment imposed for a violation of this section may run consecutively to any term of imprisonment imposed for another violation arising from the same transaction. History:Add. 2006, Act 171, Eff. Aug. 28, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVI - Chapter LXXVI Rape (750.520...750.520o)Section 750.520o - Violation of MCL 750.520b, 750.520c, 750.520d, 750.520e, or 750.520g by Individual or Juvenile Who Is Student; Definitions.

Sec. 520o. (1) As part of its adjudication order, order of disposition, judgment of sentence, or order of probation a court shall order that an individual who is convicted of or, a juvenile who is adjudicated for, a violation of section 520b, 520c, 520d, 520e, or 520g and who is a student at a school in this state is prohibited from doing either of the following: (a) Attending the same school building that is attended by the victim of the violation. (b) Utilizing a school bus for transportation to and from any school if the individual or juvenile will have contact with the victim during use of the school bus. (2) As used in this section: (a) "School" means a public school as that term is defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5, that offers developmental kindergarten, kindergarten, or any grade from 1 through 12. (b) "School bus" means every motor vehicle, except station wagons, with a manufacturers' rated seating capacity of 16 or more passengers, including the driver, owned by a public, private, or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to and from school. History:Add. 2018, Act 144, Eff. Aug. 8, 2018

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVII - Chapter LXXVII Riots and Unlawful Assemblies (750.521...750.528a)Section 750.523 - Riots and Unlawful Assemblies; Refusal to Aid Officer.

Sec. 523. Refusal to aid officer to disperse or arrest rioters—If any person present, being commanded by any of the magistrates or

officers aforesaid, to aid and assist in seizing and securing such rioters, or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, shall refuse or neglect to obey such command, or when required by any such magistrate or officer to depart from the place of such riotous or unlawful assembly, shall refuse or neglect so to do, he shall be deemed to be 1 of the rioters or persons unlawfully assembled, and shall be liable to be prosecuted and punished accordingly. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.523Former Law:See section 3 of Ch. 157 of R.S. 1846, being CL 1857, § 5849; CL 1871, § 7683; How., § 9266; CL 1897, § 11336; CL 1915, § 15003; and CL 1929, § 16600.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVII - Chapter LXXVII Riots and Unlawful Assemblies (750.521...750.528a)Section 750.524 - Riotous or Unlawful Assembly; Neglecting or Refusing to Suppress Assembly and Arrest Offenders; Penalty.

Sec. 524. Any mayor, alderman, supervisor, president, trustee or member of a common council, sheriff, or deputy sheriff, having notice of any such riotous or tumultuous and unlawful assembly as is mentioned in this chapter, in the township, city, or village in which he or she lives, who shall neglect or refuse immediately to proceed to the place of such assembly, or as near as he or she can with safety, or shall omit or neglect to exercise the authority with which he or she is invested by this chapter, for suppressing such riotous or unlawful assembly, and for arresting and securing the offenders, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.524 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 4 of Ch. 157 of R.S. 1846, being CL 1857, § 5850; CL 1871, § 7684; How., § 9267; CL 1897, § 11337; CL 1915, § 15004; and CL 1929, § 16601.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVII - Chapter LXXVII Riots and Unlawful Assemblies (750.521...750.528a)Section 750.525 - Riots and Unlawful Assemblies; Use of Force to Quell.

Sec. 525. Use of force to quell unlawful assemblies—If any persons, who shall be so riotously or unlawfully assembled, and who shall have been commanded to disperse, as before provided, shall refuse or neglect to disperse, without unnecessary delay, any 2 of the magistrates or officers before mentioned may require the aid of a sufficient number of persons, in arms or otherwise, as may be necessary, and shall proceed in such manner as in their judgment shall be expedient, forthwith to disperse and suppress such unlawful, riotous or tumultuous assembly, and seize and secure the persons composing the same, so that they may be proceeded with according to law. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.525Former Law:See section 5 of Ch. 157 of R.S. 1846, being CL 1857, § 5851; CL 1871, § 7685; How., § 9268; CL 1897, § 11338; CL 1915, § 15005; and CL 1929, § 16602.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVII - Chapter LXXVII Riots and Unlawful Assemblies (750.521...750.528a)Section 750.526 - Riots and Unlawful Assemblies; Armed Force in Dispersing to Execute Order of Certain Officials.

Sec. 526. Control of armed force—Whenever an armed force shall be called out in the manner provided by law for the purpose of suppressing any tumult or riot, or to disperse any body of men acting together by force, and with intent to commit any felony, or to offer violence to persons or property, or with intent, by force or violence, to resist or oppose the execution of the laws of this state, such armed force, when they shall arrive at the place of such unlawful, riotous or tumultuous assembly, shall obey such orders for suppressing the riot or tumult, and for dispersing and arresting all persons who are committing any of the said offenses, as they may have received from the governor, or from any judge of a court of record, or the sheriff of the county, any chief of police or his duly authorized representative, or any member of the Michigan state police, and also such further orders as they shall there receive from any 2 of the magistrates or officers mentioned in the first section of this chapter. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1941, Act 106, Eff. Jan. 10, 1942 ;-- CL 1948, 750.526Former Law:See section 6 of Ch. 157 of R.S. 1846, being CL 1857, § 5852; CL 1871, § 7686; How., § 9269; CL 1897, § 11339; CL 1915, § 15006; and CL 1929, § 16603.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVII - Chapter LXXVII Riots and Unlawful Assemblies (750.521...750.528a)Section 750.527 - Riots and Unlawful Assemblies; Death Ensuing From Efforts to Disperse.

Sec. 527. Death ensuing from efforts to disperse unlawful assemblies or riots—If, by reason of any of the efforts made by any 2 or more of the said magistrates or officers, or by their direction, to disperse such unlawful, riotous or tumultuous assembly, or to seize and secure the persons composing the same, who have refused to disperse though the number remaining may be less than 12, any such person, or any other person there present as spectators or otherwise, shall be killed or wounded, the said magistrates and officers and all persons assisting by their order, or under their direction, shall be held guiltless and fully justified in law; and if any of the said magistrates or officers, or any person acting by their order, or under their direction, shall be killed or wounded, all the persons so unlawfully, riotously or tumultuously assembled, and all other persons who, when commanded or required, shall have refused to aid or assist the said magistrates or officers, shall be held answerable therefor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.527Former Law:See section 7 of Ch. 157 of R.S. 1846, being CL 1857, § 5853; CL 1871, § 7687; How., § 9270; CL 1897, § 11340; CL 1915, § 15007; and CL 1929, § 16604.

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750.569)328-1931-LXXVII - Chapter LXXVII Riots and Unlawful Assemblies (750.521...750.528a)Section 750.528 - Riots and Unlawful Assemblies; Destroying Dwelling House or Other Property.

Sec. 528. Riotously destroying dwelling house or other property—Any of the persons so unlawfully assembled, who shall demolish, pull down, destroy or injure, or who shall begin to demolish, pull down, destroy or injure any dwelling house or any other building, or any ship or vessel, shall be guilty of a felony, and shall be answerable to any person injured, to the full amount of the damage, in an action of trespass. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.528Former Law:See section 8 of Ch. 157 of R.S. 1846, being CL 1857, § 5854; CL 1871, § 7688; How., § 9271; CL 1897, § 11341; CL 1915, § 15008; and CL 1929, § 16605.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVII - Chapter LXXVII Riots and Unlawful Assemblies (750.521...750.528a)Section 750.528a - Definitions; Firearm or Explosive or Incendiary Device; Teaching or Demonstrating Use, Application, or Construction in Furtherance of Civil Disorder; Unlawful Assembly; Exception; Violation as Felony.

Sec. 528a. (1) As used in this section: (a) "Civil disorder" means any public disturbance involving the use of any firearm, explosive, or incendiary device by 3 or more assembled persons that causes an immediate danger to, or that results in damage or injury to, any property or person. (b) "Explosive or incendiary device" means: (i) Dynamite, gunpowder, or other similarly explosive substance. (ii) Any bomb, grenade, missile, or similar device designed to expand suddenly and release internal energy resulting in an explosion. (iii) Any incendiary bomb or grenade, fire bomb, or similar device designed to ignite, including any device that consists of or includes a breakable container containing a flammable liquid or compound and a wick composed of any material that, if ignited, is capable of igniting the flammable liquid or compound; and that may be carried or thrown by a person. (c) "Firearm" means any weapon that will, is designed to, or may readily be converted to expel a projectile by action of an explosive. (d) "Law enforcement officer" means any of the following: (i) A sheriff or sheriff's deputy, a village marshal or township constable, an officer of the police department of any city, village, or township, an officer of the Michigan state police, or a peace officer who is trained and licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615. (ii) Any officer or employee of the United States, its possessions, or territories who is authorized to enforce the laws of the United States, its possessions, or its territories. (iii) Any member of the National Guard, coast guard, military reserve, or the armed forces of the United States when acting in his or her official capacity. (2) A person shall not teach or demonstrate to another person the use, application, or construction of any firearm, or any explosive or incendiary device, if that person knows, has reason to know, or intends that what is taught or demonstrated will be used in, or in furtherance of, a civil disorder. (3) A person shall not assemble with 1 or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, or any explosive or incendiary device, if that person intends to use that firearm or device in, or in furtherance of, a civil disorder. (4) This section does not apply to any act of a law enforcement officer that is performed in the lawful performance of his or her official duties as a law enforcement officer, or any activity of any hunting club, rifle club, rifle range, pistol range, shooting range, or other program or individual instruction intended to teach the safe handling or use of firearms, archery equipment, or other weapons or techniques employed in connection with lawful sports, self-defense, or other lawful activities. (5) A person who violates this section is guilty of a felony. History:Add. 1986, Act 113, Eff. Mar. 31, 1987 ;-- Am. 2015, Act 26, Eff. July 1, 2015 ;-- Am. 2016, Act 297, Eff. Jan. 2, 2017

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVIII - Chapter LXXVIII Robbery (750.529...750.531)Section 750.529 - Use or Possession of Dangerous Weapon; Aggravated Assault; Penalty.

Sec. 529. (1) A person who engages in conduct proscribed under section 530 and who in the course of engaging in that conduct does any of the following is guilty of armed robbery: (a) Possesses a dangerous weapon. (b) Possesses an article used or fashioned in a manner that would cause a reasonable person to believe the article is a dangerous weapon. (c) Represents orally or otherwise that he or she possesses a dangerous weapon. (2) A person who violates this section is guilty of a felony punishable by imprisonment for life or for any term of years. (3) If a violation of this section results in an aggravated assault of or serious injury to any other person, the person must be sentenced to a minimum term of imprisonment of not less than 2 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.529 ;-- Am. 1959, Act 71, Eff. Mar. 19, 1960 ;-- Am. 2004, Act 128, Eff. July 1, 2004 ;-- Am. 2020, Act 313, Eff. Mar. 29, 2021Constitutionality:A defendant's convictions of both armed robbery and the lesser included offenses of larceny of property with a value over $100 and of larceny in a building cannot be allowed to stand as a violation of the defendant's protection against double jeopardy. People v Jankowski, 408 Mich 79; 289 NW2d 674 (1980).In People v Wilder, 411 Mich 328; 308 NW2d 112 (1981), the Michigan supreme court held that conviction and sentence for both first-degree felony murder and the underlying felony of armed robbery violates the state constitutional prohibition against double jeopardy.Former Law:See section 15 of Ch. 153 of R.S. 1846, being CL 1857, § 5725; CL 1871, § 7524; How., § 9089; CL 1897, § 11484; CL 1915, § 15206; CL 1929, § 16722; and Act 374 of 1927.

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Sec. 529a. (1) A person who in the course of committing a larceny of a motor vehicle uses force or violence or the threat of force or violence, or who puts in fear any operator, passenger, or person in lawful possession of the motor vehicle, or any person lawfully attempting to recover the motor vehicle, is guilty of carjacking, a felony punishable by imprisonment for life or for any term of years. (2) As used in this section, "in the course of committing a larceny of a motor vehicle" includes acts that occur in an attempt to commit the larceny, or during commission of the larceny, or in flight or attempted flight after the commission of the larceny, or in an attempt to retain possession of the motor vehicle. (3) A sentence imposed for a violation of this section may be imposed to run consecutively to any other sentence imposed for a conviction that arises out of the same transaction. History:Add. 1994, Act 191, Eff. Oct. 1, 1994 ;-- Am. 2004, Act 128, Eff. July 1, 2004

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVIII - Chapter LXXVIII Robbery (750.529...750.531)Section 750.530 - Larceny of Money or Other Property; Felony; Penalty; “In the Course of Committing a Larceny” Defined.

Sec. 530. (1) A person who, in the course of committing a larceny of any money or other property that may be the subject of larceny, uses force or violence against any person who is present, or who assaults or puts the person in fear, is guilty of a felony punishable by imprisonment for not more than 15 years. (2) As used in this section, "in the course of committing a larceny" includes acts that occur in an attempt to commit the larceny, or during commission of the larceny, or in flight or attempted flight after the commission of the larceny, or in an attempt to retain possession of the property. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.530 ;-- Am. 2004, Act 128, Eff. July 1, 2004Former Law:See section 17 of Ch. 153 of R.S. 1846, being CL 1857, § 5727; CL 1871, § 7526; How., § 9091; CL 1897, § 11486; CL 1915, § 15208; and CL 1929, § 16724.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXVIII - Chapter LXXVIII Robbery (750.529...750.531)Section 750.531 - Bank, Safe and Vault Robbery.

Sec. 531. Bank, safe and vault robbery—Any person who, with intent to commit the crime of larceny, or any felony, shall confine, maim, injure or wound, or attempt, or threaten to confine, kill, maim, injure or wound, or shall put in fear any person for the purpose of stealing from any building, bank, safe or other depository of money, bond or other valuables, or shall by intimidation, fear or threats compel, or attempt to compel any person to disclose or surrender the means of opening any building, bank, safe, vault or other depository of money, bonds, or other valuables, or shall attempt to break, burn, blow up or otherwise injure or destroy any safe, vault or other depository of money, bonds or other valuables in any building or place, shall, whether he succeeds or fails in the perpetration of such larceny or felony, be guilty of a felony, punishable by imprisonment in the state prison for life or any term of years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.531Former Law:See section 1 of Act 111 of 1877, being How., § 9121; CL 1897, § 506; CL 1915, § 15229; and CL 1929, § 16748.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXX - Chapter LXXX Slaughter Houses (750.533...750.534)Section 750.533 - Slaughter Houses; Within 20 Rods of Highway.

Sec. 533. Slaughter houses within 20 rods of highway—Any person who shall keep or maintain any slaughter-house, slaughter-yard or slaughter-pen, or any other place for slaughtering or killing any animals, or rendering dead animals as a business, within 20 rods of any public highway within this state, or in any other place except as provided in section 6521 of the Compiled Laws of 1929 and amendments thereto, shall be guilty of a misdemeanor: Provided, That the provisions of this section shall not apply within the limits of incorporated villages and cities. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.533Compiler's Notes:Section 6521 of CL 1929, referred to in this section, was repealed by Act 66 of 1960 and Act 368 of 1978.Former Law:See sections 50 and 51 of Ch. 35 of R.S. 1846, being How., §§ 1682 and 1683; CL 1897, §§ 11433 and 11434; CL 1915, §§ 15151 and 15152; CL 1929, §§ 6525 and 6526; and Act 232 of 1879.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXX - Chapter LXXX Slaughter Houses (750.533...750.534)Section 750.534 - Slaughter Houses; Water Supply, Sewerage and Drainage.

Sec. 534. Slaughter houses to have adequate water supply, sewerage and drainage—Any person or his agent who shall keep or maintain in any city or within 1 mile of the limits of any city or park, or within 30 rods of any highway or street car line, any slaughter-house, slaughter-yard or slaughter-pen or any other place for slaughtering or killing any animals, or for rendering dead animals, unless such place shall be supplied with an adequate supply of water for daily and constant flushing and purifying of the place, and with adequate sewerage and drainage for the speedy removal of all blood and other fluid refuse from such slaughtering, killing or rendering, shall be guilty of a misdemeanor. Nuisance—Any person or his agent in charge of any slaughter-house, slaughter-yard or slaughter-pen in or within 1 mile of any city or park, or within 30 rods of any highway or street car line, who shall dispose of any offal, heads, horns, hides or other portions of any dead animals in such manner as to be a nuisance, or contrary to the rules of the local board of health, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.534Former Law:See sections 1 to 3 of Act 97 of 1901, being CL 1915, §§ 5161 to 5163; and CL 1929, §§ 6538 to 6540.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXI - Chapter LXXXI Stolen, Embezzled or Converted Property (750.535...750.538)Section 750.535 - Buying, Receiving, Possessing, Concealing, or Aiding in Concealment of Stolen, Embezzled, or Converted Property or Motor Vehicle; Violation; Penalty; Rebuttable Presumption; Enhanced Sentence Based on Prior Convictions; Prohibited Defense.

Sec. 535. (1) A person shall not buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing, or having reason to know or reason to believe, that the money, goods, or property is stolen, embezzled, or converted. (2) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the property purchased, received, possessed, or concealed, whichever is greater, or both imprisonment and a fine: (a) The property purchased, received, possessed, or concealed has a value of $20,000.00 or more. (b) The property purchased, received, possessed, or concealed has a value of $1,000.00 or more but less than $20,000.00, and the person has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (3) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the property purchased, received, possessed, or concealed, whichever is greater, or both imprisonment and a fine: (a) The property purchased, received, possessed, or concealed has a value of $1,000.00 or more but less than $20,000.00. (b) The property purchased, received, possessed, or concealed has a value of $200.00 or more but less than $1,000.00, and the person has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (4) If any of the following apply, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the property purchased, received, possessed, or concealed, whichever is greater, or both imprisonment and a fine: (a) The property purchased, received, possessed, or concealed has a value of $200.00 or more but less than $1,000.00. (b) The property purchased, received, possessed, or concealed has a value of less than $200.00, and the person has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (5) If the property purchased, received, possessed, or concealed has a value of less than $200.00, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the property purchased, received, possessed, or concealed, whichever is greater, or both imprisonment and a fine. (6) The values of property purchased, received, possessed, or concealed in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of property purchased, received, possessed, or concealed. (7) A person shall not buy, receive, possess, conceal, or aid in the concealment of a stolen motor vehicle knowing, or having reason to know or reason to believe, that the motor vehicle is stolen, embezzled, or converted. Except as provided in subsection (8), a person who violates this subsection is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the motor vehicle purchased, received, possessed, or concealed, whichever is greater, or both imprisonment and a fine. A person who is charged with, convicted of, or punished for a violation of this subsection shall not be convicted of or punished for a violation of another provision of this section arising from the purchase, receipt, possession, concealment, or aiding in the concealment of the same motor vehicle. This subsection does not prohibit the person from being charged, convicted, or punished under any other applicable law. (8) A person who violates subsection (7) and has 1 or more prior convictions for committing or attempting to commit an offense under this section, other than a violation of subsection (4)(b) or (5), is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the vehicle purchased, received, possessed, or concealed, whichever is greater, or both imprisonment and a fine. (9) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (10) A person who is a dealer in or collector of merchandise or personal property, or the agent, employee, or representative of a dealer or collector of merchandise or personal property who fails to reasonably inquire whether the person selling or delivering the stolen, embezzled, or converted property to the dealer or collector has a legal right to do so or who buys or receives stolen, embezzled, or converted property that has a registration, serial, or other identifying number altered or obliterated on an external surface of the property, is presumed to have bought or received the property knowing the property is stolen, embezzled, or converted. This presumption is rebuttable. (11) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction under section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. (12) It is not a defense to a charge under this section that the property was not stolen, embezzled, or converted property at the time of the violation if the property was explicitly represented to the accused person as being stolen, embezzled, or converted property. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1941, Act 11, Eff. Jan. 10, 1942 ;-- CL 1948, 750.535 ;-- Am. 1952, Act 40, Eff. Sept. 18, 1952 ;-- Am. 1957, Act 69, Eff. Sept. 27, 1957 ;-- Am. 1972, Act 242, Eff. Mar. 30, 1973 ;-- Am. 1974, Act 55, Imd. Eff. Apr. 1, 1974 ;-- Am. 1979, Act 11, Eff. Mar. 27, 1980 ;-- Am. 1998, Act 311, Eff.

Jan. 1, 1999 ;-- Am. 2002, Act 720, Eff. Apr. 1, 2003 ;-- Am. 2006, Act 374, Eff. Oct. 1, 2006 ;-- Am. 2014, Act 221, Eff. Mar. 31, 2015Constitutionality:The statutory presumption in MCL 750.535(2) that a dealer in personal property is presumed to know that property received with an altered serial number is stolen does not violate due process requirements because there is a rational connection between the proven facts and the fact presumed. People v Gallagher, 404 Mich 429; 273 NW2d 440 (1979).Former Law:See section 20 of Ch. 154 of R.S. 1846, being CL 1857, § 5764; CL 1871, § 7571; How., § 9142; CL 1897, § 11556; CL 1915, § 15301; CL 1929, § 16902; and Act 220 of 1897.

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Sec. 535a. (1) As used in this section: (a) "Bona fide purchaser for value" means a person who purchases property for value in good faith and without notice of any adverse claim to the property. (b) "Chop shop" means any of the following: (i) Any area, building, storage lot, field, or other premises or place where 1 or more persons are engaged or have engaged in altering, dismantling, reassembling, or in any way concealing or disguising the identity of a stolen motor vehicle or of any major component part of a stolen motor vehicle. (ii) Any area, building, storage lot, field, or other premises or place where there are 3 or more stolen motor vehicles present or where there are major component parts from 3 or more stolen motor vehicles present. (c) "Major component part" means 1 of the following parts of a motor vehicle: (i) The engine. (ii) The transmission. (iii) The right or left front fender. (iv) The hood. (v) A door allowing entrance to or egress from the passenger compartment of the vehicle. (vi) The front or rear bumper. (vii) The right or left rear quarter panel. (viii) The deck lid, tailgate, or hatchback. (ix) The trunk floor pan. (x) The cargo box of a pickup. (xi) The frame, or if the vehicle has a unitized body, the supporting structure or structures that serve as the frame. (xii) The cab of a truck. (xiii) The body of a passenger vehicle. (xiv) An airbag or airbag assembly. (xv) A wheel or tire. (xvi) Any other part of a motor vehicle that the secretary of state determines is comparable in design or function to any of the parts listed in subparagraphs (i) to (xv). (d) "Motor vehicle" means either of the following: (i) A device in, upon, or by which a person or property is or may be transported or drawn upon a highway that is self-propelled or that may be connected to and towed by a self-propelled device. (ii) A land-based device that is self-propelled but not designed for use upon a highway, including, but not limited to, farm machinery, a bulldozer, or a steam shovel. (2) Except as provided in subsection (3), a person who knowingly owns, operates, or conducts a chop shop or who knowingly aids and abets another person in owning, operating, or conducting a chop shop is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $250,000.00, or both. (3) Upon a second or subsequent conviction under this section, the person convicted may be imprisoned for not more than 10 years and shall be fined not less than $10,000.00 or more than $250,000.00, or both. (4) In addition to any other punishment, a person convicted of violating this section shall be ordered to make restitution to the rightful owner of a stolen motor vehicle or of a stolen major component part, or to the owner's insurer if the owner has already been compensated for the loss by the insurer, for any financial loss sustained as a result of the theft of the motor vehicle or a major component part. Restitution shall be imposed in addition to, but not instead of, any imprisonment or fine imposed. (5) All of the following are subject to seizure and, if a person is charged with a violation or attempted violation of subsection (2) and is convicted of a violation or attempted violation of subsection (2) or section 415, 416, 535, or 536a, subject to forfeiture: (a) An engine, tool, machine, implement, device, chemical, or substance used or designed for altering, dismantling, reassembling, or in any other way concealing or disguising the identity of a stolen motor vehicle or any major component part. (b) A stolen motor vehicle or major component part found at the site of a chop shop or a motor vehicle or major component part for which there is probable cause to believe that it is stolen. (c) A wrecker, car hauler, or any other motor vehicle that is used or has been used to convey or transport a stolen motor vehicle or major component part. (d) Any book, record, money, negotiable instrument, or other personal property or real property, except real property that is the primary residence of the spouse or a dependent child of the owner, that is or has been used in a chop shop operation. (6) Except as provided in subsection (7), property described in subsection (5) may be seized by a state or local law enforcement agency upon process issued by the recorder's court of the city of Detroit or the district or circuit court having jurisdiction over the property. Seizure without process may be made in any of the following cases: (a) The seizure is incident to an arrest or pursuant to a search warrant or an inspection under an administrative inspection warrant. (b) The property subject to seizure has been the subject of a prior judgment in favor of this state in a forfeiture proceeding based upon this section. (c) Exigent circumstances exist that preclude obtaining process and there is probable cause to believe that the property was used or is intended to be used in violation of this section. (7) To retain property for which seizure and forfeiture are sought under this section pending the forfeiture hearing, a licensed used or secondhand vehicle parts dealer or the owner may post a bond in the amount of 1-1/2 times the value of the property. This subsection does not apply to a motor vehicle or major component part that is to be used as evidence in a criminal proceeding. (8) If property other than real property is seized under subsection (6), the seizing law enforcement agency shall do 1 or more of the following, subject to subsection (10): (a) Place the property under seal. (b) Remove the property to a designated storage area. (c) Petition the district or circuit court to appoint a custodian to take custody of the property and to remove it to an appropriate location for disposition in accordance with law. (9) The seizing agency may deposit money seized under subsection (8) into an interest-bearing account in a

financial institution. As used in this subsection, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States. (10) An attorney for a person who is charged with a violation of this section involving or related to money seized by a law enforcement agency under this section shall be afforded a period of 60 days within which to examine that money. This 60-day period shall begin to run after notice is given under subsection (12) but before the money is deposited into a financial institution under subsection (9). If the attorney general or prosecuting attorney fails to sustain his or her burden of proof in criminal proceedings under this section, the court shall order the return of the money, including any interest earned on money deposited into a financial institution under subsection (9). (11) If property is seized without process under subsection (6), within 14 days after the seizure, the seizing agency shall return the property to the person from whom it was seized unless a hearing has been scheduled to determine whether the seizure was proper and reasonable notice of the hearing has been given. (12) The rightful owner of any property that is to be forfeited under subsection (5) shall be served notice at least 10 days before the matter is to be heard regarding the forfeiture and, if the rightful owner did not know of and did not consent to the commission of the crime, the property shall be returned to the rightful owner. If the rightful owner of the property is not known or cannot be found, notice may be served by publishing notice of the forfeiture hearing not less than 10 days before the date of the hearing in a newspaper of general circulation in the county where the hearing is to be held. The notice shall contain a general description of the property and any serial or registration numbers on the property. (13) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party who did not know of or consent to the act or omission in violation of this section. (14) Any property seized under subsection (6) that was stolen shall be returned to its rightful owner if that ownership can be established to the satisfaction of the seizing law enforcement agency. Any stolen property that is unclaimed after seizure may be sold as provided by law. (15) Any property forfeited under this section may be sold pursuant to an order of the court. The proceeds of the sale shall be distributed by the court having jurisdiction over the forfeiture proceeding to the entity having budgetary authority over the seizing law enforcement agency. If more than 1 law enforcement agency was substantially involved in effecting the forfeiture, the court having jurisdiction over the forfeiture proceeding shall distribute equitably the proceeds of the sale among the entities having budgetary authority over the seizing law enforcement agencies. Twenty-five percent of the money received by an entity under this subsection shall be used to enhance law enforcement efforts pertaining to this section. (16) This section does not apply to a person who is a bona fide purchaser for value of the motor vehicle or major component parts described in subsection (1). History:Add. 1984, Act 407, Eff. Apr. 1, 1985 ;-- Am. 1988, Act 140, Imd. Eff. June 3, 1988 ;-- Am. 1999, Act 185, Eff. Apr. 1, 2000 ;-- Am. 2006, Act 129, Imd. Eff. May 5, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXI - Chapter LXXXI Stolen, Embezzled or Converted Property (750.535...750.538)Section 750.535b - Transporting or Shipping Stolen Firearm or Stolen Ammunition as Felony; Receiving, Concealing, Storing, Bartering, Selling, Disposing Of, Pledging, or Accepting as Security for a Loan a Stolen Firearm as Felony; Penalties.

Sec. 535b. (1) A person who transports or ships a stolen firearm or stolen ammunition, knowing that the firearm or ammunition was stolen, is guilty of a felony, punishable by imprisonment for not more than 10 years or by a fine of not more than $5,000.00, or both. (2) A person who receives, conceals, stores, barters, sells, disposes of, pledges, or accepts as security for a loan a stolen firearm or stolen ammunition, knowing that the firearm or ammunition was stolen, is guilty of a felony, punishable by imprisonment for not more than 10 years or by a fine of not more than $5,000.00, or both. History:Add. 1990, Act 321, Eff. Mar. 28, 1991

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXI - Chapter LXXXI Stolen, Embezzled or Converted Property (750.535...750.538)Section 750.536 - Conviction for Larceny Not Essential.

Sec. 536. In any prosecution of the offense of buying, receiving or aiding in the concealment of stolen, embezzled or converted money or other property it shall not be necessary to aver, nor on the trial thereof to prove that the person who stole, embezzled or converted such property has been convicted. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.536 ;-- Am. 1952, Act 40, Eff. Sept. 18, 1952Former Law:See section 23 of Ch. 154 of R.S. 1846, being CL 1857, § 5766; CL 1871, § 7573; How., § 9144; CL 1897, § 11558; CL 1915, § 15303; and CL 1929, § 16904.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXI - Chapter LXXXI Stolen, Embezzled or Converted Property (750.535...750.538)Section 750.536a - Rendering Goods or Property Unidentifiable; Possession or Sale of Goods or Property With Identifying Number Obscured, Defaced, Altered, Obliterated, Removed, Destroyed, or Otherwise Concealed or Disguised.

Sec. 536a. (1) A person who obscures, defaces, alters, obliterates, removes, destroys, or otherwise conceals or disguises any registration, serial, or other identifying number embossed, engraved, carved, stamped, welded, or otherwise placed or situated in or upon goods or property held for sale in the ordinary course of business with the intent to render the goods or property unidentifiable shall be guilty of a misdemeanor. (2) A person who is a dealer in or collector of any merchandise or personal property or the agent, employee, or representative of a dealer or collector and who possesses goods or property with the intent to sell the goods or property in the ordinary course of business knowing the registration, serial, or other identifying number has been obscured, defaced, altered,

obliterated, removed, destroyed, or otherwise concealed or disguised shall be guilty of a misdemeanor. (3) A person who is a dealer or collector of any merchandise or personal property or the agent, employee, or representative of a dealer or collector and who sells goods or property in the ordinary course of business knowing that the registration, serial, or other identifying number has been obscured, defaced, altered, obliterated, removed, destroyed, or otherwise concealed or disguised shall be guilty of a misdemeanor. History:Add. 1980, Act 44, Eff. July 1, 1980 ;-- Am. 1984, Act 407, Eff. Apr. 1, 1985

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXI - Chapter LXXXI Stolen, Embezzled or Converted Property (750.535...750.538)Section 750.537 - Copper or Silver Ore; Barter, Transfer, or Sale; Memorandum of Sale; Certificate; Applicability; Violation as Misdemeanor.

Sec. 537. A person working in any copper or silver mine of this state, or any person in behalf of such person, shall not sell, barter, transfer, or ship any copper or silver ore, bullion, pig, or copper or silver in the raw or unmanufactured state, and shall not be a party to any barter, transfer, or sale, or aid or assist therein, unless a memorandum be filed with the county clerk of the county where the barter, transfer, or sale shall take place, giving the names of the parties making such barter, transfer, sale, or shipment, the dates, consideration, and the origin of the copper or silver so bartered, transferred, sold, or shipped, and in all cases where the origin of said copper or silver is not known to the parties, no barter, transfer, sale, or shipment shall be made without a certificate being attached to such memorandum of sale duly signed by the county clerk or by a constable or deputy sheriff, judge, stating in substance that he or she has investigated the source or origin of the copper or silver so to be bartered, transferred, sold, or shipped and that in his or her opinion the articles have not been stolen, and that the parties thereto have a right to transfer or sell the articles. This section does not apply to any person authorized to act in behalf of a person, firm, or corporation engaged in the business of mining copper or silver as owner. Any person violating the provisions of this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.537 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 and 3 of Act 281 of 1925, being CL 1929, §§ 9837 and 9839.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXI - Chapter LXXXI Stolen, Embezzled or Converted Property (750.535...750.538)Section 750.538 - Copper or Silver Ore; Sales, Transfers, or Shipments; Memorandum of Sale; Certificate; Violation as Misdemeanor; Penalty.

Sec. 538. (1) Any sales, transfers, or shipments of copper or silver ore, bullion, pig, or copper or silver in the raw or unmanufactured state in any county of this state where copper and silver are mined, by any person not engaged in the business of mining or producing copper or silver ore, bullion, pig, or copper or silver in the unmanufactured state, shall be unlawful unless and until a memorandum thereof shall be filed with the county clerk of the county where such sale or transfer shall take place, giving the names of the parties, the dates, consideration, and origin of the copper or silver so sold, transferred, or shipped or offered for sale, transfer, or shipping; and in all cases where the origin of the copper or silver is not known, no sale, transfer, or shipment shall be made without a certificate being attached to such memorandum of sale duly signed by the county clerk, constable, or deputy sheriff, stating in substance that he or she has investigated the source or origin of the copper or silver offered for sale, transfer, or shipment, and that in his or her opinion the articles have not been stolen, and that the parties thereto have a right to sell, transfer, and ship the same. (2) Any person violating this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.538 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 2 and 3 of Act 281 of 1925, being CL 1929, §§ 9838 and 9839.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539 - Divulging Contents of Messages.

Sec. 539. Divulging contents of messages—Any person connected with a telegraph, telephone or messenger company, incorporated or unincorporated, operating a line of telegraph or telephone, or engaged in the business of receiving and delivering messages in this state, in any capacity, who wilfully divulges the contents or the nature of the contents of a communication entrusted to him for transmission or delivery, or who wilfully refuses or neglects to transmit or deliver the same, or who wilfully delays the transmission or delivery of the same, or who wilfully forges the name of the receiver to any receipt for any such message or communication or article of value entrusted to him by such company, with a view to injure, deceive or defraud the sender or intended receiver thereof, or any such telephone, telegraph or messenger company or to benefit himself or any other person, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.539Former Law:See section 1 of Act 68 of 1853, being CL 1857, § 5912; CL 1871, § 7768; How., § 9357; CL 1897, § 11386; CL 1915, § 15104; CL 1929, § 17047; and Act 187 of 1901.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539a - Definitions.

Sec. 539a. As used in sections 539a to 539i: (1) "Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance but does not include a place to which the public or substantial group of the public has access. (2) "Eavesdrop" or "eavesdropping" means to overhear, record, amplify or transmit any part of the private discourse of others without the permission of all persons engaged in the discourse. Neither this definition or any other provision of this act shall modify or affect any law or regulation concerning interception, divulgence or recording of messages transmitted by communications common carriers. (3) "Surveillance" means to secretly observe the activities of another person for the purpose of spying upon and invading the privacy of the person observed. (4) "Person" means any individual, partnership, corporation or association. History:Add. 1966, Act 319, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539b - Trespassing for Purpose of Eavesdropping or Surveillance.

Sec. 539b. A person who trespasses on property owned or under the control of any other person, to subject that person to eavesdropping or surveillance is guilty of a misdemeanor. History:Add. 1966, Act 319, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539c - Eavesdropping Upon Private Conversation.

Sec. 539c. Any person who is present or who is not present during a private conversation and who wilfully uses any device to eavesdrop upon the conversation without the consent of all parties thereto, or who knowingly aids, employs or procures another person to do the same in violation of this section, is guilty of a felony punishable by imprisonment in a state prison for not more than 2 years or by a fine of not more than $2,000.00, or both. History:Add. 1966, Act 319, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539d - Installation, Placement, or Use of Device for Observing, Recording, Transmitting, Photographing or Eavesdropping in Private Place.

Sec. 539d. (1) Except as otherwise provided in this section, a person shall not do either of the following: (a) Install, place, or use in any private place, without the consent of the person or persons entitled to privacy in that place, any device for observing, recording, transmitting, photographing, or eavesdropping upon the sounds or events in that place. (b) Distribute, disseminate, or transmit for access by any other person a recording, photograph, or visual image the person knows or has reason to know was obtained in violation of this section. (2) This section does not prohibit security monitoring in a residence if conducted by or at the direction of the owner or principal occupant of that residence unless conducted for a lewd or lascivious purpose. (3) A person who violates or attempts to violate this section is guilty of a crime as follows: (a) For a violation or attempted violation of subsection (1)(a): (i) Except as provided in subparagraph (ii), the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. (ii) If the person was previously convicted of violating or attempting to violate this section, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. (b) For a violation or attempted violation of subsection (1)(b), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. (4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate subsection (1)(a) or (b). History:Add. 1966, Act 319, Eff. Mar. 10, 1967 ;-- Am. 2004, Act 156, Eff. Sept. 1, 2004

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539e - Use or Divulgence of Information Unlawfully Obtained.

Sec. 539e. Any person who uses or divulges any information which he knows or reasonably should know was obtained in violation of sections 539b, 539c or 539d is guilty of a felony, punishable by imprisonment in a state prison not more than 2 years, or by a fine of not more than $2,000.00. History:Add. 1966, Act 319, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539f - Unlawful Manufacture, Possession or Transfer of Eavesdropping Devices.

Sec. 539f. Any person who manufactures, possesses or transfers to another any device, contrivance, machine or apparatus designed or commonly used for eavesdropping with the intent to unlawfully use or employ or allow the same to be so used or employed for eavesdropping, and knowing the same is intended to be so used, is guilty of a felony, punishable by imprisonment in a state prison not more than 2 years, or by a fine of not more than $2,000.00, or both. History:Add. 1966, Act 319, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539g - Exceptions.

Sec. 539g. Sections 539a to 539f do not prohibit any of the following: (a) Eavesdropping or surveillance not otherwise prohibited by law by a peace officer of this state or of the federal government, or the officer's agent, while in the performance of the officer's duties. (b) Hearing a communication transmitted by common carrier facilities by an employee of a communications common carrier when acting in the course of his or her employment. (c) The recording by a public utility of telephone communications to it requesting service or registering a complaint by a customer, if a record of the communications is required for legitimate business purposes and the agents, servants, and employees of the public utility are aware of the practice or surveillance by an employee safeguarding property owned by, or in custody of, his or her employer on his or her employer's property. (d) The routine monitoring, including recording, by employees of the department of corrections of telephone communications on telephones available for use by prisoners in state correctional facilities, if the monitoring is conducted in the manner prescribed by section 70 of Act No. 232 of the Public Acts of 1953, being section 791.270 of the Michigan Compiled Laws, and rules promulgated under that section. History:Add. 1966, Act 319, Eff. Mar. 10, 1967 ;-- Am. 1993, Act 227, Eff. Nov. 22, 1993

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539h - Civil Remedies.

Sec. 539h. Any parties to any conversation upon which eavesdropping is practiced contrary to this act shall be entitled to the following civil remedies: (a) An injunction by a court of record prohibiting further eavesdropping. (b) All actual damages against the person who eavesdrops. (c) Punitive damages as determined by the court or by a jury. History:Add. 1966, Act 319, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539i - Proof of Installation of Device as Prima Facie Evidence of Violation.

Sec. 539i. In any criminal or civil action, proof of the installation in any private place of any device which may be used for the purposes of violating the provisions of this act shall be prima facie evidence of a violation of section 539d. History:Add. 1966, Act 319, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539j - Surveillance of or Distribution, Dissemination, or Transmission of Recording, Photograph, or Visual Image of Individual Having Reasonable Expectation of Privacy; Prohibited Conduct; Violation as Felony; Penalty; Exceptions; “Surveil” Defined.

Sec. 539j. (1) A person shall not do any of the following: (a) Surveil another individual who is clad only in his or her undergarments, the unclad genitalia or buttocks of another individual, or the unclad breasts of a female individual under circumstances in which the individual would have a reasonable expectation of privacy. (b) Photograph, or otherwise capture or record, the visual image of the undergarments worn by another individual, the unclad genitalia or buttocks of another individual, or the unclad breasts of a female individual under circumstances in which the individual would have a reasonable expectation of privacy. (c) Distribute, disseminate, or transmit for access by any other person a recording, photograph, or visual image the person knows or has reason to know was obtained in violation of this section. (2) A person who violates or attempts to violate this section is guilty of a crime as follows: (a) For a violation or attempted violation of subsection (1)(a): (i) Except as provided in subparagraph (ii), the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. (ii) If the person was previously convicted of violating or attempting to violate subsection (1)(a), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. (b) For a violation or attempted violation of subsection (1)(b) or (c), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. (3) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate subsection (1)(a) to (c). (4) This section does not prohibit security monitoring in a residence if conducted by or at the direction of the owner or principal occupant of that residence unless conducted for a lewd or lascivious purpose. (5) This section does not apply to a peace officer of this state or of the federal government, or the officer's agent, while in the performance of the officer's duties. (6) As used in this section, "surveil" means to subject an individual to surveillance as that term is defined in section 539a. History:Add. 2004, Act 155, Eff. Sept. 1, 2004

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539k - Personal Identifying Information; Prohibited Conduct; Exception; Violation as Felony; Penalty; Definitions.

Sec. 539k. (1) A person who is not a party to a transaction that involves the use of a financial transaction device shall not secretly or surreptitiously photograph, or otherwise capture or record, electronically or by any other means, or distribute, disseminate, or transmit, electronically or by any other means, personal identifying information from the transaction without the consent of the individual. (2) This section does not prohibit the capture or transmission of personal identifying information in the ordinary and

lawful course of business. (3) This section does not apply to a peace officer of this state, or of the federal government, or the officer's agent, while in the lawful performance of the officer's duties. (4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this section. (5) A person who violates this section is guilty of a felony punishable by imprisonment as follows: (a) Except as otherwise provided in subdivisions (b) and (c), by imprisonment for not more than 5 years or a fine of not more than $25,000.00, or both. (b) If the violation is a second violation of subsection (1), by imprisonment for not more than 10 years or a fine of not more than $50,000.00, or both. (c) If the violation is a third or subsequent violation of subsection (1), by imprisonment for not more than 15 years or a fine of not more than $75,000.00, or both. (6) As used in this section: (a) "Financial transaction device" means that term as defined in section 157m. (b) "Personal identifying information" means that term as defined in section 3 of the identity theft protection act, 2004 PA 452, MCL 445.63. History:Add. 2004, Act 460, Eff. Mar. 1, 2005 ;-- Am. 2013, Act 213, Eff. Apr. 1, 2014

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.539l - Tracking Device; Placement or Installment on Motor Vehicle Without Consent; Violation as Misdemeanor; Penalty; Exemptions; Inapplicability of Subsection (2)(j); Liability for Damages; Definitions.

Sec. 539l. (1) A person who does any of the following is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both: (a) Installs or places a tracking device, or causes a tracking device to be installed or placed, in or on a motor vehicle without the knowledge and consent of the owner of that motor vehicle or, if the motor vehicle is leased, the lessee of that motor vehicle. (b) Tracks the location of a motor vehicle with a tracking device without the knowledge and consent of either the owner or the authorized operator of that motor vehicle or, if the motor vehicle is leased, either the lessee or the authorized operator of that motor vehicle. (c) While being the restrained party under a protective order, tracks the location of a motor vehicle operated or occupied by an individual protected under that order with a tracking device. (d) While on probation or parole for an assaultive crime or a violation of section 81(3) or (4) or section 81a(2) or (3), tracks the location of a motor vehicle operated or occupied by a victim of that crime or by a family member of the victim of that crime without the knowledge and consent of that victim or family member. (2) Subsection (1) does not apply to any of the following: (a) The installation or use of any device that provides vehicle tracking for purposes of providing mechanical, operational, directional, navigation, weather, or traffic information to the operator of the vehicle. (b) The installation or use of any device for providing emergency assistance to the operator or passengers of the vehicle under the terms and conditions of a subscription service, including any trial period of that subscription service. (c) The installation or use of any device for providing missing vehicle assistance for the benefit of the owner or operator of the vehicle. (d) The installation or use of any device to provide diagnostic services regarding the mechanical operation of a vehicle under the terms and conditions of a subscription service, including any trial period of the subscription service. (e) The installation or use of any device or service that provides the lessee of the vehicle with clear notice that the vehicle may be tracked. For a lessor who installs a tracking device subsequent to the original vehicle manufacture, the notice shall be provided in writing with an acknowledgment signed by the lessee, regardless of whether the tracking device is original equipment, a retrofit, or an aftermarket product. The requirement for written acknowledgment placed upon the lessor is not imposed upon the manufacturer of the tracking device or the manufacturer of the vehicle. (f) The installation or use of any tracking device by the parent or guardian of a minor on any vehicle owned or leased by that parent or guardian or the minor, and operated by the minor. (g) The installation or use of a tracking device by a police officer while lawfully performing his or her duties as a police officer. (h) The installation or use of a tracking device by a court officer appointed under section 8321 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8321, while lawfully performing his or her duties as a court officer. (i) The installation or use of a tracking device by a person lawfully performing his or her duties as a bail agent as authorized under section 167b or as an employee or contractor of that bail agent lawfully performing his or her duties as an employee or contractor of a bail agent. (j) Except as provided in subsection (3), the installation or use of a tracking device by a professional investigator or an employee of a professional investigator lawfully performing his or her duties as a professional investigator or employee of a professional investigator for the purpose of obtaining information with reference to any of the following: (i) Securing evidence to be used before a court, board, officer, or investigating committee. (ii) Crimes or wrongs done, threatened, or suspected against the United States or a state or territory of the United States or any other person or legal entity. (iii) Locating an individual known to be a fugitive from justice. (iv) Locating lost or stolen property or other assets that have been awarded by the court. (3) The exemption under subsection (2)(j) does not apply if either of the following applies: (a) The professional investigator or the employee of the professional investigator is working on behalf of a client who is the restrained party under a protective order. (b) The professional investigator or the employee of the professional investigator knows or has reason to know that the person seeking his or her investigative services, including the installation or use of a tracking device, is doing so to aid in the commission of a crime or wrong. (4) A person who illegally installs or uses a tracking device or a person described in subsection (2)(i) or (j) who installs or uses a tracking device is liable for all damages incurred by the owner or lessee of the motor vehicle caused by the installation or use of the tracking device. (5) As used in this section: (a) "Assaultive crime" means that term as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a. (b) "Minor" means an individual less than 18 years of age. (c) "Motor vehicle" means that term as defined in section 412. (d) "Professional investigator" means a person licensed under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851. (e) "Protective order" means both of the following: (i) An order entered under section 2950, 2950a, or 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950, 600.2950a, and 600.2950h, or under section 6b of chapter V or section 3(2)(o)

of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 765.6b and 771.3, or under section 13a of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a, or under section 36(16) of the corrections code of 1953, 1953 PA 232, MCL 791.236. (ii) A foreign protection order as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h. (f) "Tracking device" means any electronic device that is designed or intended to be used to track the location of a motor vehicle regardless of whether that information is recorded. History:Add. 2010, Act 107, Eff. Aug. 1, 2010

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.540 - Use of Electronic Medium of Communication; Prohibited Conduct; Violation as Felony; Penalty; Definitions.

Sec. 540. (1) A person shall not willfully and maliciously cut, break, disconnect, interrupt, tap, or make any unauthorized connection with any electronic medium of communication, including the internet or a computer, computer program, computer system, or computer network, or a telephone. (2) A person shall not willfully and maliciously read or copy any message from any telegraph, telephone line, wire, cable, computer network, computer program, or computer system, or telephone or other electronic medium of communication that the person accessed without authorization. (3) A person shall not willfully and maliciously make unauthorized use of any electronic medium of communication, including the internet or a computer, computer program, computer system, or computer network, or telephone. (4) A person shall not willfully and maliciously prevent, obstruct, or delay by any means the sending, conveyance, or delivery of any authorized communication, by or through any telegraph or telephone line, cable, wire, or any electronic medium of communication, including the internet or a computer, computer program, computer system, or computer network. (5) A person who violates this section is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00, or both. (b) If the incident to be reported results in injury to or the death of any person, the person violating this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (6) As used in this section: (a) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network. (b) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers. (c) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network. (d) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware. (e) "Internet" means that term as defined in section 230 of title II of the communications act of 1934, 47 USC 230, and includes voice over internet protocol services. (7) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.540 ;-- Am. 2006, Act 60, Eff. June 1, 2006 ;-- Am. 2006, Act 61, Eff. June 1, 2006Former Law:See section 1 of Act 113 of 1893, being CL 1897, § 11637; CL 1915, § 15403; and CL 1929, § 17046.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.540a - Party Line, Emergency, Defined; Refusal to Yield or Surrender Use of Line; Pretext; Penalty.

Sec. 540a. "Party line" as used in this section means a subscribers' line telephone circuit, consisting of 2 or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. "Emergency" as used in this section means a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential. Any person who shall wilfully refuse to yield or surrender the use of a party line to another person for the purpose of permitting such other person to report a fire or summon police, medical or other aid in case of emergency, shall be deemed guilty of a misdemeanor. Any person who shall ask for or request the use of a party line on pretext that an emergency exists, knowing that no emergency in fact exists, shall be deemed guilty of a misdemeanor. History:Add. 1952, Act 56, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.540b - Notice Contained in Telephone Directory, Printing; Exception.

Sec. 540b. On and after the ninetieth day following the effective date of this amendment, every telephone directory thereafter distributed to the members of the general public in this state or in any portion thereof which lists the calling numbers of telephones of any telephone exchange located in this state shall contain a notice which explains the offense provided for in section 540a, such notice to be printed in type which is not smaller than any other type on the same page and to be preceded by the word "warning" printed in type at least as large as the largest type on the same page: Provided, That the provisions of this section shall not apply to those directories distributed solely for business advertising purposes, commonly known as classified directories, nor to any telephone directory first distributed to the general public prior to the date specified above. Any person, firm or corporation providing telephone service which distributes or causes to be distributed in this state 1 or more copies of a telephone directory which is subject

to the provisions of this section and which does not contain the notice herein provided for shall be guilty of a misdemeanor. History:Add. 1952, Act 56, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.540c - Prohibited Conduct With Regard to Telecommunications Access Device; "Materials" Defined; Violation as Felony; Penalty; Amateur Radio Service; Forfeiture; Order; Definitions.

Sec. 540c. (1) A person shall not assemble, develop, manufacture, possess, deliver, or use any type telecommunications access device with the intent to defraud by doing, but not limited to, any of the following: (a) Obtain or attempt to obtain a telecommunications service in violation of section 219a. (b) Conceal the existence or place of origin or destination of any telecommunications service. (c) To receive, disrupt, decrypt, transmit, retransmit, acquire, or intercept any telecommunications service without the express authority of the telecommunications service provider. (2) A person shall not modify, alter, program, or reprogram a telecommunications access device to commit an act prohibited under subsection (1). (3) A person shall not deliver or advertise plans, written instructions, or materials for the manufacture, assembly, or development of an unlawful telecommunications access device. As used in this subsection, "materials" includes any hardware, cables, tools, data, computer software, or other information or equipment used or intended for use in the manufacture, assembly, or development of any type of a telecommunications access device. (4) A person who violates subsection (1), (2), or (3) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. Each unlawful telecommunications access device or telecommunications access device is considered a separate violation. (5) This section does not prohibit or restrict the possession of radio receivers or transceivers by licensees of the federal communications commission in the amateur radio service that are intended primarily or exclusively for use in the amateur radio service. (6) Any unlawful telecommunications access device involved in violation of this section is subject to forfeiture in the same manner as provided in sections 4701 to 4709 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709, and the court may order either of the following: (a) Destroyed or retained as provided under section 540d. (b) Returned to the telecommunications service provider if the device is owned or controlled by the provider or disposed of as provided under section 540d. (7) The court shall order a person convicted of violating subsection (1), (2), or (3) to make restitution in accordance with section 1a of the code of criminal procedure, 1927 PA 175, MCL 769.1a. (8) A violation of subsection (1), (2), or (3) is considered to have occurred at the place where the person manufactures, assembles, develops, or designs any type of telecommunications access device, or the places where the device is sold or delivered to another person. (9) As used in this section and sections 540f and 540g: (a) "Deliver" means to actually or constructively sell, give, loan, lease, or otherwise transfer a telecommunications access device, unlawful telecommunications access device, and plans, written instructions, or materials concerning the devices to another person. (b) "Telecommunications access device" shall have the same meaning as in section 219a. (c) "Telecommunications service" shall have the same meaning as in section 219a. (d) "Telecommunications service provider" shall have the same meaning as in section 219a. (e) "Telecommunications system" shall have the same meaning as in section 219a. (f) "Unlawful telecommunications access device" shall have the same meaning as in section 219a. History:Add. 1966, Act 75, Eff. Mar. 10, 1967 ;-- Am. 1982, Act 287, Imd. Eff. Oct. 7, 1982 ;-- Am. 1984, Act 375, Eff. Mar. 29, 1985 ;-- Am. 1996, Act 329, Eff. Apr. 1, 1997 ;-- Am. 1996, Act 557, Eff. Mar. 31, 1997 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003 ;-- Am. 2004, Act 1, Imd. Eff. Feb. 12, 2004

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.540d - Seizure of Devices, Plans, Instructions, or Materials.

Sec. 540d. Any telecommunications access device, unlawful telecommunications access device, plans, instructions, or materials described in section 540c may be seized under warrant or incident to a lawful arrest. Upon conviction of a person for violation of section 540c, all of the following apply to the telecommunications device, counterfeit telecommunications device, plans, instructions, or materials involved in the violation that are seized under this section: (a) The telecommunications access device or materials shall be returned to the lawful owner of that device or materials unless he or she was convicted of the violation or had prior actual knowledge of and consented to the violation or unless the lawful owner cannot be determined or located. (b) The unlawful telecommunications access device, plans, or instructions and any telecommunications access device or materials not required to be returned to the lawful owner under subdivision (a) may be destroyed as contraband by the seizing law enforcement agency or retained and used by the seizing law enforcement agency for law enforcement purposes. (c) Any telecommunications access device or materials not required to be returned to the lawful owner under subdivision (a) may be turned over by the seizing law enforcement agency to the telecommunications service provider in the territory in which the seizure occurred. History:Add. 1966, Act 75, Eff. Mar. 10, 1967 ;-- Am. 1996, Act 329, Eff. Apr. 1, 1997 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.540e - Malicious Use of Service Provided by Telecommunications Service Provider.

Sec. 540e. (1) A person who maliciously uses any service provided by a telecommunications service provider with intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person

by doing any of the following is guilty of a misdemeanor: (a) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device. (b) Falsely and deliberately reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident. (c) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device. (d) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device. (e) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered. (f) Making an unsolicited commercial telephone call that is received between the hours of 9 p.m. and 9 a.m. As used in this subdivision, "an unsolicited commercial telephone call" means a call made by a person or recording device, on behalf of a person, corporation, or other entity, soliciting business or contributions. (g) Deliberately engaging or causing to engage the use of a telecommunications service or device of another person in a repetitive manner that causes interruption in telecommunications service or prevents the person from utilizing the person's telecommunications service or device. (h) Engaging in any of the conduct prohibited under subdivisions (a) to (g) if the person and the other person are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of the same household. As used in this subdivision, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. (2) A person who violates this section may be imprisoned for not more than 6 months or fined not more than $1,000.00, or both. An offense is committed under this section if the communication either originates or terminates in this state and may be prosecuted at the place of origination or termination. (3) As used in this section, "telecommunications service" and "telecommunications device" mean those terms as defined in section 540c. History:Add. 1969, Act 328, Eff. Mar. 20, 1970 ;-- Am. 1988, Act 395, Eff. Mar. 30, 1989 ;-- Am. 2002, Act 577, Eff. Nov. 1, 2002 ;-- Am. 2023, Act 199, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.540f - Telecommunications Access Device; Use in Violation of MCL 750.219a; Misdemeanor; Violation of Subsection (1) and Previous Conviction as Felony; Prior Conviction; Definitions.

Sec. 540f. (1) Except as provided in subsection (2), a person who knowingly or intentionally publishes a telecommunications access device or unlawful telecommunications access device with the intent that it be used or knowing or having reason to know that it will be used or is likely to be used to violate section 219a is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (2) A person who violates subsection (1) and has a previous conviction for a violation of section 219a or 540c or former section 219c is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. For purposes of imposing fines under this section for a repeat offender, the fines shall be imposed for each telecommunications access device and unlawful telecommunications access device involved in the violation. (3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having a prior conviction, the prosecuting attorney shall include on the complaint and information a statement listing that prior conviction. The existence of the defendant's prior conviction shall be determined by the court, without a jury, at sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (4) As used in this section: (a) "Publish" means to communicate information or make information available to 1 or more persons orally, in writing, or by means of any telecommunications. Publish includes, but is not limited to, communicating information on a computer bulletin board or similar system. (b) "Telecommunications access device" shall have the same meaning as in section 219a. (c) "Unlawful telecommunications access device" shall have the same meaning as in section 219a. History:Add. 1996, Act 333, Eff. Apr. 1, 1997 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.540g - Telecommunications Service; Unauthorized Use by Officer, Shareholder, Partner, Employee, Agent, or Independent Contractor; Use in Separate Incidents Pursuant to Scheme or Course of Conduct; Enhanced Sentence Based on Prior Convictions.

Sec. 540g. (1) An officer, shareholder, partner, employee, agent, or independent contractor of a telecommunications service provider who knowingly and without authority uses or diverts telecommunications services for his or her own benefit or to the benefit of another person is guilty of a crime as follows: (a) If the total value of the telecommunications service used or diverted is less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the total value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine. (b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the total value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine: (i) The total value of the telecommunications service used or diverted is $200.00 or more

but less than $1,000.00. (ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the total value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine: (i) The total value of the telecommunications service used or diverted is $1,000.00 or more but less than $20,000.00. (ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine: (i) The total value of the telecommunications service used or diverted is $20,000.00 or more. (ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (2) The values of telecommunications service used or diverted in separate incidents under a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of the telecommunications service used or diverted. The courts shall also include the value of all telecommunications services made available to the violator and others as a result of the violation. (3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (4) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction under section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:Add. 1996, Act 328, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 311, Eff. Jan. 1, 1999 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXII - Chapter LXXXII Telegraph and Telephone (750.539...750.540h)Section 750.540h - Intent to Permit or Obtain Unauthorized Receipt of Telecommunications Service.

Sec. 540h. (1) Evidence of 1 or more of the following facts shall give rise to a rebuttable presumption that the conduct that violated section 540c was engaged in knowingly by the defendant with the intent to permit or obtain the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service: (a) The presence on the defendant's property or in the actual possession of the defendant of 1 or more unlawful telecommunications access devices. (b) The defendant installed an unauthorized connection or provided written instructions on such connection to another. An unauthorized connection does not include any of the following: (i) An internal connection made by a person within his or her residence for the purpose of receiving an authorized telecommunications service. (ii) The physical connection of a cable or other device by a person located within his or her residence which was initially placed there by the telecommunications service provider. (iii) The physical connection of a cable or other device by a person located within his or her residence which the person had reason to believe was an authorized connection. (c) The telecommunications service provider placed written warning labels on its telecommunications access devices explaining that tampering with a telecommunications device is a violation of law and a telecommunications device in the defendant's possession has been tampered with, altered, or modified to permit the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service. (d) The defendant has published or advertised for sale a plan for an unlawful telecommunications access device and the publication or advertisement states or implies that the plan will enable the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service. (e) The defendant has advertised for the sale of an unlawful telecommunications access device or kit for an unlawful telecommunications access device and the advertisement states or implies that the unlawful telecommunications access device or kit will permit the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service. (f) The defendant has sold, leased, or offered for sale or lease an unlawful telecommunications access device, plan, or kit for an unlawful telecommunications access device and during the course of the transaction for sale or lease, the defendant stated or implied to the buyer that the unlawful telecommunications access device will permit the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service. (g) As used in this section, "unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service" means to do any of those acts without the express authority of the telecommunications service provider. History:Add. 1996, Act 557, Eff. Mar. 31, 1997 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543a - Short Title.

Sec. 543a. This chapter shall be known and may be cited as the "Michigan anti-terrorism act". History:Add. 2002, Act 113, Eff. Apr. 22, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543b - Definitions.

Sec. 543b. As used in this chapter: (a) "Act of terrorism" means a willful and deliberate act that is all of the following: (i) An act that would be a violent felony under the laws of this state, whether or not committed in this state. (ii) An act that the person knows or has reason to know is dangerous to human life. (iii) An act that is intended to intimidate or coerce a civilian population or influence or affect the conduct of government or a unit of government through intimidation or coercion. (b) "Dangerous to human life" means that which causes a substantial likelihood of death or serious injury or that is a violation of section 349 or 350. (c) "Harmful biological substance", "harmful biological device", "harmful chemical substance", "harmful chemical device", "harmful radioactive material", and "harmful radioactive device" mean those terms as defined in section 200h. (d) "Material support or resources" means currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, including any related physical assets or intangible property, or expert services or expert assistance. (e) "Person" means an individual, agent, association, charitable organization, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee, trustee in bankruptcy, unincorporated organization, or any other legal or commercial entity. (f) "Renders criminal assistance" means that the person with the intent to avoid, prevent, hinder, or delay the discovery, apprehension, prosecution, trial, or sentencing of a person who he or she knows or has reason to know has violated this chapter or is wanted as a material witness in connection with an act of terrorism pursuant to section 39 of chapter VII of the code of criminal procedure, 1927 PA 175, MCL 767.39, does any of the following: (i) Harbors or conceals that other person. (ii) Warns that other person of impending discovery or apprehension. (iii) Provides that other person with money, transportation, a weapon, a disguise, or false identification, or any other means of avoiding discovery or apprehension. (iv) Prevents or obstructs, by means of force, intimidation, or deception, anyone from performing an act that might aid in the discovery, apprehension, or prosecution of that other person. (v) Suppresses, by any act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery, apprehension, or prosecution of that other person. (vi) Engages in conduct proscribed under section 120, 120a, or 122 or chapter XXXII. (g) "Terrorist" means any person who engages or is about to engage in an act of terrorism. (h) "Violent felony" means a felony in which an element is the use, attempted use, or threatened use of physical force against an individual, or the use, attempted use, or threatened use of a harmful biological substance, a harmful biological device, a harmful chemical substance, a harmful chemical device, a harmful radioactive substance, a harmful radioactive device, an explosive device, or an incendiary device. History:Add. 2002, Act 113, Eff. Apr. 22, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543c - “Terrorist Organization” Defined.

Sec. 543c. As used in this chapter, "terrorist organization" means an organization that, on the effective date of the amendatory act that added this section, is designated by the United States state department as engaging in or sponsoring an act of terrorism. History:Add. 2002, Act 131, Eff. Apr. 22, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543f - Terrorism; Action; Felony; Penalty.

Sec. 543f. (1) A person is guilty of terrorism when that person knowingly and with premeditation commits an act of terrorism. (2) Terrorism is a felony punishable by imprisonment for life or any term of years or a fine of not more than $100,000.00, or both. However, except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if death was caused by the terrorist act, the person shall be punished by imprisonment for life without eligibility for parole. History:Add. 2002, Act 113, Eff. Apr. 22, 2002 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543h - Hindering Prosecution of Terrorism; Conduct; Felony; Penalty.

Sec. 543h. (1) A person is guilty of hindering prosecution of terrorism when he or she knowingly renders criminal assistance to a person who has violated any section of this chapter other than this section or is wanted as a material witness in connection with an act of terrorism pursuant to section 39 of chapter VII of the code of criminal procedure, 1927 PA 175, MCL 767.39. (2) This section does not apply to conduct for which a person may be punished as if he or she had committed the offense committed by another person as allowed under section 39 of chapter VII of the code of criminal procedure, 1927 PA 175, MCL 767.39. (3) Hindering prosecution of terrorism is a felony punishable as follows: (a) Except as provided in subdivision (b), by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. (b) If the person renders criminal assistance to a person who has violated section 543f, by imprisonment for life or any term of years or a fine of not more than $100,000.00, or both. History:Add. 2002, Act 113, Eff. Apr. 22, 2002 ;-- Am. 2002, Act 270, Imd. Eff. May 9, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543k - Providing Material Support for Terrorist Acts or Soliciting Material Support for Terrorism as Felonies; Penalty.

Sec. 543k. (1) Any person who does any of the following is guilty of a crime punishable as provided in subsection (2): (a) Knowingly raises, solicits, or collects material support or resources intending that the material support or resources will be used, in whole or in part, to plan, prepare, carry out, or avoid apprehension for committing an act of terrorism against the United States or its citizens, this state or its citizens, or a political subdivision or any other instrumentality of this state or of a local unit of government who knows that the material support or resources raised, solicited, or collected will be used by a terrorist or terrorist organization. (b) Knowingly provides material support or resources to a person knowing that the person will use that support or those resources in whole or in part to plan, prepare, carry out, facilitate, or avoid apprehension for committing an act of terrorism against the United States or its citizens, this state or its citizens, or a political subdivision or any other instrumentality of this state or of a local unit of government. (2) A person who violates subsection (1)(a) is guilty of soliciting material support for terrorism. A person who violates subsection (1)(b) is guilty of providing material support for terrorist acts. Soliciting material support for terrorism and providing material support for terrorist acts are felonies punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. History:Add. 2002, Act 113, Eff. Apr. 22, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543m - Making Terrorist Threat or False Report of Terrorism; Intent or Capability as Defense Prohibited; Violation as Felony; Penalty.

Sec. 543m. (1) A person is guilty of making a terrorist threat or of making a false report of terrorism if the person does either of the following: (a) Threatens to commit an act of terrorism and communicates the threat to any other person. (b) Knowingly makes a false report of an act of terrorism and communicates the false report to any other person, knowing the report is false. (2) It is not a defense to a prosecution under this section that the defendant did not have the intent or capability of committing the act of terrorism. (3) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. History:Add. 2002, Act 113, Eff. Apr. 22, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543p - Internet or Telecommunications or Electronic Device; Prohibited Use; Violation as Felony; Penalty; Definitions.

Sec. 543p. (1) A person shall not use the internet or a telecommunications device or system or other electronic device or system so as to disrupt the functions of the public safety, educational, commercial, or governmental operations within this state with the intent to commit a willful and deliberate act that is all of the following: (a) An act that would be a felony under the laws of this state, whether or not committed in this state. (b) An act that the person knows or has reason to know is dangerous to human life as that term is defined in section 543b of the Michigan penal code, 1931 PA 328, MCL 750.543b. (c) An act that is intended to intimidate or coerce a civilian population or influence or affect the conduct of government or a unit of government through intimidation or coercion. (2) A person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. (3) As used in this section: (a) "Computer network", "computer system", and "internet" mean those terms as defined in section 145d. (b) "Electronic device" means any instrument, equipment, or device having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities. (c) "Electronic system" includes, but is not limited to, a computer system or computer network, digital broadcast system, or satellite network. (d) "Telecommunications device" means that term as defined in section 540c. History:Add. 2002, Act 117, Eff. Apr. 22, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543r - Obtaining or Possessing Certain Information About Vulnerable Target; Intent; Felony; Penalty; “Vulnerable Target” Defined.

Sec. 543r. (1) A person shall not obtain or possess a blueprint, an architectural or engineering diagram, security plan, or other similar information of a vulnerable target, with the intent to commit an offense prohibited under this chapter. (2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. (3) As used in this section, "vulnerable target" means that term as defined in section 212a. History:Add. 2002, Act 115, Eff. Apr. 22, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543x - Restitution; Reimbursement.

Sec. 543x. The court shall order a person who violates this chapter to make restitution to any victim in the manner provided in section 16, 44, or 76 of the crime victim's rights act, 1985 PA 87, MCL 780.766, 780.794, and 780.826, and to reimburse any governmental entity for its expenses incurred as a result of the violation, in the manner provided in section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f. History:Add. 2002, Act 141, Eff. Apr. 22, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543y - Other Violations Arising Out of Same Criminal Transaction.

Sec. 543y. This chapter does not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same criminal transaction as the violation of this chapter. History:Add. 2002, Act 131, Eff. Apr. 22, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIII-A - Chapter Lxxxiii-a (750.543a...750.543z)Section 750.543z - Constitutionally Protected Conduct; Prosecution Prohibited.

Sec. 543z. Notwithstanding any provision in this chapter, a prosecuting agency shall not prosecute any person or seize any property for conduct presumptively protected by the first amendment to the constitution of the United States in a manner that violates any constitutional provision. History:Add. 2002, Act 131, Eff. Apr. 22, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIV - Chapter LXXXIV Treason and Subversion (750.544...750.545d)Section 750.544 - Treason; Punishment.

Sec. 544. Any person who shall commit the crime of treason against this state shall be punished by imprisonment in a state prison for life. No person shall be convicted of treason unless upon the testimony of 2 witnesses to the same overt act, or on confession in open court. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.544 ;-- Am. 1963, Act 119, Eff. Sept. 6, 1963Former Law:See sections 1 and 3 of Ch. 152 of R.S. 1846, being CL 1857, §§ 5708 and 5710; CL 1871, §§ 7507 and 7509; How., §§ 9072 and 9074; CL 1897, §§ 11302 and 11304; CL 1915, §§ 14969 and 14971; and CL 1929, §§ 16556 and 16558.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXIV - Chapter LXXXIV Treason and Subversion (750.544...750.545d)Section 750.545 - Misprision of Treason.

Sec. 545. Misprision of treason—Any person who shall have knowledge of the commission of the crime of treason against this state, and shall conceal the same, and shall not, as soon as may be, disclose and make known such treason to the governor thereof, or to some judge of a court of record within this state, shall be guilty of a felony, and shall be punished by imprisonment in the state prison not more than 5 years, or by a fine of not more than 2,500 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.545Former Law:See section 2 of Ch. 152 of R.S. 1846, being CL 1857, § 5709; CL 1871, § 7508; How., § 9073; CL 1897, § 11303; CL 1915, § 14970; and CL 1929, § 16557.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXV - Chapter LXXXV Trespass (750.546...750.552c)Section 750.552 - Trespass Upon Lands or Premises of Another; Exception; Violation; Penalty; "Process Server" Defined.

Sec. 552. (1) Except as otherwise provided in subsection (2), a person shall not do any of the following: (a) Enter the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or the agent of the owner or occupant. (b) Remain without lawful authority on the land or premises of another after being notified to depart by the owner or occupant or the agent of the owner or occupant. (c) Enter or remain without lawful authority on fenced or posted farm property of another person without the consent of the owner or his or her lessee or agent. A request to leave the premises is not a necessary element for a violation of this subdivision. This subdivision does not apply to a person who is in the process of attempting, by the most direct route, to contact the owner or his or her lessee or agent to request consent. (2) Subsection (1) does not apply to a process server who is on the land or premises of another while in the process of attempting, by the most direct route, to serve process upon any of the following: (a) An owner or occupant of the land or premises. (b) An agent of the owner or occupant of the land or premises. (c) A lessee of the land or premises. (3) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine of not more than $250.00, or both. (4) As used in this section, "process server" means a person authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947, or supreme court rule to serve process. History:Add. 1951, Act 102, Imd. Eff. May 31, 1951 ;-- Am. 2007, Act 167, Eff. Mar. 20, 2008 ;-- Am. 2013, Act 230, Imd. Eff. Dec. 26, 2013

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXV - Chapter LXXXV Trespass (750.546...750.552c)Section 750.552a - Filth, Garbage or Refuse; Unlawful to Dump, Deposit or Place on Property of Another.

Sec. 552a. Any person who shall dump, deposit or place any filth, garbage or refuse on the grounds or premises of another, without the specific permission of the owner thereof, shall be guilty of a misdemeanor. History:Add. 1954, Act 27, Imd. Eff. Mar. 31, 1954

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXV - Chapter LXXXV Trespass (750.546...750.552c)Section 750.552b - Trespass Upon Property of State Correctional Facility; Violation as Felony; Penalty; “State Correctional Facility” Defined.

Sec. 552b. (1) A person who willfully trespasses by entering or remaining upon the property of a state correctional facility without authority or permission to enter or remain is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (2) As used in this section, "state correctional facility" means a facility or institution that houses a prisoner population under the jurisdiction of the department of corrections. State correctional facility does not include a community corrections center or a community residential home. History:Add. 1996, Act 232, Eff. Jan. 1, 1997

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXV - Chapter LXXXV Trespass (750.546...750.552c)Section 750.552c - Entering or Remaining in Key Facility; Prohibition; "Key Facility" Defined; Posting Signs; Violation as Felony; Penalty; Scope of Section.

Sec. 552c. (1) A person shall not intentionally and without authority or permission enter or remain in or upon premises or a structure belonging to another person that is a key facility if the key facility is completely enclosed by a physical barrier of any kind, including, but not limited to, a significant water barrier that prevents pedestrian access, and is posted with signage as prescribed under subsection (2). As used in this subsection, "key facility" means 1 or more of the following: (a) A chemical manufacturing facility. (b) A refinery. (c) An electric utility facility, including, but not limited to, a power plant, a power generation facility peaker, an electric transmission facility, an electric station or substation, or any other facility used to support the generation, transmission, or distribution of electricity. Electric utility facility does not include electric transmission land or right-of-way that is not completely enclosed, posted, and maintained by the electric utility. (d) A water intake structure or water treatment facility. (e) A natural gas utility facility, including, but not limited to, an age station, compressor station, odorization facility, main line valve, natural gas storage facility, or any other facility used to support the acquisition, transmission, distribution, or storage of natural gas. Natural gas utility facility does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility. (f) Gasoline, propane, liquid natural gas (LNG), or other fuel terminal or storage facility. (g) A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal. (h) A pulp or paper manufacturing facility. (i) A pharmaceutical manufacturing facility. (j) A hazardous waste storage, treatment, or disposal facility. (k) A telecommunication facility, including, but not limited to, a central office or cellular telephone tower site. (l) A facility substantially similar to a facility, structure, or station listed in subdivisions (a) to (k) or a resource required to submit a risk management plan under 42 USC 7412(r). (2) A key facility shall be posted in a conspicuous manner against entry. The minimum letter height on the posting signs shall be 1 inch. Each posting sign shall be not less than 50 square inches, and the signs shall be spaced to enable a person to observe not less than 1 sign at any point of entry upon the property. (3) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,500.00, or both. (4) This section does not prohibit and shall be not construed to prevent lawful assembly or a peaceful and orderly petition for the redress of grievances, including, but not limited to, a labor dispute between an employer and its employees. History:Add. 2005, Act 305, Eff. Apr. 15, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXVI - Chapter LXXXVI Unfair Discrimination, Restraint of Trade and Trusts (750.553...750.560)Section 750.553 - Occupancy of Building Without Consent; Violation; Penalty; Exception.

Sec. 553. (1) Except as provided in subsection (2), an individual who occupies a building that is a single-family dwelling or 1 or both units in a building that is a 2-family dwelling and has not, at any time during that period of occupancy, occupied the property with the owner's consent for an agreed-upon consideration is guilty of a crime as follows: (a) For a first offense, a misdemeanor punishable by a fine of not more than $5,000.00 per dwelling unit occupied or imprisonment for not more than 180 days, or both. (b) For a second or subsequent offense, a felony punishable by a fine of not more than $10,000.00 per dwelling unit occupied or imprisonment for not more than 2 years, or both. (2) Subsection (1) does not apply to a guest or a family member of the owner of the dwelling or of a tenant. History:Add. 2014, Act 224, Eff. Sept. 24, 2014Compiler's Notes:Former MCL 750.553, which pertained to unfair discrimination, was repealed by Act 274 of 1984, Eff. Mar. 29, 1985.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXVI - Chapter LXXXVI Unfair Discrimination, Restraint of Trade and Trusts (750.553...750.560)Section 750.556 - Discrimination Between Sexes in Payment of Wages.

Sec. 556. Any employer of labor in this state, employing both males and females, who shall discriminate in any way in the payment of wages as between sexes who are similarly employed, shall be guilty of a misdemeanor. No female shall be assigned any task disproportionate to her strength, nor shall she be employed in any place detrimental to her morals, her health or her potential capacity for motherhood. Any difference in wage rates based upon a factor other than sex shall not violate this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.556 ;-- Am. 1962, Act 37, Eff. Mar. 28, 1963Former Law:See sections 1 and 2 of Act 239 of 1919, being CL 1929, §§ 8497 and 8498.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXVII - Chapter LXXXVII Weights and Measures (750.561...750.566)Section 750.561 - False Weights and Measures.

Sec. 561. Any person who shall offer or expose for sale, sell, or use or retain in his or her possession a false weight or measure or weighing or measuring device or any weight or measure or weighing or measuring device in the buying or selling of any commodity or thing or for hire or reward; or who shall dispose of any condemned weight, measure or weighing or measuring device contrary to law or remove any tags placed thereon by the sealer of weights and measures; or any person who shall sell or offer or expose for sale less than the quantity he or she represents, or sell or offer or expose for sale any such commodity in any manner contrary to law, or any person who shall sell or offer for sale or have in his or her possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, is guilty of a misdemeanor. Upon a second or subsequent conviction, he or she shall be guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not less than $100.00 or more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.561 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 7 of Act 168 of 1913, being CL 1915, § 6240; CL 1929, § 5539; and Act 24 of 1923.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXVII - Chapter LXXXVII Weights and Measures (750.561...750.566)Section 750.562 - Fruit or Vegetable Containers, Copyrighted or Registered.

Sec. 562. Fruit or vegetable containers bearing copyrighted or registered label, etc.—Any person using any fruit or vegetable container, or part thereof, upon which is borne any copyrighted or registered label, brand, stamp or trade-mark, or using a copyrighted or registered bag, tag or card without first obtaining permission to do so from the person, corporation, association, society or persons having legal control of the copyrighted or registered label, brand, stamp, trade-mark, tag, bag, or card, shall be guilty of a misdemeanor: Provided, That nothing in this section shall prohibit the use of the container or part thereof herein mentioned in the sale of a commodity other than that described on the label, brand, stamp, tag or card attached thereto or appearing thereon. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.562Former Law:See sections 1 and 2 of Act 79 of 1925, being CL 1929, §§ 8964 and 8965.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXVII - Chapter LXXXVII Weights and Measures (750.561...750.566)Section 750.563 - Livestock or Poultry; Duty in Weighing.

Sec. 563. Duty of persons weighing cattle, etc.—Any person who shall weigh for any person purchasing, or selling, or offering for sale, any live stock, neat cattle, sheep, swine, poultry, or other live animals, or any beef, pork, mutton, fowls, or other animals when dressed, or any hay, grain or produce, and shall fail, neglect or refuse to make a true and correct weight or weights thereof or give to the purchaser and seller, or person offering the same for sale, when requested, the true, full, correct and gross amount of any and all such weights, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.563Former Law:See sections 1 and 2 of Act 189 of 1881, being How., §§ 1576 and 1577; CL 1897, §§ 4903 and 4904; CL 1915, §§ 6251 and 6252; and CL 1929, §§ 5565 and 5566.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXVII - Chapter LXXXVII Weights and Measures (750.561...750.566)Section 750.564 - Fruit or Vegetable Containers to Hold Quantity Represented.

Sec. 564. Fruit or vegetable containers to hold quantity represented—Any person who shall offer for sale or sell in any township, city or village within this state, any fruits or vegetables contained in the drawers, cases, boxes or baskets, represented to hold 1 bushel or any fractional part thereof, which said drawers, cases, boxes or baskets shall not be of the dimensions to hold or shall not hold the quantity offered for sale or sold, whether by the bushel or 32 quarts or any fractional part thereof, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.564Former Law:See sections 1 and 2 of Act 101 of 1877, being How., §§ 1574 and 1575; CL 1897, §§ 4907 and 4908; CL 1915, §§ 6255 and 6256; and CL 1929, §§ 5590 and 5591.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXVII - Chapter LXXXVII Weights and Measures (750.561...750.566)Section 750.565 - Fruit Baskets to Be Marked as to Number of Pounds.

Sec. 565. Fruit baskets to be marked as to number of pounds—Any manufacturer or shipper of or dealer in peach baskets or other fruit packages designed for the shipment of peaches, grapes and plums, who shall sell or offer to sell such peach baskets or other fruit packages without marking or causing to be marked in a plain manner on the outside, otherwise than the bottom of such baskets or packages, the capacity of each basket or package in pounds at the rate of 1 pound for each 43.008 cubic inches of space contained in such basket or package, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.565Former Law:See sections 1 and 2 of Act 224 of 1895, being CL 1897, §§ 4909 and 4910; CL 1915, §§ 6257 and 6258; and CL 1929, §§ 5587 and 5588.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXVII - Chapter LXXXVII Weights and Measures (750.561...750.566)Section 750.566 - Binder Twine; Marking.

Sec. 566. Marking of binder twine—Any person who shall sell, expose or offer for sale within this state, binder twine, except the same bear upon each ball a stamp, tag or label truly stating the name of the manufacturer, importer or jobber of such twine, the kind or kinds of material it contains, and the number of feet to the pound in such ball, shall be guilty of a misdemeanor: Provided, That a deficiency not exceeding 5 per cent in the length or tensile strength stated on the stamp, tag or label shall not be a violation hereof. The selling or exposing for sale of any ball of twine which does not conform to the requirements of this section shall constitute a separate and distinct offense. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.566Former Law:See sections 1 to 3 of Act 55 of 1909, being CL 1915, §§ 6267 to 6269; and CL 1929, §§ 5616 to 5618.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-LXXXVIII - Chapter LXXXVIII Repeals and Saving Section (750.567...750.569)Section 750.568 - Saving Section.

Sec. 568. Saving section—All proceedings pending and all rights and liabilities existing, acquired or incurred, at the time this act takes effect, are hereby saved, and such proceedings may be consummated under and according to the law in force at the time such proceedings are or were commenced. It is the legislative intent that this act shall not be construed to alter, affect or abate any pending prosecution, or prevent prosecution hereafter instituted under such repealed sections, chapters or acts for offenses committed prior to the effective date of this act; and all prosecutions pending at the effective date of this act, and all prosecutions instituted after the effective date of this act for offenses committed prior to the effective date of this act may be continued or instituted under and in accordance with the provisions of the law in force at the time of the commission of such offense. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.568

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-V - Chapter V Adultery (750.29...750.32)Section 750.29 - Adultery; Definition.

Sec. 29. Definition—Adultery is the sexual intercourse of 2 persons, either of whom is married to a third person. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.29Former Law:See section 2 of Ch. 158 of R.S. 1846, being CL 1857, § 5857; CL 1871, § 7691; How., § 9278; CL 1897, § 11689; CL 1915, § 15463; and CL 1929, § 16818.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-V - Chapter V Adultery (750.29...750.32)Section 750.30 - Adultery; Punishment.

Sec. 30. Punishment—Any person who shall commit adultery shall be guilty of a felony; and when the crime is committed between a married woman and a man who is unmarried, the man shall be guilty of adultery, and liable to the same punishment. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.30Former Law:See section 1 of Ch. 150 of R.S. 1846, being CL 1857, § 5856; How., § 9277; CL 1897, § 11688; CL 1915, § 15462; and CL 1929, § 16817.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-V - Chapter V Adultery (750.29...750.32)Section 750.31 - Adultery; Complaint and Time of Prosecution.

Sec. 31. Complainant and time prosecution to be commenced—No prosecution for adultery, under the preceding section, shall be commenced, but on the complaint of the husband or wife; and no such prosecution shall be commenced after 1 year from the time of committing the offense. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.31Former Law:See section 3 of Ch. 158 of R.S. 1846, being CL 1857, § 5858; CL 1871, § 7693; How., § 9279; CL 1897, § 11690; CL 1915, § 15464; and CL 1929, § 16819.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-V - Chapter V Adultery (750.29...750.32)Section 750.32 - Adultery; Cohabitation of Divorced Parties.

Sec. 32. Cohabitation by divorced parties—If any persons after being divorced from the bonds of matrimony for any cause whatever, shall cohabit together, they shall be liable to all the penalties provided by law against adultery. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.32Former Law:See section 33 of Ch. 84 of R.S. 1846, being CL 1857, § 3254; CL 1871, § 4765; How., § 6253; CL 1897, § 8645; CL 1915, § 11421; and CL 1929, § 12752.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-VI - Chapter VI Advertising (750.33...750.42b)Section 750.33 - False Advertising; Penalty; Excepted Participants in Publication.

Sec. 33. (1) A person who, with intent to sell, purchase, dispose of, or acquire merchandise, securities, service, or anything offered or sought by the person, directly or indirectly, to or from the public for sale, purchase, or distribution, or with intent to increase the consumption of merchandise, securities, service, or other thing offered or sought, or to induce the public in any manner to enter into an obligation relating to or interest in the merchandise, securities, service, or other thing offered or sought, makes, publishes, disseminates, circulates, or places before the public, or causes directly or indirectly to be made, published, disseminated, circulated, or placed before or communicated to the public, in a newspaper or by radio broadcast, television, telephone, or telegraph or other mode of communication or publication or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, letter, or communication, including communication by telephone or telegraph to 2 or more persons, or in any other way, in advertisement of

any sort regarding merchandise, securities, service, or anything so offered to or sought from the public, or regarding the motive or purpose of a sale, purchase, distribution, or acquisition, which advertisement contains an assertion, representation, or statement or illustration, including statements of present or former sale price or value, which is false, deceptive, or misleading, or calculated to subject another person to disadvantage or injury through the publication of false or deceptive statements or as part of a plan or scheme with the intent, design, or purpose not to sell the merchandise, commodities, or service so advertised at the price stated therein, or otherwise communicated, or with intent not to sell the merchandise, commodities, or service so advertised is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. (2) Subsection (1) does not apply to an owner, publisher, printer, agent, or employee of a newspaper or other publication, periodical, or circular, or of a radio station or television station, who in good faith and without knowledge of the falsity or deceptive character thereof, publishes, causes to be published, or takes part in the publication of an advertisement described in subsection (1). (3) Subsection (1) does not apply to any person, firm, or corporation providing telephone service to subscribers as a public utility. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1941, Act 340, Eff. Jan. 10, 1942 ;-- CL 1948, 750.33 ;-- Am. 1955, Act 176, Eff. Oct. 14, 1955 ;-- Am. 1957, Act 180, Eff. Sept. 27, 1957 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 and 2 of Act 245 of 1899, being CL 1915, §§ 15340 and 15341, and CL 1929, §§ 16988 and 16989; and section 1 of Act 319 of 1925, being CL 1929, § 16990.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-VI - Chapter VI Advertising (750.33...750.42b)Section 750.33a - Character or Extent of Business Misrepresentation; Penalty.

Sec. 33a. Any person who states, in an advertisement of his goods, that he is a producer, manufacturer, processor, wholesaler or importer, or that he owns or controls a factory or other source of supply of goods, when such is not the fact, or in any other manner knowingly misrepresents the character, extent, volume or type of his business, is guilty of a misdemeanor. History:Add. 1965, Act 105, Eff. Mar. 31, 1966

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-VI - Chapter VI Advertising (750.33...750.42b)Section 750.38 - Personal Violence or Human Form; Displaying.

Sec. 38. Displaying, etc., pictures, etc., representing personal violence or human form—Any person who shall post, place or display on any sign board, bill board, fence, building, sidewalk, or other object, or in any street, road, or other public place, any sign, picture, printing or other representation of murder, assassination, stabbing, fighting or of any personal violence, or of the commission of any crime, or any representation of the human form in an attitude or dress which would be indecent in the case of a living person, if such person so appeared in any public street, square or highway, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.38Former Law:See sections 1 and 2 of Act 205 of 1885, being How., §§ 9314f and 9314h; Act 148 of 1889; CL 1897, §§ 11724 and 11726; CL 1915, §§ 15515 and 15517; and CL 1929, §§ 16880 and 16882.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-VI - Chapter VI Advertising (750.33...750.42b)Section 750.42a - Outdoor Sign Advertising Smokeless Tobacco Product; Warning Statements; Local Ordinance, Regulation, or Other Law.

Sec. 42a. (1) A person who uses an outdoor sign to advertise a smokeless tobacco product shall display on the outdoor sign 1 of the following statements: (a) "WARNING: This product may cause mouth cancer." (b) "WARNING: This product may cause gum disease and tooth loss." (c) "WARNING: This product is not a safe alternative to cigarettes." (2) The warning statements required under subsection (1) shall be rotated every 4 months, and shall meet all of the following requirements: (a) Be surrounded by a black border, the width of which is not less than the width of the vertical element of a letter in the warning statement. There shall be a 1-1/2 inch white border surrounding the black border. (b) Be printed in capital letters that are black on a white background, and in the following size and type: (i) For an outdoor sign that has a surface area of more than 150 square feet, but less than 350 square feet, the letters shall be not less than 5-1/2 inches in height and printed in univers 67 cold type. (ii) For an outdoor sign that has a surface area of 350 square feet or more, but less than 1,200 square feet, the letters shall be not less than 6 inches in height and printed in univers 59 cold type. (iii) For an outdoor sign that has a surface area of 1,200 square feet or more, the letters shall be not less than 8 inches in height and printed in univers 57 cold type. (3) An ordinance, regulation, or other law enacted by a local unit of government shall not require either of the following for an outdoor sign that advertises a smokeless tobacco product: (a) A statement other than 1 of the statements required under subsection (1). (b) For the statements required under subsection (1), a format and type style other than the format and type style required under subsection (2). (4) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year or a fine of not more than $5,000.00, or both. (5) As used in this section: (a) "Outdoor sign" means a sign, display, device, figure, painting, drawing, message, placard, poster, or billboard that is placed outdoors, is stationary, has a surface area of more than 150 square feet, and is designed, intended, or used to advertise or promote. (b) "Person" means an individual, corporation, partnership, or other business entity that manufactures, packages, or imports smokeless tobacco products. (c) "Smokeless tobacco product" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity. History:Add. 1988, Act 295, Eff. Mar. 30, 1989

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)328-1931-VI - Chapter VI Advertising (750.33...750.42b)Section 750.42b - Selling or Distributing Tobacco Products Through u.s. Mail Service, Express Mail Service, Parcel Post Service, or Common Carrier Prohibited; Exceptions; Violation as Misdemeanor; Penalty; Definitions.

Sec. 42b. (1) Except as provided in subsection (3), a person shall not sell or distribute a tobacco product in this state through the use of the United States mail service, express mail service, parcel post service, or any common carrier service except to persons who have previously paid or agreed to pay for the products at fair market value. This subsection does not apply to any person employed by the United States Postal Service or by any common carrier while carrying or delivering a tobacco product mailed or shipped by another person. (2) A person shall not, as part of his, her, or its business, either directly or through an agent, distribute tobacco products to persons who did not previously pay or agree to pay for the products unless all of the following provisions are met: (a) The person or agent that distributes the tobacco product distributes only tobacco products regularly sold or manufactured by that person or agent. (b) The person that distributes the tobacco product ascertains that the individual who receives the tobacco product is 21 years of age or older. (c) The individual who receives the tobacco product is physically present to receive the product. (d) Distribution is not prohibited by any local ordinance. (3) Subsection (1) does not prohibit the sale or distribution of a tobacco product in this state through the use of the United States mail service, express mail service, parcel post service, or any common carrier service if the sale or distribution is in response to a consumer complaint or is part of a direct mail marketing of products to specifically named individuals, and which response or marketing involves the prior return by the same specifically-named individual of an authorization card to the tobacco company that indicates that the individual is at least 21 years of age, is signed by the individual, and is kept on file by the tobacco company for at least 1 year. (4) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $10,000.00, or both. (5) A person who violates subsection (2) is guilty of a misdemeanor punishable by 1 or more of the following: (a) Imprisonment for not more than 90 days. (b) A fine of not more than $500.00. (c) Community service for not more than 180 days. (6) As used in this section: (a) "Employed" includes engaged as an agent or independent contractor. (b) "Person" means an individual, partnership, corporation, association, or other legal entity. (c) "Sell or distribute" includes to send or to provide free samples or any other distribution not for sale. History:Add. 1992, Act 273, Imd. Eff. Dec. 16, 1992 ;-- Am. 2022, Act 169, Imd. Eff. July 21, 2022

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-VII - Chapter VII Aircraft and Aeronautics (750.43...750.45a)Section 750.43 - Aircraft and Aeronautics; Definitions.

Sec. 43. Definitions—Whenever the word "aircraft" is used in this chapter it shall mean any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air except a parachute or other contrivance designed and used primarily for safety equipment. "Passenger" means any person not the pilot or member of the crew of any aircraft. "Aeronaut" includes aviator, pilot, balloonist, and every other person having any part in the operation of aircraft while in flight. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.43Former Law:See section 1 of Act 224 of 1923, being CL 1929, § 4811.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-VII - Chapter VII Aircraft and Aeronautics (750.43...750.45a)Section 750.43a - Directed Energy Emitted From Directed Energy Device; Aiming at Aircraft or Path of Aircraft or Moving Train Prohibited; Violation as Felony; Penalty; Exceptions; "Directed Energy Device" Defined.

Sec. 43a. (1) A person shall not intentionally aim a beam of directed energy emitted from a directed energy device at an aircraft or into the path of an aircraft or a moving train. (2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (3) This section does not apply to any of the following: (a) An authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct research and development or flight test operations. (b) Members of the United States Department of Defense or the United States Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training. (c) A person using a laser emergency signaling device to send an emergency distress signal. (4) As used in this section, "directed energy device" means any device that emits highly focused energy and is capable of transferring that energy to a target to damage or interfere with its operation. The energy from a directed energy device includes, but is not limited to, the following forms of energy: (a) Electromagnetic radiation, including radio frequency, microwave, lasers, and masers. (b) Particles with mass, in particle-beam weapons and devices. (c) Sound, in sonic weapons and devices. History:Add. 2017, Act 29, Eff. Aug. 7, 2017

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-VII - Chapter VII Aircraft and Aeronautics (750.43...750.45a)Section 750.44 - Trick or Acrobatic Flying.

Sec. 44. An aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering engages in trick or acrobatic flying or in any acrobatic feat or, except while in landing or taking off, flies at such a low level as to endanger the persons on the surface beneath, or drop or release any object or thing that may endanger life or injure property except when necessary to the personal safety of the aeronaut or passenger, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 67, Eff. Oct. 29, 1937 ;-- CL 1948,

750.44 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 9 of Act 224 of 1923, being CL 1929, § 4819.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-VII - Chapter VII Aircraft and Aeronautics (750.43...750.45a)Section 750.45 - Open Air Assemblies; Operation of Aircraft; Altitude.

Sec. 45. A person who operates an aircraft over open air assemblies of people at a height of less than 1,500 feet from the ground is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. This section does not apply to groups assembled for the purpose of witnessing aerial exhibitions and stunt flying, nor to groups assembled at a flying field. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.45 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 and 2 of Act 9 of 1926, Ex. Sess., being CL 1929, §§ 4822 and 4823.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-VII - Chapter VII Aircraft and Aeronautics (750.43...750.45a)Section 750.45a - Use of Unmanned Aircraft; Definitions.

Sec. 45a. (1) Subject to subsection (2), a person shall not knowingly and intentionally use an unmanned aircraft in a manner that interferes with the operations of a key facility, a correctional facility, or other law enforcement facility. (2) If a facility listed under subsection (1) is included on the Federal Aviation Administration's registry of fixed site facilities under section 2209 of the FAA extension, safety, and security act of 2016, Public Law 114-190, a person shall not fly or cause an unmanned aircraft to hover over the facility. (3) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,500.00, or both. (4) This section does not apply to a commercial operator of an unmanned aircraft if the unmanned aircraft is operated pursuant to and in compliance with Federal Aviation Administration regulations, authorizations, and exemptions. (5) As used in this section: (a) "Key facility" means that term as defined in section 552c. (b) "Unmanned aircraft" means that term as defined in section 3 of the unmanned aircraft systems act, 2016 PA 436, MCL 259.303. History:Add. 2018, Act 445, Eff. Mar. 29, 2019

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-X - Chapter X Arson and Burning (750.71...750.80)Section 750.71 - Definitions.

Sec. 71. Unless the context requires otherwise, the following terms have the following meanings: (a) "Building" includes any structure regardless of class or character and any building or structure that is within the curtilage of that building or structure or that is appurtenant to or connected to that building or structure. (b) "Burn" means setting fire to, or doing any act that results in the starting of a fire, or aiding, counseling, inducing, persuading, or procuring another to do such an act. (c) "Damage", in addition to its ordinary meaning, includes, but is not limited to, charring, melting, scorching, burning, or breaking. (d) "Dwelling" includes, but is not limited to, any building, structure, vehicle, watercraft, or trailer adapted for human habitation that was actually lived in or reasonably could have been lived in at the time of the fire or explosion and any building or structure that is within the curtilage of that dwelling or that is appurtenant to or connected to that dwelling. (e) "Individual" means any individual and includes, but is not limited to, a firefighter, law enforcement officer, or other emergency responder, whether paid or volunteer, performing his or her duties in relation to a violation of this chapter, or performing an investigation of a violation of this chapter. (f) "Personal property" includes any personally owned property regardless of class, character, or value. (g) "Physical injury" means an injury that includes, but is not limited to, the loss of a limb or use of a limb; loss of a foot, hand, finger, or thumb, or loss of use of a foot, hand, finger, or thumb; loss of an eye or ear or loss of use of an eye or ear; loss or substantial impairment of a bodily function; serious visible disfigurement; a comatose state that lasts for more than 3 days; measurable brain or mental impairment; a skull fracture or other serious bone fracture; subdural hemorrhage or subdural hematoma; loss of an organ; heart attack; heat stroke; heat exhaustion; smoke inhalation; a burn including a chemical burn; or poisoning. (h) "Prior conviction" means a previous conviction for a violation of this chapter that arises out of a separate transaction, whether under this chapter, a local ordinance substantially corresponding to this chapter, a law of the United States substantially corresponding to this chapter, or a law of another state substantially corresponding to this chapter, but does not include a violation of section 79(1)(a). History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.71 ;-- Am. 2012, Act 531, Eff. Apr. 3, 2013Former Law:See section 1 of Act 38 of 1927, being CL 1929, § 16933.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-X - Chapter X Arson and Burning (750.71...750.80)Section 750.72 - First Degree Arson.

Sec. 72. (1) A person who willfully or maliciously burns, damages, or destroys by fire or explosive any of the following or its contents is guilty of first degree arson: (a) A multiunit building or structure in which 1 or more units of the building are a dwelling, regardless of whether any of the units are occupied, unoccupied, or vacant at the time of the fire or explosion. (b) Any building or structure or other real property if the fire or explosion results in physical injury to any individual. (c) A mine. (2) Subsection (1) applies regardless of whether the person owns the dwelling, building, structure, or mine or its contents. (3) First degree arson is a felony punishable by imprisonment for life or any term of years or a fine of not more than $20,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 260, Eff. Sept. 6, 1945 ;-- CL 1948, 750.72 ;-- Am. 2012, Act 531, Eff. Apr. 3, 2013Former Law:See section 2 of

Act 38 of 1927, being CL 1929, § 16934; and Act 272 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-X - Chapter X Arson and Burning (750.71...750.80)Section 750.73 - Second Degree Arson.

Sec. 73. (1) Except as provided in section 72, a person who willfully or maliciously burns, damages, or destroys by fire or explosive a dwelling, regardless of whether it is occupied, unoccupied, or vacant at the time of the fire or explosion, or its contents, is guilty of second degree arson. (2) Subsection (1) applies regardless of whether the person owns the dwelling or its contents. (3) Second degree arson is a felony punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 260, Eff. Sept. 6, 1945 ;-- CL 1948, 750.73 ;-- Am. 2012, Act 531, Eff. Apr. 3, 2013Former Law:See section 3 of Act 38 of 1927, being CL 1929, § 16935; and Act 272 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-X - Chapter X Arson and Burning (750.71...750.80)Section 750.74 - Third Degree Arson.

Sec. 74. (1) Except as provided in sections 72 and 73, a person who does any of the following is guilty of third degree arson: (a) Willfully or maliciously burns, damages, or destroys by fire or explosive any building or structure, or its contents, regardless of whether it is occupied, unoccupied, or vacant at the time of the fire or explosion. (b) Willfully and maliciously burns, damages, or destroys by fire or explosive any of the following or its contents: (i) Any personal property having a value of $20,000.00 or more. (ii) Any personal property having a value of $1,000.00 or more if the person has 1 or more prior convictions. (2) Subsection (1) applies regardless of whether the person owns the building, structure, other real property or its contents, or the personal property. (3) Third degree arson is a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 260, Eff. Sept. 6, 1945 ;-- CL 1948, 750.74 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999 ;-- Am. 2012, Act 532, Eff. Apr. 3, 2013Former Law:See section 4 of Act 38 of 1927, being CL 1929, § 16936; and Act 272 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-X - Chapter X Arson and Burning (750.71...750.80)Section 750.75 - Fourth Degree Arson.

Sec. 75. (1) Except as provided in sections 72, 73, and 74, a person who does any of the following is guilty of fourth degree arson: (a) Willfully and maliciously burns, damages, or destroys by fire or explosive any of the following or its contents: (i) Any personal property having a value of $1,000.00 or more, but less than $20,000.00. (ii) Any personal property having a value of $200.00 or more if the person has 1 or more prior convictions. (b) Willfully or negligently sets fire to a woods, prairie, or grounds of another person or permits fire to pass from his or her own woods, prairie, or grounds to another person's property causing damage or destruction to that other property. (2) Subsection (1)(a) applies regardless of whether the person owns the personal property. (3) Fourth degree arson is a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.75 ;-- Am. 2012, Act 532, Eff. Apr. 3, 2013Former Law:See section 5 of Act 38 of 1927, being CL 1929, § 16937.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-X - Chapter X Arson and Burning (750.71...750.80)Section 750.76 - Arson of Insured Property.

Sec. 76. (1) A person who willfully or maliciously burns, damages, or destroys by fire or explosive any of the following or the contents of any of the following is guilty of arson of insured property: (a) Any dwelling that is insured against loss from fire or explosion if the person caused the fire or explosion with the intent to defraud the insurer. (b) Except as provided in subdivision (a), any building, structure, or other real property that is insured against loss from fire or explosion if the person caused the fire or explosion with the intent to defraud the insurer. (c) Any personal property that is insured against loss by fire or explosion if the person caused the fire or explosion with the intent to defraud the insurer. (2) Subsection (1) applies regardless of whether the person owns the dwelling, building, structure, other real property, or personal property. (3) Arson of insured property is a felony punishable as follows: (a) If the person violates subsection (1)(a), imprisonment for life or any term of years or a fine of not more than $20,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine. (b) If the person violates subsection (1)(b), imprisonment for not more than 20 years or a fine of not more than $20,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine. (c) If the person violates subsection (1)(c), imprisonment for not more than 10 years or a fine of not more than $20,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.76 ;-- Am. 2012, Act 532, Eff. Apr. 3, 2013Former Law:See section 6 of Act 38 of 1927, being CL 1929, § 16939.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-X - Chapter X Arson and Burning (750.71...750.80)Section 750.77 - Fifth Degree Arson.

Sec. 77. (1) Except as provided in sections 72 to 76, a person who intentionally damages or destroys by fire or explosive any

personal property having a value of $1,000.00 or less and who has 1 or more prior convictions is guilty of fifth degree arson. (2) Subsection (1) applies regardless of whether the person owns the personal property. (3) Fifth degree arson is a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine. (4) As used in this section: (a) "Personal property" includes an automobile, van, truck, motorcycle, trailer, and other personally owned property. (b) "Prior conviction" means a prior conviction for a violation of this chapter that arises out of a separate transaction from the violation of this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 260, Eff. Sept. 6, 1945 ;-- CL 1948, 750.77 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999 ;-- Am. 2012, Act 533, Eff. Apr. 3, 2013

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-X - Chapter X Arson and Burning (750.71...750.80)Section 750.78 - Fire or Explosive; Prohibited Acts; Violation as Misdemeanor; Penalty.

Sec. 78. (1) Except as provided in sections 72 to 77, a person shall not do any of the following: (a) Willfully and maliciously burn, damage, or destroy by fire or explosive any of the following or its contents: (i) Any personal property having a value of $200.00 or more but less than $1,000.00. (ii) Any personal property having a value of less than $200.00, if the person has 1 or more prior convictions. (iii) Any personal property having a value of less than $200.00. (b) Negligently, carelessly, or recklessly set fire to a hotel or motel or its contents, and, by setting that fire, endanger the life or property of another person. (2) Subsection (1) applies regardless of whether the person owns the building, structure, hotel, motel, or its contents, or the personal property. (3) A violation of this section is a misdemeanor punishable as follows: (a) If the person violates subsection (1)(a)(i) or (ii), imprisonment for not more than 1 year and a fine of not more than $2,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater. (b) If the person violates subsection (1)(a)(iii) or (b), imprisonment for not more than 93 days and a fine of not more than $500.00 or 3 times the value of the property damaged or destroyed, whichever is greater. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.78 ;-- Am. 2012, Act 533, Eff. Apr. 3, 2013 ;-- Am. 2014, Act 111, Eff. July 9, 2014Former Law:See section 1 of Ch. 45 of R.S. 1846, being CL 1857, § 5924; CL 1871, § 7790; How., § 9402; CL 1897, § 11653; CL 1915, § 15424; and CL 1929, § 16942.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-X - Chapter X Arson and Burning (750.71...750.80)Section 750.79 - Using Inflammable, Combustible, or Explosive Material, Liquid, or Substance Near Building or Personal Property With Intent to Commit Arson of Any Degree; Aiding or Abetting; Total Value of Property; Enhanced Sentence; Prior Convictions.

Sec. 79. (1) A person who uses, arranges, places, devises, or distributes an inflammable, combustible, or explosive material, liquid, or substance or any device in or near a building, structure, other real property, or personal property with the intent to commit arson in any degree or who aids, counsels, induces, persuades, or procures another to do so is guilty of a crime as follows: (a) If the property has a combined value of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the combined value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine. (b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the combined value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine: (i) The property has a combined value of $200.00 or more but less than $1,000.00. (ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the combined value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine: (i) The property has a combined value of $1,000.00 or more but less than $20,000.00. (ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for violating or attempting to violate this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (iii) Except as provided in subdivisions (d) and (e), the property is a building, structure, or real property. This subparagraph applies regardless of whether the person owns the building, structure, or other real property. (d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the combined value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine: (i) The property has a combined value of $20,000.00 or more. (ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for committing or attempting to commit an offense for a violation or attempted violation of subdivision (a) or (b)(ii). (iii) The property has a value of more than $2,000.00 and is insured against loss by fire or explosion and the person intended to defraud the insurer. (iv) Except as provided in subdivisions (c)(iii) and (e) and subparagraphs (v) and (vi), the property is a building, structure, or other real property, and the fire or explosion results in injury to any individual. This subparagraph applies regardless of whether the person owns the building, structure, or other real property. (v) Except as provided in subdivisions (c)(iii) and (e) and subparagraph (vi), the property is a building, structure, or other real property and insured against loss from fire or explosion, and the person intended to defraud the insurer. This subparagraph applies regardless of whether the person owns the building, structure, or other real property. (vi) The property is a dwelling. This subparagraph applies regardless of whether the person owns the dwelling.

(e) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $20,000.00 or 3 times the combined value of the property intended to be burned or destroyed, whichever is greater, or both imprisonment and a fine: (i) The property is a dwelling and is insured against loss by fire or explosion and the person intended to defraud the insurer. This subparagraph applies regardless of whether the person owns the property. (ii) The property is a dwelling and the fire or explosion results in physical injury to any individual. (2) The combined value of property intended to be burned in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of property damaged or destroyed. (3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) The total value of property damaged or destroyed. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (4) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction under section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.79 ;-- Am. 2012, Act 533, Eff. Apr. 3, 2013 ;-- Am. 2014, Act 111, Eff. July 9, 2014Former Law:See section 5 of Ch. 45 of R.S. 1846, being CL 1897, § 11657; CL 1915, § 15428; CL 1929, § 16946; and Act 189 of 1897.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.81 - Assault or Assault and Battery; Penalties; Previous Convictions; Exception; Assault of Health Professional or Medical Volunteer; Enhanced Penalties; Definitions.

Sec. 81. (1) Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. If the victim of a violation under this subsection is a health professional or medical volunteer and the violation occurs while the victim is performing the victim's duties as a health professional or medical volunteer, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00, or both. The enhanced fine under this subsection does not apply if the defendant is a patient who is receiving treatment from the victim. (2) Except as provided in subsection (3), (4), or (5), an individual who assaults or assaults and batters the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has had a child in common, or a resident or former resident of the individual's household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (3) An individual who assaults or assaults and batters an individual who is pregnant and who knows the individual is pregnant is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (4) An individual who commits an assault or an assault and battery in violation of subsection (2) or (3), and who has previously been convicted of assaulting or assaulting and battering an individual described in either subsection (2) or subsection (3) under any of the following, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both: (a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section. (b) Section 81a, 82, 83, 84, or 86. (c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86. (5) An individual who commits an assault or an assault and battery in violation of subsection (2) or (3), and who has 2 or more previous convictions for assaulting or assaulting and battering an individual described in either subsection (2) or subsection (3) under any of the following, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both: (a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section. (b) Section 81a, 82, 83, 84, or 86. (c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86. (6) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312. (7) The operator of a health facility or agency or a hospital or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a prominent and visible location that provides that a person, other than a patient receiving treatment, who assaults a health professional or medical volunteer in violation of this section is subject to the enhanced fine provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section. (8) As used in this section: (a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. (b) "Health facility or agency" means a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260. (c) "Health professional" means an individual who is employed or granted privileges by or under contract with a hospital or psychiatric hospital, health facility or agency, health system, or health care provider, whether operated by a governmental unit or a private entity, and whose duties within the scope of that employment, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or

health care provider. (d) "Hospital or psychiatric hospital" means a hospital or psychiatric hospital licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106. (e) "Medical volunteer" means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 75081 ;-- Am. 1994, Act 64, Eff. July 1, 1994 ;-- Am. 1999, Act 270, Eff. July 1, 2000 ;-- Am. 2000, Act 462, Imd. Eff. Jan. 10, 2001 ;-- Am. 2001, Act 189, Eff. Apr. 1, 2002 ;-- Am. 2001, Act 190, Eff. Apr. 1, 2002 ;-- Am. 2012, Act 366, Eff. Apr. 1, 2013 ;-- Am. 2016, Act 87, Eff. July 25, 2016 ;-- Am. 2023, Act 271, Eff. Mar. 5, 2024Former Law:See section 29 of Ch. 153 of R.S. 1846, being CL 1857, § 5739; CL 1871, § 7538; How., § 9103; CL 1897, § 11498; CL 1915, § 15220; CL 1929, § 16736; Act 167 of 1879; and Act 54 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.81a - Assault; Infliction of Serious or Aggravated Injury; Penalties; Previous Convictions; Assault of Health Professional or Medical Volunteer; Enhanced Penalties; Definitions.

Sec. 81a. (1) Except as otherwise provided in this section, a person who assaults an individual without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. If the victim of a violation under this subsection is a health professional or medical volunteer and the violation occurs while the victim is performing the victim's duties as a health professional or medical volunteer, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00, or both. The enhanced fine under this subsection does not apply if the defendant is a patient who is receiving treatment from the victim. (2) Except as provided in subsection (3), an individual who assaults the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has had a child in common, or a resident or former resident of the same household without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (3) An individual who commits an assault and battery in violation of subsection (2), and who has 1 or more previous convictions for assaulting or assaulting and battering the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has had a child in common, or a resident or former resident of the same household, in violation of any of the following, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both: (a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section. (b) Section 81, 82, 83, 84, or 86. (c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81, 82, 83, 84, or 86. (4) The operator of a health facility or agency or a hospital or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a prominent and visible location that provides that a person, other than a patient receiving treatment, who assaults a health professional or medical volunteer in violation of this section is subject to the enhanced fine provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section. (5) As used in this section: (a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. (b) "Health facility or agency" means a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260. (c) "Health professional" means an individual who is employed or granted privileges by or under contract with a hospital or psychiatric hospital, health facility or agency, health system, or health care provider, whether operated by a governmental unit or a private entity, and whose duties within the scope of that employment, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider. (d) "Hospital or psychiatric hospital" means a hospital or psychiatric hospital licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106. (e) "Medical volunteer" means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider. History:Add. 1939, Act 237, Eff. Sept. 29, 1939 ;-- CL 1948, 750.81a ;-- Am. 1994, Act 65, Eff. July 1, 1994 ;-- Am. 1999, Act 270, Eff. July 1, 2000 ;-- Am. 2001, Act 190, Eff. Apr. 1, 2002 ;-- Am. 2012, Act 366, Eff. Apr. 1, 2013 ;-- Am. 2023, Act 271, Eff. Mar. 5, 2024

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.81b - Enhanced Sentence; Provisions.

Sec. 81b. The following provisions apply in any case in which the prosecuting attorney seeks an enhanced sentence under section 81(3) or (4) or 81a(3): (a) The charging document or amended charging document shall include a notice provision that states that the

prosecuting attorney intends to seek an enhanced sentence under section 81(3) or (4) or 81a(3) and lists the prior conviction or convictions that will be relied upon for that purpose. The notice shall be separate and distinct from the language charging the current offense, and shall not be read or otherwise disclosed to the jury if the case proceeds to trial before a jury. (b) The defendant's prior conviction or convictions shall be established at sentencing. The existence of a prior conviction and the factual circumstances establishing the required relationship between the defendant and the victim of the prior assault or assault and battery may be established by any evidence that is relevant for that purpose, including, but not limited to, 1 or more of the following: (i) A copy of a judgment of conviction. (ii) A transcript of a prior trial, plea-taking, or sentencing proceeding. (iii) Information contained in a presentence report. (iv) A statement by the defendant. (c) The defendant or his or her attorney shall be given an opportunity to deny, explain, or refute any evidence or information relating to the defendant's prior conviction or convictions before the sentence is imposed, and shall be permitted to present evidence relevant for that purpose unless the court determines and states upon the record that the challenged evidence or information will not be considered as a basis for imposing an enhanced sentence under section 81(3) or (4) or 81a(3). (d) A prior conviction may be considered as a basis for imposing an enhanced sentence under section 81(3) or (4) or 81a(3) if the court finds the existence of both of the following by a preponderance of the evidence: (i) The prior conviction. (ii) 1 or more of the required relationships between the defendant and the victim of the prior assault or assault and battery. History:Add. 1994, Act 65, Eff. July 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.81c - Threats or Assault Against Employee of Family Independence Agency; Violation; Penalty; Other Conviction; “Serious Impairment of Body Function” Defined.

Sec. 81c. (1) A person who communicates to any person a threat that he or she will physically harm an individual who is an employee of the family independence agency and who does so because of the individual's status as an employee of that agency is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (2) Except as provided in subsection (3), a person who assaults or assaults and batters an individual while the individual is performing his or her duties as an employee of the family independence agency or because of the individual's status as an employee of that agency and causes the individual any physical injury is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00, or both. (3) A person who assaults or assaults and batters an individual while the individual is performing his or her duties as an employee of the family independence agency or because of the individual's status as an employee of that agency and causes the individual serious impairment of body function is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. (4) A conviction or sentence imposed for a violation of this section does not preclude a conviction or sentence for a violation of any other applicable law. (5) As used in this section, "serious impairment of body function" means that phrase as defined in section 625(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.625. History:Add. 2001, Act 22, Eff. Sept. 1, 2001Popular Name:Lisa's LawPopular Name:Lisa's Act

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.81d - Assaulting, Battering, Resisting, Obstructing, Opposing Person Performing Duty; Felony; Penalty; Other Violations; Consecutive Terms; Definitions.

Sec. 81d. (1) Except as provided in subsections (2), (3), and (4), an individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. (2) An individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties causing a bodily injury requiring medical attention or medical care to that person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (3) An individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties causing a serious impairment of a body function of that person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (4) An individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties causing the death of that person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. (5) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. (6) A term of imprisonment imposed for a violation of this section may run consecutively to any term of imprisonment imposed for another violation arising from the same transaction. (7) As used in this section: (a) "Obstruct" includes the use or threatened use of physical interference or force or a knowing failure to comply with a lawful command. (b) "Person" means any of the following: (i) A police officer of this state or of a political subdivision of this state including, but not limited to, a motor carrier officer or capitol security officer of the department of state police. (ii) A police officer of a junior college, college, or university who is authorized by the governing board of that junior college, college, or university to enforce state law and the rules and ordinances of that junior college, college, or university. (iii) A conservation officer of the department of natural resources or the department of environmental quality. (iv) A conservation officer of the United States department of the interior. (v) A sheriff or deputy sheriff. (vi) A constable. (vii) A peace officer of a duly authorized police agency of the United States, including, but not limited to, an agent of the secret service or department of justice. (viii) A firefighter. (ix) Any emergency medical service personnel described in section 20950 of the public health code, 1978 PA

368, MCL 333.20950. (x) An individual engaged in a search and rescue operation as that term is defined in section 50c. (c) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. History:Add. 2002, Act 266, Eff. July 15, 2002 ;-- Am. 2006, Act 517, Imd. Eff. Dec. 29, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.81e - Assault or Battery of Employee or Contractor of Public Utility; Violation as Misdemeanor or Felony; Penalty; Other Violations; Definitions.

Sec. 81e. (1) Except as otherwise provided in this section, a person who assaults, batters, or assaults and batters an individual while the individual is performing his or her duties as an employee or contractor of a public utility or because of the individual's status as an employee or contractor of a public utility is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (2) A person who assaults, batters, or assaults and batters an individual while the individual is performing his or her duties as an employee or contractor of a public utility or because of the individual's status as an employee or contractor of a public utility causing the individual bodily injury requiring medical attention or medical care is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00, or both. (3) A person who assaults, batters, or assaults and batters an individual while the individual is performing his or her duties as an employee or contractor of a public utility or because of the individual's status as an employee or contractor of a public utility causing the individual serious impairment of a body function is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. (4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section. (5) As used in this section: (a) "Public utility" means a utility that provides steam, gas, heat, electricity, water, cable television, telecommunications services, or pipeline services, whether privately, municipally, or cooperatively owned. (b) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. History:Add. 2010, Act 131, Eff. Oct. 19, 2010

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.82 - Felonious Assault; Violation of Subsection (1) in Weapon Free School Zone; Assault of Health Professional or Medical Volunteer; Enhanced Penalties; Definitions.

Sec. 82. (1) Except as otherwise provided in this subsection or subsection (2), a person who assaults another person with a gun, revolver, pistol, knife, iron bar, club, brass knuckles, or other dangerous weapon without intending to commit murder or to inflict great bodily harm less than murder is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. If the victim of a violation under this subsection is a health professional or medical volunteer and the violation occurs while the victim is performing the victim's duties as a health professional or medical volunteer, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $4,000.00, or both. The enhanced fine under this subsection does not apply if the defendant is a patient who is receiving treatment from the victim. (2) A person who violates subsection (1) in a weapon free school zone is guilty of a felony punishable by 1 or more of the following: (a) Imprisonment for not more than 4 years. (b) Community service for not more than 150 hours. (c) A fine of not more than $6,000.00. (3) The operator of a health facility or agency or a hospital or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a prominent and visible location that provides that a person, other than a patient receiving treatment, who assaults a health professional or medical volunteer in violation of this section is subject to the enhanced fine as provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section. (4) As used in this section: (a) "Health facility or agency" means a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260. (b) "Health professional" means an individual who is employed or granted privileges by or under contract with a hospital or psychiatric hospital, health facility or agency, health system, or health care provider, whether operated by a governmental unit or a private entity, and whose duties within the scope of that employment, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider. (c) "Hospital or psychiatric hospital" means a hospital or psychiatric hospital licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106. (d) "Medical volunteer" means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider. (e) "School" means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12. (f) "School property" means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses. (g) "Weapon free school zone" means school property and a vehicle used by a school to transport students to or from school property. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.82 ;-- Am. 1994, Act 158, Eff. Aug. 15, 1994 ;-- Am. 2023, Act 272, Eff. Mar. 5, 2024Former Law:See section 1 of Act 232 of 1913, being CL 1915, § 15228; CL 1929, § 16747; and Act 241 of 1915.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.83 - Assault With Intent to Commit Murder.

Sec. 83. Assault with intent to commit murder—Any person who shall assault another with intent to commit the crime of murder, shall be guilty of a felony, punishable by imprisonment in the state prison for life or any number of years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.83Former Law:See section 14 of Ch. 153 of R.S. 1846, being CL 1857, § 5724; CL 1871, § 7523; How., § 9088; CL 1897, § 11483; CL 1915, § 15205; and CL 1929, § 16721.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.84 - Assault With Intent to Do Great Bodily Harm Less Than Murder; Assault by Strangulation or Suffocation; "Strangulation or Suffocation" Defined; Other Violation Out of Same Conduct.

Sec. 84. (1) A person who does either of the following is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both: (a) Assaults another person with intent to do great bodily harm, less than the crime of murder. (b) Assaults another person by strangulation or suffocation. (2) As used in this section, "strangulation or suffocation" means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person. (3) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same conduct as the violation of this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.84 ;-- Am. 2012, Act 367, Eff. Apr. 1, 2013Former Law:See section 1 of Act 71 of 1883, being How., § 9122a; CL 1897, § 11505; CL 1915, § 15227; and CL 1929, § 16746.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.85 - Torture; Felony; Penalty; Definitions; Element of Crime; Other Laws.

Sec. 85. (1) A person who, with the intent to cause cruel or extreme physical or mental pain and suffering, inflicts great bodily injury or severe mental pain or suffering upon another person within his or her custody or physical control commits torture and is guilty of a felony punishable by imprisonment for life or any term of years. (2) As used in this section: (a) "Cruel" means brutal, inhuman, sadistic, or that which torments. (b) "Custody or physical control" means the forcible restriction of a person's movements or forcible confinement of the person so as to interfere with that person's liberty, without that person's consent or without lawful authority. (c) "Great bodily injury" means either of the following: (i) Serious impairment of a body function as that term is defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. (ii) One or more of the following conditions: internal injury, poisoning, serious burns or scalding, severe cuts, or multiple puncture wounds. (d) "Severe mental pain or suffering" means a mental injury that results in a substantial alteration of mental functioning that is manifested in a visibly demonstrable manner caused by or resulting from any of the following: (i) The intentional infliction or threatened infliction of great bodily injury. (ii) The administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt the senses or the personality. (iii) The threat of imminent death. (iv) The threat that another person will imminently be subjected to death, great bodily injury, or the administration or application of mind-altering substances or other procedures calculated to disrupt the senses or personality. (3) Proof that a victim suffered pain is not an element of the crime under this section. (4) A conviction or sentence under this section does not preclude a conviction or sentence for a violation of any other law of this state arising from the same transaction. History:Add. 2005, Act 335, Eff. Mar. 1, 2006Compiler's Notes:Former MCL 750.85, which pertained to assault with intent to commit rape, sodomy, or gross indecency, was repealed by Act 266 of 1974, Eff. Apr. 1, 1975.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.86 - Assault With Intent to Maim.

Sec. 86. Assault with intent to maim—Any person who shall assault another with intent to maim or disfigure his person by cutting out or maiming the tongue, putting out or destroying an eye, cutting or tearing off an ear, cutting or slitting or mutilating the nose or lips or cutting off or disabling a limb, organ or member, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years or by fine of not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.86Former Law:See sections 11 and 12 of Ch. 153 of R.S. 1846, being CL 1857, §§ 5721 and 5722; CL 1871, §§ 7520 and 7521; How., §§ 9085 and 9086; CL 1897, §§ 11480 and 11481; CL 1915, §§ 15202 and 15203; and CL 1929, §§ 16718 and 16719.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.87 - Assault With Intent to Commit Felony Not Otherwise Punished.

Sec. 87. Assault with intent to commit felony, not otherwise punished—Any person who shall assault another, with intent to commit any burglary, or any other felony, the punishment of which assault is not otherwise in this act prescribed, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.87Former Law:See section 28 of Ch. 153 of R.S. 1846, being CL 1857, § 5738; CL 1871, § 7537; How., § 9102; CL 1897, § 11497; CL 1915, § 15219; and CL 1929, § 16735.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.88 - Assault With Intent to Rob and Steal; Unarmed.

Sec. 88. Assault with intent to rob and steal being unarmed—Any person, not being armed with a dangerous weapon, who shall assault another with force and violence, and with intent to rob and steal, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 15 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.88Former Law:See section 18 of Ch. 153 of R.S. 1846, being CL 1857, § 5728; CL 1871, § 7527; How., § 9092; CL 1897, § 11487; CL 1915, § 15209; and CL 1929, § 16725.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.89 - Assault With Intent to Rob and Steal; Armed.

Sec. 89. Assault with intent to rob and steal being armed—Any person, being armed with a dangerous weapon, or any article used or fashioned in a manner to lead a person so assaulted reasonably to believe it to be a dangerous weapon, who shall assault another with intent to rob and steal shall be guilty of a felony, punishable by imprisonment in the state prison for life, or for any term of years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1939, Act 94, Eff. Sept. 29, 1939 ;-- CL 1948, 750.89Former Law:See section 16 of Ch. 153 of R.S. 1846, being CL 1857, § 5726; CL 1871, § 7525; How., § 9090; CL 1897, § 11485; CL 1915, § 15207; CL 1929, § 16723; Act 143 of 1869; and Act 374 of 1927.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.90 - Sexual Contact or Penetration Under Pretext of Medical Treatment; Definitions.

Sec. 90. (1) An individual who undertakes medical treatment of a patient and in the course of that medical treatment misrepresents to the patient that sexual contact between the individual and the patient is necessary or will be beneficial to the patient's health and who induces the patient to engage in sexual contact with the individual by means of the misrepresentation is guilty of a felony punishable by imprisonment for not more than 20 years. (2) An individual who undertakes medical treatment of a patient and in the course of that medical treatment misrepresents to the patient that sexual penetration between the individual and the patient is necessary or will be beneficial to the patient's health and who induces the patient to engage in sexual penetration with the individual by means of the misrepresentation is guilty of a felony punishable by imprisonment for not more than 25 years. (3) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. (4) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime, including any other violation of law arising out of the same transaction as the violation of this section. (5) As used in this section: (a) "Medical treatment" includes an examination or a procedure. (b) "Patient" means a person who has undergone or is seeking to undergo medical treatment. (c) "Sexual contact" means the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner. (d) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, regardless of whether semen is emitted, if that intrusion can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.90 ;-- Am. 2023, Act 58, Eff. Oct. 10, 2023Former Law:See section 1 of Act 172 of 1883, being How., § 9314e; CL 1897, § 11721; CL 1915, § 15505; and CL 1929, § 16847.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.90a - Conduct Proscribed Under MCL 750.81 to 750.89 as Felony; Intent.

Sec. 90a. If a person intentionally commits conduct proscribed under sections 81 to 89 against a pregnant individual, the person is guilty of a felony punishable by imprisonment for life or any term of years if all of the following apply: (a) The person intended to cause a miscarriage or stillbirth by that individual or death or great bodily harm to the embryo or fetus, or acted in wanton or willful disregard of the likelihood that the natural tendency of the person's conduct is to cause a miscarriage or stillbirth or death or great bodily harm to the embryo or fetus. (b) The person's conduct resulted in a miscarriage or stillbirth by that individual or death to the embryo or fetus. History:Add. 1998, Act 238, Eff. Jan. 1, 1999 ;-- Am. 2001, Act 1, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.90b - Conduct Proscribed Under MCL 750.81 to 750.89 as Crime; Intent.

Sec. 90b. A person who intentionally commits conduct proscribed under sections 81 to 89 against a pregnant individual is guilty of a crime as follows: (a) If the conduct results in a miscarriage or stillbirth by that individual, or death to the embryo or fetus, a felony punishable by imprisonment for not more than 15 years or a fine of not more than $7,500.00, or both. (b) If the conduct results in

great bodily harm to the embryo or fetus, a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both. (c) If the conduct results in serious or aggravated physical injury to the embryo or fetus, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (d) If the conduct results in physical injury to the embryo or fetus, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. History:Add. 1998, Act 238, Eff. Jan. 1, 1999 ;-- Am. 2001, Act 1, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.90c - Gross Negligence Against Pregnant Individual as Crime.

Sec. 90c. A person who commits a grossly negligent act against a pregnant individual is guilty of a crime as follows: (a) If the act results in a miscarriage or stillbirth by that individual or death to the embryo or fetus, a felony punishable by imprisonment for not more than 15 years or a fine of not more than $7,500.00, or both. (b) If the act results in great bodily harm to the embryo or fetus, a felony punishable by imprisonment for not more than 5 years or a fine of not more than $2,500.00, or both. (c) If the act results in serious or aggravated physical injury to the embryo or fetus, a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $500.00, or both. (d) If the act results in physical injury to the embryo or fetus, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. History:Add. 1998, Act 238, Eff. Jan. 1, 1999 ;-- Am. 2001, Act 1, Eff. June 1, 2001 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.90d - Conduct Proscribed Under MCL 257.625(1) or (3) Involving Accident With Pregnant Individual as Felony; Penalties.

Sec. 90d. A person who engages in conduct proscribed under section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that involves an accident with a pregnant individual is guilty of a felony punishable as follows: (a) If the person's conduct causes a miscarriage or stillbirth by that individual or death to the embryo or fetus, imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. (b) If the person's conduct causes great bodily harm or serious or aggravated injury to the embryo or fetus, imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. History:Add. 1998, Act 238, Eff. Jan. 1, 1999 ;-- Am. 2001, Act 1, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.90e - Conduct as Proximate Cause of Accident Involving Pregnant Individual as Misdemeanor; Penalty.

Sec. 90e. If a person operates a motor vehicle in a careless or reckless manner, but not willfully or wantonly, that is the proximate cause of an accident involving a pregnant individual and the accident results in a miscarriage or stillbirth by that individual or death to the embryo or fetus, the person is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. History:Add. 1998, Act 238, Eff. Jan. 1, 1999 ;-- Am. 2001, Act 1, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.90f - Applicability of MCL 750.90a to 750.90e; “Physician or Other Licensed Medical Professional” Defined.

Sec. 90f. (1) Sections 90a to 90e do not apply to any of the following: (a) An act committed by the pregnant individual. (b) A medical procedure performed by a physician or other licensed medical professional within the scope of his or her practice and with the pregnant individual's consent or the consent of an individual who may lawfully provide consent on her behalf or without consent as necessitated by a medical emergency. (c) The lawful dispensation, administration, or prescription of medication. (2) This section does not prohibit a prosecution under any other applicable law. (3) As used in this section, "physician or other licensed medical professional" means a person licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838. History:Add. 1998, Act 238, Eff. Jan. 1, 1999

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XI - Chapter XI Assaults (750.81...750.90h)Section 750.90g - “Infant Protection Act” as Short Title of Section; Legislative Findings; Prohibited Acts; Violation as Felony; Penalty; Exceptions; Definitions.

Sec. 90g. (1) This section shall be known and may be cited as the "infant protection act". (2) The legislature finds all of the following: (a) That the constitution and laws of this nation and this state hold that a live infant completely expelled from his or her mother's body is recognized as a person with constitutional and legal rights and protection. (b) That a live infant partially outside his or her mother is neither a fetus nor potential life, but is a person. (c) That the United States supreme court decisions defining a right to terminate pregnancy do not extend to the killing of a live infant that has begun to emerge from his or her mother's body. (d) That the state has a compelling interest in protecting the life of a live infant by determining that a live infant is a person deserving of legal protection at any point after any part of the live infant exists outside of the mother's body. (3) Except as provided in subsections (4) and (5), a person who intentionally performs a procedure or takes any action upon a live infant with the intent to cause the death of

the live infant is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than $50,000.00, or both. (4) It is not a violation of subsection (3) if a physician takes measures at any point after a live infant is partially outside of the mother's body, that in the physician's reasonable medical judgment are necessary to save the life of the mother and if every reasonable precaution is also taken to save the live infant's life. (5) Subsection (3) does not apply to an action taken by the mother. However, this subsection does not exempt the mother from any other provision of law. (6) As used in this section: (a) "Live infant" means a human fetus at any point after any part of the fetus is known to exist outside of the mother's body and has 1 or more of the following: (i) A detectable heartbeat. (ii) Evidence of spontaneous movement. (iii) Evidence of breathing. (b) "Outside of the mother's body" means beyond the outer abdominal wall or beyond the plane of the vaginal introitus. (c) "Part of the fetus" means any portion of the body of a human fetus that has not been severed from the fetus, but not including the umbilical cord or placenta. (d) "Physician" means an individual licensed to engage in the practice of allopathic medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838. History:Add. 1999, Act 107, Eff. Mar. 10, 2000Popular Name:Infant Protection Act

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XII - Chapter XII Attempts (750.91...750.92)Section 750.91 - Attempt to Murder.

Sec. 91. Attempt to murder by poisoning, etc.—Any person who shall attempt to commit the crime of murder by poisoning, drowning, or strangling another person, or by any means not constituting the crime of assault with intent to murder, shall be guilty of a felony, punishable by imprisonment in the state prison for life or any term of years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.91Former Law:See section 13 of Ch. 153 of R.S. 1846, being CL 1857, § 5723; CL 1871, § 7522; How., § 9087; CL 1897, § 11482; CL 1915, § 15204; CL 1929, § 16720; and Act 147 of 1875.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XII - Chapter XII Attempts (750.91...750.92)Section 750.92 - Attempt to Commit Crime.

Sec. 92. Attempt to commit crime—Any person who shall attempt to commit an offense prohibited by law, and in such attempt shall do any act towards the commission of such offense, but shall fail in the perpetration, or shall be intercepted or prevented in the execution of the same, when no express provision is made by law for the punishment of such attempt, shall be punished as follows: 1. If the offense attempted to be committed is such as is punishable with death, the person convicted of such attempt shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years; 2. If the offense so attempted to be committed is punishable by imprisonment in the state prison for life, or for 5 years or more, the person convicted of such attempt shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or in the county jail not more than 1 year; 3. If the offense so attempted to be committed is punishable by imprisonment in the state prison for a term less than 5 years, or imprisonment in the county jail or by fine, the offender convicted of such attempt shall be guilty of a misdemeanor, punishable by imprisonment in the state prison or reformatory not more than 2 years or in any county jail not more than 1 year or by a fine not to exceed 1,000 dollars; but in no case shall the imprisonment exceed 1/2 of the greatest punishment which might have been inflicted if the offense so attempted had been committed. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.92Former Law:See section 14 of Chapter IX of Act 175 of 1927, being CL 1929, § 17342.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIII - Chapter XIII Bank, Deposit and Trust Companies (750.93...750.101)Section 750.100 - Bank Insolvency; Receiving Deposits.

Sec. 100. Receiving deposits, etc., when bank is insolvent—The directors and officers of any commercial and/or savings bank, industrial bank or trust company who shall fraudulently and with intent to cheat and defraud any person, receive any deposit, money, or property or issue any certificate of investment and receive payment therefor, knowing, or having good reason to believe that such bank or company is insolvent, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by fine of not more than 2,500 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.100Former Law:See section 14 of Act 296 of 1917, being CL 1929, § 11986; and section 36 of Act 66 of 1929, being CL 1929, § 11933.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIII - Chapter XIII Bank, Deposit and Trust Companies (750.93...750.101)Section 750.101 - Financial Institutions Act; Violation.

Sec. 101. Any officer, clerk, agent or employe of a bank, industrial bank, trust company, safe and collateral deposit company, or any other financial institution governed by the provisions of the Michigan financial institutions act, who shall knowingly aid or assist in a violation of any of the provisions of "the Michigan financial institutions act," or acts and parts of acts amendatory thereof, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by a fine of not more than 2,500 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 172, Imd. Eff. July 9, 1937 ;-- CL 1948, 750.101Former Law:See section 19 of Act 296 of 1917, being CL 1929, § 1191; and section 50 of Act 66 of 1929, being CL 1929, § 11947.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIII - Chapter XIII Bank, Deposit and Trust Companies (750.93...750.101)Section 750.93 - Bank Bonds in

State Treasury, Removing or Destroying.

Sec. 93. Removing or destroying bank bonds in state treasury—Any person who shall take from the state treasury, contrary to the provisions of law, or shall deface or destroy any of the bonds therein deposited by any of the banks of this state, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.93

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIII - Chapter XIII Bank, Deposit and Trust Companies (750.93...750.101)Section 750.94 - Bank Bills or Notes; Issuing, Non-Compliance With Requirements.

Sec. 94. Issuing bank bills, etc., without previous compliance with requirements of law—Any officer or stockholder of any bank or banking association, or any other person for such bank or banking association, who shall sign, issue, or knowingly put in circulation any bill or note of any such bank or banking association before the requisite amount of capital stock shall have been paid in, or before the president and directors thereof shall have fully complied with all the provisions of law requiring any other act or acts to be done before the issuing of any notes or bills, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.94Former Law:See section 31 of Ch. 154 of R.S. 1846, being CL 1857, § 5775; CL 1871, § 7582; How., § 9153; CL 1897, § 11567; CL 1915, § 15312; and CL 1929, § 16908.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIII - Chapter XIII Bank, Deposit and Trust Companies (750.93...750.101)Section 750.95 - Spurious Bank Notes; Issuing or Circulating.

Sec. 95. Issuing or circulating spurious bank notes—Any person who shall, with intent to defraud, sign, issue or put in circulation any note or bill, purporting to be a bill or note of any bank, when no such bank exists, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years or by fine of not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.95Former Law:See section 32 of Ch. 154 of R.S. 1846, being CL 1857, § 5776; CL 1871, § 7583; How., § 9154; CL 1897, § 11568; CL 1915, § 15313; and CL 1929, § 16909.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIII - Chapter XIII Bank, Deposit and Trust Companies (750.93...750.101)Section 750.95a - Person Printing Checks for Financial Institution; Printing on Checks Month and Year Account Opened; Exceptions; Violation as Misdemeanor; Penalty; Civil Liability; Authorization to Furnish Information; Definitions.

Sec. 95a. (1) Except as provided in subsection (2), a person that is requested by a financial institution to print checks for an account maintained by a person at the financial institution shall obtain from the financial institution the month and year in which the account was opened, and the person shall print on the checks for that account the month and year furnished by the financial institution. (2) A person shall not be required to comply with subsection (1) with regard to checks printed for an account if the person is informed by the financial institution for which the checks are to be printed that the checks are to be used for any of the following: (a) An account opened before July 1, 1985. (b) An account maintained by a corporation, partnership, association, or trust, or by an individual or individuals who use the account primarily for a business purpose or who indicate to the financial institution, at the time the account is opened, that the account is intended to be used primarily for a business purpose. (c) An account maintained by a person who, at the time the account was opened, had maintained another deposit with the same financial institution for a period of 1 year or longer. (d) Temporary checks to be furnished by the financial institution to a customer at the time an account is opened. (3) A person that knowingly, wilfully, and intentionally violates this section is guilty of a misdemeanor, punishable by a fine of not more than $100.00. (4) A person that violates this section shall not be civilly liable for damages to any other person arising from the violation. (5) A financial institution is authorized to furnish to a person who prints checks for the financial institution the date and year an account was opened and such information as shall be necessary for the person to determine whether the person is required to comply with subsection (1). (6) As used in this section: (a) "Check" means a check, draft, or other instrument that is capable of becoming a negotiable instrument evidencing a written order to a financial institution to pay the stated amount of money from an account maintained with the financial institution. (b) "Deposit" means an insured account in a bank, savings and loan association, credit union, or other institution the accounts of which are insured by an agency of the federal government. (c) "Financial institution" means a bank, savings and loan association, credit union, or other institution that is authorized to maintain demand accounts or other accounts where payment is made by a check. (d) "Person" means an individual, corporation, partnership, association, business trust, or other legal entity. History:Add. 1984, Act 275, Eff. July 1, 1985

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIII - Chapter XIII Bank, Deposit and Trust Companies (750.93...750.101)Section 750.96 - Bank Property; Fraudulent Disposal.

Sec. 96. Fraudulent disposal of property of bank by officers, etc.—Any officer or agent of any bank, knowing such bank to be insolvent, or, in contemplation of the insolvency of such bank, or any assignee of the property and effects of any insolvent bank who

shall sell, or in any way dispose of or remove, any of the money, property or effects of such bank, with intent to defraud, delay or hinder any creditor thereof in the collection of any claim or demand against such bank, every such officer or agent, and all persons who shall knowingly aid or assist in any such disposition or removal, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.96Former Law:See section 33 of Ch. 154 of R.S. 1846, being CL 1857, § 5777; CL 1871, § 7584; How., § 9155; CL 1897, § 11569; CL 1915, § 15314; and CL 1929, § 16910.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIII - Chapter XIII Bank, Deposit and Trust Companies (750.93...750.101)Section 750.98 - Private Banks.

Sec. 98. Private banks—On and after the effective date of this act, it shall be unlawful for any individual person, or unincorporated association of individual persons, to engage in the business of banking, as defined in Act No. 66 of the Public Acts of 1929, being sections 11898 to 11970 inclusive of the Compiled Laws of 1929, and other laws of this state relating to banks and banking: Provided, That this section shall not apply to any individual person or unincorporated association of individual persons engaged in the business of banking at the time of the passage of this act. From and after the passage of this act, no person or association of persons, not incorporated under the banking laws of this state and not now engaged in the private banking business, shall open up or attempt to operate any private bank, and any such operation or attempt shall be a violation of this section, and the persons so operating or attempting to operate shall be guilty of a felony: Provided, That nothing in this section contained shall be construed to prohibit the surviving partner or partners of a copartnership from continuing the operation of any private bank operated by such copartnership at the time this act shall take effect. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.98Compiler's Notes:Act 66 of 1929, referred to in this section, was repealed by Act 341 of 1937.Former Law:See sections 1 and 2 of Act 284 of 1925, being CL 1929, §§ 12048 and 12049.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIII - Chapter XIII Bank, Deposit and Trust Companies (750.93...750.101)Section 750.99 - Certifying Checks; Insufficient Funds.

Sec. 99. Certifying checks without amount thereof actually standing to credit of drawer—It shall not be lawful for any officer, clerk, agent or employe of a bank to certify a check unless the amount thereof actually stands to the credit of the drawer upon the books of the bank, or to resort to any device, or receive any fictitious obligations, direct or collateral, in order to evade the provisions of this prohibition; and any officer, clerk, agent or employe who shall attempt any such evasion shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.99Former Law:See section 51 of Act 66 of 1929, being CL 1929, § 11948.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIV - Chapter XIV Blasphemy (750.102...750.103)Section 750.102 - Blasphemy; Punishment.

Sec. 102. Punishment—Any person who shall wilfully blaspheme the holy name of God, by cursing or contumeliously reproaching God, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.102Former Law:See section 17 of Ch. 158 of R.S. 1846, being CL 1857, § 5872; CL 1871, § 7707; How., § 9293; CL 1897, § 11706; CL 1915, § 15480; and CL 1929, § 16832.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIV - Chapter XIV Blasphemy (750.102...750.103)Section 750.103 - Cursing and Swearing.

Sec. 103. Cursing and swearing—Any person who has arrived at the age of discretion, who shall profanely curse or damn or swear by the name of God, Jesus Christ or the Holy Ghost, shall be guilty of a misdemeanor. No such prosecution shall be sustained unless it shall be commenced within 5 days after the commission of such offense. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.103Former Law:See section 18 of Ch. 158 of R.S. 1846, being CL 1857, § 5873; CL 1871, § 7708; How., § 9294; CL 1897, § 11707; CL 1915, § 15481; and CL 1929, § 16833.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIX - Chapter XIX Checks Without Sufficient Funds (750.131...750.134)Section 750.131 - Check, Draft, or Order for Payment of Money; Making, Drawing, Uttering, or Delivering Without Sufficient Funds With Intent to Defraud; Violation; Penalties; Enhanced Sentence Based on Prior Convictions.

Sec. 131. (1) A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository with intent to defraud and knowing at the time of the making, drawing, uttering, or delivering that the maker or drawer does not have sufficient funds in or credit with the bank or other depository to pay the check, draft, or order in full upon its presentation. (2) A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository with intent to defraud if the person does not have sufficient funds for the payment of the check, draft, or order when presentation for payment is made to the drawee. This subsection does not apply if the lack of funds is due to garnishment, attachment, levy, or other lawful cause and that fact was not known to the person when the person made, drew, uttered, or delivered the check, draft, or order. (3) A person who violates this section is guilty of a crime as follows: (a) If the amount payable in the check, draft, or order is less than $100.00, as follows: (i) For

a first offense, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (ii) For an offense following 1 or more prior convictions under this section or a local ordinance substantially corresponding to this section, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (b) If the amount payable in the check, draft, or order is $100.00 or more but less than $500.00, as follows: (i) For a first or second offense, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00 or 3 times the amount payable, whichever is greater, or both imprisonment and a fine. (ii) For an offense following 2 or more prior convictions under this section, a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a). (c) If the amount payable in the check, draft, or order is $500.00 or more, a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00 or 3 times the amount payable, whichever is greater, or both imprisonment and a fine. (4) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (5) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.131 ;-- Am. 1962, Act 65, Eff. Mar. 28, 1963 ;-- Am. 1984, Act 277, Eff. Mar. 29, 1985 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999Former Law:See section 1 of Act 271 of 1919, being CL 1929, § 12064; and Act 142 of 1923.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIX - Chapter XIX Checks Without Sufficient Funds (750.131...750.134)Section 750.131a - Check, Draft, or Order for Payment of Money; Making, Drawing, Uttering, or Delivering Without Account, Credit, or Sufficient Funds With Intent to Defraud; Violation as Felony; Penalties.

Sec. 131a. (1) A person shall not, with intent to defraud, make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on an account or otherwise, upon any bank or other depository, if at the time of making, drawing, uttering, or delivering the check, draft, or order he or she does not have an account in or credit with the bank or other depository for the payment of the check, draft, or order upon presentation. A person who violates this subsection is guilty of a felony, punishable by imprisonment for not more than 2 years, or by a fine of not more than $500.00, or both. (2) A person shall not, with intent to defraud, make, draw, utter, or deliver, within a period of not more than 10 days, 3 or more checks, drafts, or orders for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of making, drawing, uttering, or delivering each of the checks, drafts, or orders that the maker or drawer does not have sufficient funds or credit with the bank or other depository for the payment of the check, draft, or order in full upon its presentation. A person who violates this subsection is guilty of a felony, punishable by imprisonment for not more than 2 years, or by a fine of not more than $500.00, or both. History:Add. 1941, Act 200, Eff. Jan. 10, 1942 ;-- CL 1948, 750.131a ;-- Am. 1984, Act 277, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIX - Chapter XIX Checks Without Sufficient Funds (750.131...750.134)Section 750.132 - Evidence of Intent.

Sec. 132. Evidence of intent to defraud, etc.—As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, when presented in the usual course of business, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all costs and protest fees, within 5 days after receiving notice that such check, draft or order has not been paid by the drawee. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.132Former Law:See section 2 of Act 271 of 1919, being CL 1929, § 12065.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIX - Chapter XIX Checks Without Sufficient Funds (750.131...750.134)Section 750.133 - Evidence of Intent; Notice of Protest.

Sec. 133. Notice of protest as evidence of intent to defraud, etc.—Where such check, draft or order is protested, on the ground of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, non-payment and protest, and shall be prima facie evidence of intent to defraud, and of knowledge of insufficient funds or credit with such bank or other depository. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.133

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XIX - Chapter XIX Checks Without Sufficient Funds (750.131...750.134)Section 750.134 - Checks Without Sufficient Funds; Credit Construed.

Sec. 134. Credit construed—The word "credit" as used herein, shall be construed to mean an arrangement or understanding with the bank or depository, for the payment of such check, draft or order, in full, upon the presentation thereof for payment. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1939, Act 314, Eff. Sept. 29, 1939 ;-- CL 1948, 750.134Former Law:See section 3 of Act 271 of 1919, being CL 1929, § 12066.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XL - Chapter XL Flag and Coat-of-Arms (750.244...750.247)Section 750.244 - Flag and Coat-of-Arms; Definitions.

Sec. 244. Definitions—The words "flag", "standard", "color", "ensign", "coat-of-arms" or "shield", as used in this chapter, shall include any flag, standard, color, ensign, coat-of-arms or shield, or copy, picture or representation thereof, made of any substance or represented or produced thereon, and of any size, evidently purporting to be such flag, standard, color, ensign, coat-of-arms or shield of the United States or of this state, or a copy, picture or representation thereof. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.244Former Law:See section 1 of Act 222 of 1923, being CL 1929, § 17087.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XL - Chapter XL Flag and Coat-of-Arms (750.244...750.247)Section 750.245 - Exhibition and Display.

Sec. 245. Exhibition and display of flag, etc.—Any person shall be guilty of a misdemeanor who shall, in any manner, for exhibition or display: (a) Place or cause to be placed any word, figure, mark, picture, design, drawing or advertisement of any nature upon any flag, standard, color, ensign, coat-of-arms or shield of the United States or of this state, or authorized by any law of the United States or of this state; or (b) Expose to public view any such flag, standard, color, ensign, coat-of-arms or shield upon which shall have been printed, painted or otherwise produced, or to which shall have been attached, appended, affixed or annexed any such word, figure, mark, picture, design, drawing or advertisement; or (c) Expose to public view for sale, manufacture, or otherwise, or to sell, give or have in possession for sale, for gift or for use for any purpose, any substance, being an article of merchandise, or receptacle, or thing for holding or carrying merchandise, upon or to which shall have been produced or attached any such flag, standard, color, ensign, coat-of-arms or shield, in order to advertise, call attention to, decorate, mark or distinguish such article or substance. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.245Former Law:See sections 2 and 5 of Act 222 of 1923, being CL 1929, §§ 17088 and 17091.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XL - Chapter XL Flag and Coat-of-Arms (750.244...750.247)Section 750.246 - Mutilation.

Sec. 246. Mutilation of flag, etc.—Any person who shall publicly mutilate, deface, defile, defy, trample upon or by word or act cast contempt upon any such flag, standard, color, ensign, coat-of-arms or shield, is guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.246Former Law:See sections 3 and 5 of Act 222 of 1923, being CL 1929, §§ 17089 and 17091.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XL - Chapter XL Flag and Coat-of-Arms (750.244...750.247)Section 750.247 - Exceptions to Chapter.

Sec. 247. Exceptions—This chapter shall not apply to any act permitted by the statutes of the United States or of this state, or by the United States army and navy regulations, nor shall it apply to any printed or written document or production, stationery, ornament, picture or jewelry whereon shall be depicted said flag, standard, color, ensign, coat-of-arms or shield with no design or words thereon and disconnected with any advertisement. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.247Former Law:See section 4 of Act 222 of 1923, being CL 1929, § 17090.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.248 - Making, Altering, Forging, or Counterfeiting Public Record; Intent; Felony; Penalty; Exception; Venue; "Distributed Ledger Technology" Defined.

Sec. 248. (1) A person who falsely makes, alters, forges, or counterfeits a public record, or a certificate, return, or attestation of a clerk of a court, register of deeds, notary public, township clerk, or any other public officer, in relation to a matter in which the certificate, return, or attestation may be received as legal proof, or a charter, will, testament, bond, writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange, promissory note, or an order, acquittance of discharge for money or other property, or a waiver, release, claim or demand, or an acceptance of a bill of exchange, or indorsement, or assignment of a bill of exchange or promissory note for the payment of money, or an accountable receipt for money, goods, or other property with intent to injure or defraud another person is guilty of a felony punishable by imprisonment for not more than 14 years. (2) This section does not apply to a scrivener's error. (3) This section applies to a person that accomplishes a violation of subsection (1) by altering a record made utilizing distributed ledger technology. (4) The venue in a prosecution under this section may be in the county in which the forgery was performed; in a county in which a false, forged, altered, or counterfeit record, instrument, or other writing is uttered and published with intent to injure or defraud; or in the county in which the rightful property owner resides. (5) As used in this section, "distributed ledger technology" means any distributed ledger protocol and supporting infrastructure, including blockchain,

that uses a distributed, decentralized, shared, and replicated ledger, whether use of the ledger is public or private, permissioned or permissionless, and that may include the use of electronic currencies or electronic tokens as a medium of electronic exchange. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.248 ;-- Am. 1964, Act 101, Eff. Aug. 28, 1964 ;-- Am. 1967, Act 64, Eff. Nov. 2, 1967 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991 ;-- Am. 2008, Act 378, Imd. Eff. Dec. 23, 2008 ;-- Am. 2011, Act 206, Eff. Jan. 1, 2012 ;-- Am. 2019, Act 172, Eff. Mar. 19, 2020Former Law:See section 1 of Ch. 155 of R.S. 1846, being CL 1857, § 5802; CL 1871, § 7631; How., § 9213; CL 1897, § 11659; CL 1915, § 15432; and CL 1929, § 17048.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.248a - Uttering and Publishing False, Forged, Altered, or Counterfeit Financial Transaction Device.

Sec. 248a. A person who utters and publishes as true any false, forged, altered, or counterfeit financial transaction device, as defined in section 157m, with the intent to injure or defraud any person is guilty of a felony. History:Add. 1987, Act 276, Eff. Mar. 30, 1988

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.248b - Making, Altering, Forging, or Counterfeiting Document Affecting Interest in Real Property; Intent; Felony; Penalty; Exception; Venue; Court Order.

Sec. 248b. (1) A person who falsely makes, alters, forges, or counterfeits a deed, a discharge of mortgage, or a power or letter of attorney or other document that affects an interest in real property with intent to injure or defraud another person is guilty of a felony punishable by imprisonment for not more than 14 years. (2) This section does not apply to a scrivener's error. (3) The venue in a prosecution under this section may be in the county in which the forgery was performed; in a county in which the false, altered, forged, or counterfeit document is uttered and published with intent to injure or defraud; or in the county in which the rightful property owner resides. (4) In proceedings that result in a conviction under this section or for any lesser included offense, the circuit court shall enter an order stating that the false, altered, forged, or counterfeit document is invalid and require that a certified copy of the court order with the invalid document, if not previously recorded, be attached and recorded in the office of the register of deeds of the county where the subject property or part of the property is located, as provided in section 2935 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2935. If the invalid document has previously been recorded, the prosecutor shall provide the circuit court with the liber and page number or unique identifying reference number of the invalid document, which shall be included in the order. The register of deeds shall make reference to the liber and page number or unique identifying reference number of the invalid document in the index of the recorded documents. Any recording fees incurred under this subsection shall be paid as ordered by the court. History:Add. 2011, Act 206, Eff. Jan. 1, 2012

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.249 - Forgery of Records and Other Instruments; Uttering and Publishing; Exception.

Sec. 249. (1) A person who utters and publishes as true a false, forged, altered, or counterfeit record, instrument, or other writing listed in section 248 knowing it to be false, altered, forged, or counterfeit with intent to injure or defraud is guilty of a felony punishable by imprisonment for not more than 14 years. (2) This section does not apply to a scrivener's error. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.249 ;-- Am. 2008, Act 378, Imd. Eff. Dec. 23, 2008 ;-- Am. 2011, Act 206, Eff. Jan. 1, 2012Former Law:See section 2 of Ch. 155 of R.S. 1846, being CL 1857, § 5803; CL 1871, § 7632; How., § 9214; CL 1897, § 11660; CL 1915, § 15433; and CL 1929, § 17049.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.249a - Use or Employment of Tool or Instrument to Make Counterfeit Financial Transaction Device.

Sec. 249a. A person who casts, stamps, engraves, makes, or mends, or knowingly has in his or her possession a mold, pattern, die, puncheon, engine, press, or other tool or instrument adapted and designed for making a false, forged, altered, or counterfeit financial transaction device, as defined in section 157m, with the intent to use or employ or cause or permit the same to be used or employed in making a counterfeit financial transaction device is guilty of a felony. History:Add. 1987, Act 276, Eff. Mar. 30, 1988

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.249b - Uttering or Publishing as True Document Listed in MCL 750.248b; Intent; Felony; Penalty; Exception; Court Order.

Sec. 249b. (1) A person who utters and publishes as true a false, forged, altered, or counterfeit deed or other document listed in section 248b knowing it to be false, forged, altered, or counterfeit with intent to injure or defraud is guilty of a felony punishable by imprisonment for not more than 14 years. (2) This section does not apply to a scrivener's error. (3) In proceedings that result in a conviction under this section or for any lesser included offense, the circuit court shall enter an order stating that the false, forged, altered, or counterfeit document is invalid and requiring that a copy of the invalid document and a certified copy of the order be

recorded in the office of the register of deeds of the county where the subject property or part of the property is located, as provided in section 2935 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2935. If the invalid document has previously been recorded, the prosecutor shall provide the circuit court with the liber and page number or unique identifying reference number of the invalid document, which shall be included in the order. The register of deeds shall make reference to the liber and page number or unique identifying reference number of the invalid document in the index of the recorded documents. Any recording fees incurred under this subsection shall be paid as ordered by the court. History:Add. 2011, Act 206, Eff. Jan. 1, 2012

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.250 - Forgery of Notes Issued for Debt of State or Political Subdivisions.

Sec. 250. Forgery of notes, etc., issued for debt of state—Any person who shall falsely make, alter, forge or counterfeit any note, certificate, bond, warrant or other instrument, issued by the treasurer or other officer authorized to issue the same, of this state, or any of its political subdivisions or municipalities, with intent to injure or defraud as aforesaid, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 7 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934 ;-- CL 1948, 750.250Former Law:See section 3 of Ch. 155 of R.S. 1846, being CL 1857, § 5804; CL 1871, § 7633; How., § 9215; CL 1897, § 11661; CL 1915, § 15434; and CL 1929, § 17050.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.251 - Forgery of Bank Bills and Promissory Notes.

Sec. 251. Forgery of bank bills and notes—Any person who shall falsely make, alter, forge, or counterfeit any bank bill or promissory note payable to the bearer thereof, or to the order of any person, issued by this state, or any of its political subdivisions or municipalities or by any incorporated banking company in this state, or in any of the British provinces of North America, or in any other state or country, or payable therein, at the office of any banking company incorporated by any law of the United States or of any other state, with intent to injure or defraud any person, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 7 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934 ;-- CL 1948, 750.251Former Law:See section 4 of Ch. 155 of R.S. 1846, being CL 1857, § 5805; CL 1871, § 7634; How., § 9216; CL 1897, § 11662; CL 1915, § 15435; CL 1929, § 17051; and Act 33 of 1849.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.252 - Possession of Counterfeit Notes With Intent to Utter Same as True.

Sec. 252. Possession of counterfeit notes, etc., with intent to utter same—Any person who shall have in his possession at the same time, 10 or more similar false, altered, forged or counterfeit notes, bills of credit, bank bills or notes of this state, or any of its political subdivisions or municipalities, payable to the bearer thereof, or to the order of any person, such as are mentioned in the preceding sections of this chapter, knowing the same to be false, altered, forged or counterfeit, with intent to utter the same as true, and thereby to injure and defraud as aforesaid, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 7 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934 ;-- CL 1948, 750.252Former Law:See section 5 of Ch. 155 of R.S. 1846, being CL 1857, § 5806; CL 1871, § 7635; How., § 9217; CL 1897, § 11663; CL 1915, § 15436; and CL 1929, § 17052.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.253 - Uttering Counterfeit Notes as True.

Sec. 253. Uttering counterfeit notes, etc.—Any person who shall utter or pass, or tender in payment as true, any such false, altered, forged or counterfeit note, certificate or bill of credit for any debt of this state, or any of its political subdivisions or municipalities, any bank bill or promissory note, payable to the bearer thereof, or to the order of any person, issued as aforesaid, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud as aforesaid, shall be guilty of a felony, punishable by imprisonment of not more than 5 years or by fine of not more than 2,500 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934 ;-- CL 1948, 750.253Former Law:See section 6 of Ch. 155 of R.S. 1846, being CL 1857, § 5807; CL 1871, § 7636; How., § 9218; CL 1897, § 11664; CL 1915, § 15437; and CL 1929, § 17053.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.254 - Possession of Counterfeit Bank, State or Municipal Bills or Notes.

Sec. 254. Possession of counterfeit bank bills, etc.—Any person who shall bring into this state, or shall have in his possession, any false, altered, forged or counterfeit bill or note in the similitude of the bills or notes payable to the bearer thereof, or to the order of any person issued by or for this state, or any of its political subdivisions or municipalities, or any bank or banking company,

established in this state, or in any of the British provinces in North America, or in any other state or country, with intent to utter or pass the same, or to render the same current as true, knowing the same to be false, forged or counterfeit, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years, or by fine of not more than 2,500 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934 ;-- CL 1948, 750.254Former Law:See section 8 of Ch. 155 of R.S. 1846, being CL 1857, § 5809; CL 1871, § 7638; How., § 9220; CL 1897, § 11666; CL 1915, § 15439; and CL 1929, § 17055.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.255 - Tools and Implements for Counterfeiting Bills or Notes.

Sec. 255. Tools and implements for counterfeiting notes—Any person who shall engrave, make or mend, or begin to engrave, make or mend, any plate, block, press or other tool, instrument or implement, or shall make or provide any paper or other material, adapted or designed for the forging and making any false or counterfeit note, certificate or other bill of credit in the similitude of the notes, certificates, bills of credit issued by lawful authority for any debt of this state, or any of its political subdivisions or municipalities, or any false or counterfeit note or bill in the similitude of the notes or bills issued by any bank or banking company established in this state, or within the United States, or in any of the British provinces in North America, or in any foreign state or country; and any person who shall have in his possession any such plate or block, engraved in whole or in part, or any press or other tool, instrument or implement, or any paper or other material, adapted and designed as aforesaid, with intent to use the same, or to cause or permit the same to be used in forging or making any such false or counterfeit certificates, bills or notes, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years or by fine of not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934 ;-- CL 1948, 750.255Former Law:See section 9 of Ch. 155 of R.S. 1846, being CL 1857, § 5810; CL 1871, § 7639; How., § 9221; CL 1897, § 11667; CL 1915, § 15440; and CL 1929, § 17056.

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Sec. 256. Testimony of president and cashier of bank—In all prosecutions for forging or counterfeiting any notes or bills of the bank before mentioned, or for altering, publishing or tendering in payment as true, any forged or counterfeit bank bills or notes, or for being possessed thereof, with intent to alter and pass the same as true, the testimony of the president and cashier of such bank may be dispensed with, if their place of residence shall be out of this state, or more than 40 miles from the place of trial; and the testimony of any person acquainted with the signature of the president or cashier of such banks, or who has knowledge of the difference in appearance of the true and counterfeit bills or notes thereof, may be admitted to prove that any such bills or notes are counterfeit; and the lawful existence of any bank out of this state shall be presumed upon evidence that such bank is actually engaged in the business of a bank. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.256Former Law:See section 10 of Ch. 155 of R.S. 1846, being CL 1857, § 5811; CL 1871, § 7640; How., § 9222; CL 1897, § 11668; CL 1915, § 15441; and CL 1929, § 17057.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.257 - Sworn Certificate; Evidence.

Sec. 257. Sworn certificate made evidence—In all prosecutions for forging or counterfeiting any note, certificate, bills of credit or other security issued in behalf of the United States, or in behalf of any state or territory, or for uttering, publishing or tendering in payment as true, any such forged or counterfeit note, certificate, bill of credit, or security, or for being possessed thereof with intent to utter or pass the same as true, the certificate under oath of the secretary of the treasury, or of the treasurer of the United States, or of the secretary or treasurer of any state or territory on whose behalf such note, certificate, bill of credit or security, purports to have been issued, shall be admitted as evidence for the purpose of proving the same to be forged or counterfeit. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.257Former Law:See section 11 of Ch. 155 of R.S. 1846, being CL 1857, § 5812; CL 1871, § 7641; How., § 9223; CL 1897, § 11669; CL 1915, § 15442; and CL 1929, § 17058.

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Sec. 258. Connecting parts of instruments—If any person shall connect together different parts of several bank notes or other genuine instruments in such a manner as to produce an additional note or instrument, with intent to pass all of them as genuine, the same shall be deemed a forgery, in like manner as if each of them had been falsely made or forged. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.258Former Law:See section 12 of Ch. 155 of R.S. 1846, being CL 1857, § 5813; CL 1871, § 7642; How., § 9224; CL 1897, § 11670; CL 1915, § 15443; and CL 1929, § 17059.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.259 - Affixing Fictitious Signature.

Sec. 259. Affixing fictitious signature—If any fictitious or pretended signature, purporting to be the signature of an officer or agent of any corporation, shall be fraudulently affixed to any instrument or writing, purporting to be a note, draft or other evidence of debt, issued by said corporation, with intent to pass the same as true, it shall be deemed a forgery, though no such person may ever have been an officer or agent of such corporation, nor ever have existed. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.259Former Law:See section 13 of Ch. 155 of R.S. 1846, being CL 1857, § 5814; CL 1871, § 7643; How., § 9225; CL 1897, § 11671; CL 1915, § 15444; and CL 1929, § 17060.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.260 - Coins; Counterfeiting and Possession.

Sec. 260. Counterfeiting and possession of coins—Any person who shall counterfeit any gold or silver coin, current by law or usage within this state, and every person who shall have in his possession, at the same time, 5 or more pieces of false money or coin, counterfeited in the similitude of any gold or silver coin current as aforesaid, knowing the same to be false and counterfeit, and with intent to utter or pass the same as true, shall be guilty of a felony, punishable by imprisonment in the state prison for life, or for any term of years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.260Former Law:See section 15 of Ch. 155 of R.S. 1846, being CL 1857, § 5816; CL 1871, § 7645; How., § 9227; CL 1897, § 11673; CL 1915, § 15446; and CL 1929, § 17062.

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Sec. 261. Possession of less than 5 pieces of counterfeit coin—Any person who shall have in his possession any number of pieces less than 5, of the counterfeit coin mentioned in the next preceding section, knowing the same to be counterfeit, with intent to utter and pass the same as true, and any person who shall utter, pass, or tender in payment as true, any such counterfeit coin, knowing the same to be false and counterfeit, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by a fine of not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.261Former Law:See section 16 of Ch. 155 of R.S. 1846, being CL 1857, § 5817; CL 1871, § 7646; How., § 9228; CL 1897, § 11674; CL 1915, § 15447; and CL 1929, § 17063.

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Sec. 262. Tools, etc., for counterfeiting coins—Any person who shall cast, stamp, engrave, make or mend, or shall knowingly have in his possession, any mould, pattern, die, puncheon, engine, press or other tool or instrument, adapted and designed for coining or making any counterfeit coin, in the similitude of any gold or silver coin, current by law or usage in this state, with intent to use or employ the same, or to cause or permit the same to be used or employed in coining or making any such false and counterfeit coin as aforesaid, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by a fine of not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.262Former Law:See section 18 of Ch. 155 of R.S. 1846, being CL 1857, § 5819; CL 1871, § 7648; How., § 9230; CL 1897, § 11676; CL 1915, § 15449; and CL 1929, § 17065.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLI - Chapter XLI Forgery and Counterfeiting (750.248...750.266)Section 750.263 - Counterfeit Marks.

Sec. 263. (1) A person who willfully counterfeits an identifying mark with intent to deceive or defraud another person or to represent an item of property or service as bearing or identified by an authorized identifying mark is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (2) Except as provided in subsection (3), a person who willfully delivers, offers to deliver, uses, displays, advertises, or possesses with intent to deliver any item of property or services bearing, or identified by a counterfeit mark, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00 or 3 times the aggregate value of the violation, whichever is greater, or both imprisonment and a fine. (3) A person who violates subsection (2) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $50,000.00 or 3 times the aggregate value of the violation, whichever is greater, or both imprisonment and a fine, if any of the following apply: (a) The person has a prior conviction under this section, section 264 or 265a, or former section 265 or a law of the United States or another state substantially corresponding to this section, section 264 or 265a, or former section 265. (b) The violation involved more than 100 items of property. (c) The aggregate value of the violation is more than $1,000.00. (4) A person who willfully manufactures or produces an item of property bearing or identified by a counterfeit mark is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $50,000.00 or 3 times the aggregate value of the violation, whichever is greater, or both imprisonment and a fine. (5) Willful possession of more than 25 items of property bearing or identified by a counterfeit mark gives rise to a rebuttable presumption that the person possessed those items

with intent to deliver them in violation of subsection (2). (6) Any item of property bearing a counterfeit mark shall be seized under warrant or incident to a lawful arrest. An item of property that bears a counterfeit mark is subject to forfeiture in the same manner as provided in sections 4701 to 4709 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709. Upon determination that an item of property bears a counterfeit mark, the court shall order the item forfeited and shall do 1 of the following: (a) If the owner of the identifying mark requests, return the item to that owner for destruction or another disposition or use approved by the court. (b) In the absence of a request under subdivision (a), order the seizing law enforcement agency to destroy the item as contraband or order an alternative disposition or use with the consent of the owner of the identifying mark. (7) As used in this section and section 264: (a) "Aggregate value of the violation" means the total value of all items of property or services bearing or identified by a counterfeit mark and involved in the violation, determined using the defendant's regular or intended selling price for each item or service or, if an item of property is intended as a component of a finished product, the defendant's regular or intended selling price of the finished product in which the component would be used. (b) "Counterfeit mark" means either of the following: (i) A copy or imitation of an identifying mark without authorization by the identifying mark's owner. (ii) An identifying mark affixed to an item of property or identifying services without authorization by the identifying mark's owner. (c) "Deliver" means to actually or constructively transfer or attempt to transfer an item of property from 1 person to another, regardless of whether there is an agency relationship. (d) "Identifying mark" means a trademark, service mark, trade name, name, label, device, design, symbol, or word, in any combination, lawfully adopted or used by a person to identify items of property manufactured, sold, or licensed by the person or services performed by the person. (e) "Person" means an individual, partnership, corporation, limited liability company, association, union, or other legal entity. For purposes of ownership of an identifying mark, person includes a governmental entity. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.263 ;-- Am. 1997, Act 155, Eff. Mar. 1, 1998 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 22 of 1863, being CL 1871, § 7649; How., § 9231; CL 1897, § 11677; CL 1915, § 15450; and CL 1929, § 8966.

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Sec. 264. A person who possesses a counterfeit mark with intent to use or deliver it, who possesses a die, plate, engraving, template, pattern, or material with intent to create a counterfeit mark, or who possesses an identifying mark without authorization of the identifying mark's owner and with intent to create a counterfeit mark is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.264 ;-- Am. 1997, Act 155, Eff. Mar. 1, 1998 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 2 of Act 22 of 1863, being CL 1871, § 7650; How., § 9232; CL 1897, § 11678; CL 1915, § 15451; and CL 1929, § 8967.

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Sec. 265a. Any person who counterfeits or imitates any union label, or who uses any union label without authority of the particular labor organization or association of working-men whose union label is being so used, shall be guilty of a misdemeanor. A union label for the purposes of this section is defined as a trademark, term, design, symbol or device of a labor organization or association of working-men adopted by them to distinguish their craft, trade or work or membership in or indicating work done by such labor organization or association of working-men. History:Add. 1957, Act 62, Eff. Sept. 27, 1957

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Sec. 271. Fraudulent issue and sale of securities of domestic corporations—Any person or persons who shall fraudulently issue or cause to be issued, any stock, scrip, or evidence of debt, of any bank, insurance, mining or other incorporated company of this state, or who shall sell or offer for sale, hypothecate, or otherwise dispose of any such stock, scrip or other evidence of debt, knowing the same to be so fraudulently issued, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.271Former Law:See section 1 of Act 128 of 1855, being CL 1857, § 5908; CL 1871, § 7753; How., § 9349; CL 1897, § 11362; CL 1915, § 15080; and CL 1929, § 9804.

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Sec. 272. Knowingly selling fraudulently issued stock of foreign corporations—Any person or persons who shall sell or offer for sale any stock fraudulently issued, and purporting to be the stock, scrip or evidence of debt of any corporation located out of the state of Michigan, knowing the same to be so fraudulently issued, or shall hypothecate, or in any manner dispose of the same for value, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years. History:1931, Act 328, Eff.

Sept. 18, 1931 ;-- CL 1948, 750.272Former Law:See section 2 of Act 128 of 1855, being CL 1857, § 5909; CL 1871, § 7754; How., § 9350; CL 1897, § 11363; CL 1915, § 15081; and CL 1929, § 9805.

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Sec. 273. A person who fraudulently obtains the signature of any person with the intent to cheat and defraud that person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.273 ;-- Am. 2012, Act 172, Imd. Eff. June 19, 2012Former Law:See section 1 of Act 228 of 1879, being How., § 9353; CL 1897, § 11366; CL 1915, § 15084; and CL 1929, § 16994.

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Sec. 274. Purchasing and attempting to collect a note, knowing signature was fraudulently obtained—Any person who shall receive into his possession for collection or sale or who shall purchase any promissory note, bill of exchange, due bill, order, contract, or paper writing whatever, obtained in the manner mentioned in the preceding section of this chapter, knowing the same to have been obtained with the intent to cheat and defraud, and any person who shall take any steps to collect any promissory note, bill of exchange, due bill, order, contract, paper or writing whatever, knowing the signature to have been obtained by fraud, with intent to cheat and defraud, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.274Former Law:See section 2 of Act 228 of 1879, being How., § 9354; CL 1897, § 11367; CL 1915, § 15085; and CL 1929, § 16995.

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Sec. 275. Use of words "warranty deed" or similar words—Any person who shall print, sell or keep for sale any blank forms of deeds containing the words "warranty deed", or "warranty-deed-covenant-own-acts", or any similar words printed or written thereon, unless such deed is in fact an absolute warranty deed, and any person who shall knowingly use any such deed for the purpose of conveying title unless the same is an absolute warranty deed, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.275Former Law:See sections 1 and 2 of Act 177 of 1885, being How., §§ 9354a and 9354b; CL 1897, §§ 11368 and 11369; CL 1915, §§ 15086 and 15087; and CL 1929, §§ 13325 and 13326.

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Sec. 276. Procuring signature to note, etc., as consideration for promise to vendee of grain to sell same at fictitious price—Any person who, either for his own benefit, or as the agent of any corporation, company, association or person, procures the signature of any person or maker, indorser, guarantor or surety thereon, to any bond, bill, receipt, promissory note, draft, check or any other evidence of indebtedness as the whole or part consideration for any bond, contract, agreement or promise given to the vendee of any grain, seed or other cereals, binding the vendor or any other person, corporation, company or association, or the agent thereof, to sell for such vendee any grain, seed, or cereals at a fictitious price, or at a price equal to or more than twice the market price of such grain, seed or cereals, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.276Former Law:See sections 1 and 3 of Act 20 of 1887, being How., §§ 9354c and 9354e; CL 1897, §§ 11370 and 11372; CL 1915, §§ 15088 and 15090; and CL 1929, §§ 16631 and 16633.

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Sec. 277. Sale and transfer of note, etc., signature to which was procured as consideration for promise to vendee of grain to sell at fictitious price—Any person who shall sell, barter or dispose of, either for his own benefit or as the agent of any corporation, company, association or person, any bond, bill, receipt, promissory note, draft, check or other evidence of indebtedness, knowing the same to have been obtained as the whole or part consideration for any bond, contract, agreement, or promise given to the vendee of any grain, seed or cereals, binding the vendor or any other person, corporation, company or association, or agent thereof, to sell for such vendee any grain, seed or cereals, at a fictitious price, or at a price equal to or more than twice the market price of such grain, seed, or cereals, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.277Former Law:See sections 2 and 3 of Act 20 of 1887, being How., §§ 9354d and 9354e; CL 1897, §§ 11371 and 11372; CL 1915, §§ 15089 and 15090; and CL 1929, §§ 16632 and 16633.

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Sec. 278. Knowingly executing and delivering fraudulent warehouse receipts—Any warehouseman or forwarding merchant or any other person, or the agent or servant of any warehouseman or forwarding merchant or other person, who shall knowingly execute and deliver to any person a receipt or certificate purporting to be for flour, wheat, pot or pearl ashes, or any grain, produce or thing of value, as being at the time of executing and delivering such receipt in possession of such warehouseman or forwarding merchant, or other person, or in store for the person or persons, copartnership, or firm named in any such receipt or certificate, without being at the time of executing and delivering such receipt in the actual possession of such flour, wheat, pot or pearl ashes, or any grain, produce or thing of value, as expressed in such certificate or receipt, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by fine of not more than 2,500 dollars. The sending or forwarding to a person who shall be duly entitled or authorized to receive the same, by the public mails, or through the government postoffice, or by the hands of any person, of any such receipt or certificate as aforesaid, shall be deemed to be a good and lawful delivery thereof, within the meaning of this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.278Former Law:See section 35 of Ch. 154 of R.S. 1846, being CL 1857, § 5779; CL 1871, § 7586; How., § 9157; CL 1897, § 11571; CL 1915, § 15316; CL 1929, § 16912; and Act 270 of 1881.

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Sec. 279. Fraudulent disposition of personal property—Whenever money, or any goods, wares or merchandise or other personal property, shall be delivered, committed or entrusted to, or put in charge of any person as agent with written instructions, or upon any written agreement signed by the party so instructed as agent, or such written instructions shall be delivered or such written agreement shall be made, at any time after delivery to such agent, of any money or goods, wares, merchandise, or other personal property, which instructions or agreements shall express the appropriation, purpose, or use to which such money shall be applied, or the terms, mode or manner of the application or employment of such money, or which shall express or direct the disposition or use to be made by such agent, of any goods, wares, merchandise or other personal property, so delivered or entrusted to such agent; if the person to whom any such money or goods, wares, merchandise or other personal property shall be so delivered, committed or entrusted, shall purposely and intentionally apply, appropriate, dispose of, or use any such money or goods, wares, merchandise or other personal property in any other way or manner, or for any other purpose, use or intent, than such as shall be expressed in such written instrument or agreement touching the same, the person or persons so doing, shall be guilty of felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.279Former Law:See section 36 of Ch. 154 of R.S. 1846, being CL 1857, § 5780; CL 1871, § 7587; How., § 9158; CL 1897, § 11572; CL 1915, § 15317; and CL 1929, § 16913.

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Sec. 280. Gross frauds and cheats at common law—Any person who shall be convicted of any gross fraud or cheat at common law, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years or by a fine of not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.280Former Law:See section 40 of Ch. 154 of R.S. 1846, being CL 1857, § 5784; CL 1871, § 7591; How., § 9162; CL 1897, § 11576; CL 1915, § 15321; and CL 1929, § 16917.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.282 - Offenses Against Water, Steam, Electric, or Gas Companies, or Propane Gas Dealers or Distributors, and Boards or Municipalities Owning or Operating Plants; Misdemeanor; Felony; Civil Action Not Impaired by Criminal Prosecution; Presumption; Prima Facie Evidence of Violation.

Sec. 282. (1) A person shall not do any of the following: (a) Willfully or fraudulently injure, or fraudulently allow to be injured, a meter, wire, line, pipe, or appliance belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor. (b) Willfully or fraudulently prevent a water, steam, electric, gas, or propane gas meter belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor from duly registering the quantity of water, steam, electric current, gas, or propane gas measured through the meter, or in any way hinder or interfere with the meter's proper action or just registration. (c) Attach a line, wire, or pipe to a line, wire, pipe, or main belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor. This subdivision does not apply to the use of a ground wire to ground an electrical system. (d) Willfully or fraudulently interfere with a pressure regulator device on a propane gas tank or incorporated into a propane gas system. (e) Use or burn or cause to be used or burned any water, steam, electric current, gas, or propane gas supplied by a water, steam, electric, or gas company, or propane gas dealer or distributor, without the written consent of the company or the propane gas dealer or distributor, or the authorized agent or officer of the company or the propane gas dealer or distributor, unless the water, steam, electric current, gas, or propane gas passes through a meter or is measured by a meter set by the company or the propane gas dealer or distributor; fraudulently use the water,

steam, electric current, gas, or propane gas, or fraudulently waste the water, steam, electric current, gas, or propane gas supplied by a water, steam, electric, or gas company, or propane gas dealer or distributor. (2) A person who violates subsection (1) is guilty of a misdemeanor if the value of the water, steam, electric current, gas, or propane gas used, burned, or wasted, or the damage caused, as a result of the violation, is not more than $500.00. A person who violates subsection (1) is guilty of a felony if the value of the water, steam, electric current, gas, or propane gas used, burned, or wasted, or the damage caused, as a result of the violation, is more than $500.00. (3) A criminal prosecution under this section shall not in any way impair the right of the company or the propane gas dealer or distributor to full compensation in damages by civil action. (4) The provisions of this section shall extend and apply to all offenses against all water, steam, electric, or gas companies, or propane gas dealers or distributors, and boards or municipalities owning or operating plants for producing, manufacturing, furnishing, transmitting, or conducting water, steam, electricity, or gas, either natural, liquefied, or artificial. (5) A person who attaches any line, wire, or pipe or any other device or process to any line, wire, or pipe of a water, steam, electric, or gas company, or propane gas dealer or distributor which interferes with the proper operation and just registration of a meter within the meaning of this section, or who interferes with a pressure regulator device on a propane gas tank or incorporated into a propane gas system, is presumed to do so with intent to avoid, or to enable another to avoid, payment for the service involved. (6) In all prosecutions under this section, proof that the defendant, other than a lessor, had control of or occupied the premises where the offense was committed, or received the benefit of the water, steam, electric current, gas, or propane gas used or consumed, shall be prima facie evidence of a violation of this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.282 ;-- Am. 1984, Act 37, Eff. Apr. 12, 1984 ;-- Am. 1987, Act 32, Eff. Mar. 30, 1988Former Law:See section 2 of Act 277 of 1911, being CL 1915, § 15362; and CL 1929, § 17043.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.282a - Sale or Transfer of Electric or Natural Gas Product or Service Illegally Obtained; Violation as Felony; Penalty; Definitions.

Sec. 282a. (1) A person who sells or transfers or attempts to sell or transfer the product or service of an electric provider or natural gas provider to any other person, knowing or having reason to know that the product or service was obtained illegally, is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. (b) If the person was previously convicted of violating this section, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (2) As used in this section: (a) "Electric provider" means that term as defined in section 5 of the clean, renewable, and efficient energy act, 2008 PA 295, MCL 460.1005. (b) "Natural gas provider" means that term as defined in section 9 of the clean, renewable, and efficient energy act, 2008 PA 295, MCL 460.1009. History:Add. 2010, Act 129, Eff. Oct. 19, 2010

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.283 - Fruits and Vegetables Sold in Closed Package; Fraud Prevention.

Sec. 283. Preventing fraud in sale of fruits and vegetables—In this section, unless the contents otherwise require, the term "closed package" shall be construed to mean a barrel, box, basket, carrier or crate, of which all the contents cannot readily be seen or inspected when such package is prepared for market. Fresh fruits or vegetables in baskets or boxes, packed in closed or open crates, and packages covered with burlap, tarlatan or slat covers shall come within the meaning of the term "closed package." Every person who, by himself, his agent or employe, packs or repacks fresh fruits or vegetables in closed packages intended for sale in the open market, shall cause the same to be marked in a plain and indelible manner, as follows: First, With his full name and address, including the name of the state where such fresh fruits and vegetables are packed, before such fresh fruits or vegetables are removed from the premises of the packer or dealer; Second, The name and address of such packer or dealer shall be printed or stamped on said closed packages in letters not less than 1/4 inch in height. No person shall sell, offer, expose or have in his possession for sale, in the open market, any fresh fruits or vegetables packed in a closed package and intended for sale, unless such package is marked as is required by this section. No person shall sell, offer, expose or have in his possession for sale, any fresh fruits or vegetables packed in a closed or open package, upon which package is marked any designation which represents such fruit as "number one", "finest", "best", "extra good", "fancy", "selected", "prime", "standard", or other superior grade or quality, unless such fruit or vegetables consist of well grown specimens, sound, of nearly uniform size, normal shape and good color, for the variety, and not less than 90 per cent free from injurious or disfiguring bruises, diseases, insect injuries or other defects, natural deterioration and decay in transit or storage excepted. No person shall sell, offer, expose or have in his possession for sale any fresh fruits or vegetables packed in any package in which the faced or shown surface gives a false representation of the contents of such package, and it shall be considered a false representation when more than 20 per cent of such fresh fruits or vegetables are substantially smaller in size than or inferior in grade to, or different in variety from, the faced or shown surface of such package, natural deterioration and decay in transit or storage excepted. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor. The commissioner of agriculture is hereby charged with the enforcement of this section and is given power unto himself and his inspectors to enter into and upon any premises where fruits and vegetables are graded or packed or stored to inspect the same as to grade, pack and condition. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 116, Imd. Eff. June 25, 1937 ;-- CL 1948, 750.283Former Law:See sections 1 to 6 of Act 207 of 1913, being CL 1915, §§ 15365 to 15370; and CL 1929, §§ 5559 to 5564.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.284 - Genuine Article; Selling Goods Other Than; Marking.

Sec. 284. Selling other than genuine goods, etc., under a genuine label, stamp, etc.—Any person who, from any box, phial, case, package or other form of enclosure, having thereon impressed, or in any manner attached, the printed label, brand, engraving, stamp, mark or other device of any mechanic or manufacturer, druggist or apothecary, shall sell, barter or trade therefrom, or therein, any other goods, wares or merchandise than such as are the genuine production of the manufacturer or mechanic, druggist or apothecary, whose label, mark, stamp or device may be imprinted upon or affixed to such box, or other form of enclosure, with intent to deceive such purchaser, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.284Former Law:See section 4 of Act 22 of 1863, being CL 1871, § 7652; How., § 9234; CL 1897, § 11680; CL 1915, § 15453; and CL 1929, § 8969.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.287 - Sterling or Sterling Silver Marked Articles; Fraud in Sale.

Sec. 287. Any person who knowingly makes or sells, or offers to sell or dispose of, or has in his or her possession with intent to sell or dispose of, any article of merchandise marked, stamped, or branded with the words "sterling" or "sterling silver", or encased or enclosed in any box, package, cover, or wrapper, or other thing in or by which the article is packed, enclosed, or otherwise prepared for sale or disposition, having on it an engraving or printed label, stamp, imprint, mark, or trademark, indicating or denoting by the marking, stamping, branding, engraving, or printing, that the article is silver, sterling silver, or solid silver, unless 925/1000 of the component parts of the metal of which the article is manufactured are pure silver, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.287 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 122 of 1895, being CL 1897, § 5468; CL 1915, § 7186; and CL 1929, § 8942.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.288 - Coin or Coin Silver; Fraud in Sale of Articles Marked.

Sec. 288. Any person who knowingly makes or sells, or offers to sell or dispose of, or has in his or her possession with intent to sell or dispose of, any article of merchandise marked, stamped, or branded with the words "coin", or "coin silver", or encased or enclosed in any box, package, cover, or wrapper, or other thing in or by which the article is packed, enclosed or otherwise prepared for sale or disposition, having on it an engraving or printed label, stamp, imprint, mark, or trademark, indicating or denoting by the marking, stamping, branding, engraving, or printing, that the article is coin or coin silver, unless 900/1000 of the component parts of the metal of which the article is manufactured are pure silver, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.288 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 2 of Act 122 of 1895, being CL 1897, § 5469; CL 1915, § 7187; and CL 1929, § 8942.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.289 - Common Carrier; False Billing of Goods.

Sec. 289. False billing of goods to common carrier—Any person offering goods, property or effects to any common carrier within this state for the purpose of transportation shall furnish to such carrier a true description of the goods, property or effects so offered, and any person who shall knowingly offer any goods, property or effects to any common carrier for transportation within this state with a false description of the same, or who shall offer any such goods, property or effects under a false billing, false classification or false weight and thereby procure or attempt to procure the transportation of any such goods, property or effects at a less cost than would be due under a true description, true billing, true classification or true weight, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.289Former Law:See sections 1 and 2 of Act 253 of 1911, being CL 1915, §§ 8230 and 8231; and CL 1929, §§ 11572 and 11573.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.290 - Imitation Leather; Boots and Shoes.

Sec. 290. Boots and shoes composed of imitation leather—The term "imitation leather" as used herein shall, for the purposes of this section, be defined to be all leather composed in whole or in part of paper, scraps and portions of hides of animals, used in the manufacture of boots or shoes, which being pressed together with an adhesive substance to keep such component parts intact, is used in place of solid leather in the making of such foot gear. Every person within this state, who is engaged in the manufacture, sale, exchange, or offers for sale, or has in possession with intent to sell, boots or shoes in the construction of which any imitation leather is used, shall cause to be stamped upon such boots or shoes the words "imitation leather" in a distinct and legible manner:

Provided, however, That the letters in the words "imitation leather" shall not be less than 1/8 of an inch in length. When such imitation leather shall be used either as soles, in-soles, heels or counters of such boots or shoes, the words "imitation leather" shall be stamped upon the outside of the soles near the heel of such boots or shoes; and when such imitation leather shall be used in the making of any other part or parts of such boots or shoes, the words "imitation leather" shall be stamped thereon, in a conspicuous place: Provided, however, Excepting the soles of such boots or shoes the words "imitation leather" need not be stamped upon the outside thereof. The possession of any boots or shoes which are composed in whole or in part of any imitation leather and which are not stamped as herein required, shall be prima facie evidence of intent to sell the same. Any person who shall knowingly violate any of the provisions of this section, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.290Former Law:See sections 1 to 5 of Act 264 of 1897, being CL 1897, §§ 5474 to 5478; CL 1915, §§ 7192 to 7196; and CL 1929, §§ 8950 to 8954.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.291 - Boarding House Keepers; Defrauding.

Sec. 291. Defrauding boarding house keepers—Any person who shall stop, put up, board or lodge at any boarding house as a guest or boarder by the day, week or month, or shall procure any food, entertainment or accommodation without paying therefor, unless there is a distinct and express agreement made by such person with the owner, proprietor or keeper of such boarding house for credit, with intent to defraud such owner, proprietor or keeper out of the pay for such board, lodging, food, entertainment or accommodation, or any person who, with intent so to defraud, shall obtain credit at any boarding house for such board, lodging, food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto, shall be guilty of a misdemeanor: Provided, That no conviction shall be had under the provisions of this section unless complaint shall be made within 10 days of the time of the violation hereof. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.291Former Law:See section 1 of Act 81 of 1907, being CL 1915, § 6964; CL 1929, § 8801; and Act 87 of 1915.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.292 - Hotel, Motel, Inn, Restaurant, Cafe; Defrauding; Limitation on Proceedings.

Sec. 292. Any person who shall put up at any hotel, motel, inn, restaurant or cafe as a guest and shall procure any food, entertainment or accommodation without paying therefor, except when credit is given therefor by express agreement, with intent to defraud such keeper thereof out of the pay for the same, or, who, with intent to defraud such keeper out of the pay therefor, shall obtain credit at any hotel, motel, inn, restaurant or cafe for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto, is guilty of a misdemeanor. No conviction shall be had under the provisions of this section unless complaint is made within 60 days of the time of the violation hereof. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1939, Act 314, Eff. Sept. 29, 1939 ;-- CL 1948, 750.292 ;-- Am. 1962, Act 19, Eff. Mar. 28, 1963Former Law:See section 1 of Act 133 of 1907, being CL 1915, § 6966; and CL 1929, § 8798.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.293 - Hotel, Motel, Inn, Restaurant, Cafe; Prima Facie Evidence.

Sec. 293. Prima facie evidence—Obtaining such food, lodging or accommodation by false pretense, or by false or fictitious show of baggage or other property, or refusal or neglect to pay therefor on demand, or payment thereof with check, draft or order upon a bank or other depository on which payment was refused, or absconding without paying or offering to pay therefore, or surreptitiously removing or attempting to remove baggage, shall be prima facie evidence of such intent to defraud mentioned in the 2 next preceding sections of this chapter. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1939, Act 314, Eff. Sept. 29, 1939 ;-- CL 1948, 750.293Former Law:See section 2 of Act 133 of 1907, being CL 1915, § 6967; CL 1929, § 8799; and section 2 of Act 81 of 1907, being CL 1915, § 6965; and CL 1929, § 8802.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.294 - Animals; Fraudulent Registration as Pure-Bred.

Sec. 294. Any person who by fraud or misrepresentation obtains or attempts to obtain the registration of animals as pure-bred upon the herd books of any of the recognized registry associations, when such animals are not entitled to that registration, or who by fraud or misrepresentation obtains or attempts to obtain any false record of the transfer of ownership of the registered animals, or who designedly makes any false statements in reference to the breeding, ownership, color, markings, or registration of animals or in reference to any application for the registration or transfer of animals, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.294 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 216 of 1921, being CL 1929, § 5289.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.295 - Milk and Butter Fat Production; Fraudulent Practices.

Sec. 295. Any person who connives at, commits, or attempts to commit any fraudulent or dishonest practice in connection with the making of official or semiofficial records of milk and butter fat production of cows, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.295 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 221 of 1921, being CL 1929, § 5323.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.297e - Kosher Food Products; Definition; Sale; False Representation; Prohibited Acts; Evidence of Fraud; Inspection and Supervision of Sale of Meat; Rules; Violation as Misdemeanor.

Sec. 297e. (1) As used in this section, "kosher" means prepared or processed in accordance with orthodox Hebrew religious requirements sanctioned by a recognized orthodox rabbinical council. (2) A person who, with intent to defraud, sells or exposes for sale any meat or meat preparations, article of food or food products, and falsely represents the same to be kosher, whether such meat or meat preparations, article of food or food products are raw or prepared for human consumption, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such food is kosher or falsely represents any food products or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or sells or exposes for sale in the same place of business both kosher and nonkosher meat or meat preparations, or both kosher and nonkosher food or food products, either raw or prepared for human consumption, and who fails to indicate on his window signs and all display advertising, in block letters at least 4 inches in height, "kosher and nonkosher meat sold here" or "kosher and nonkosher food sold here"; or who exposes for sale in any show window or place of business both kosher and nonkosher meat or meat preparations, or kosher and nonkosher food or food products, either raw or prepared for human consumption, and who fails to display over each kind of meat or meat preparation so exposed a sign in block letters at least 4 inches in height reading "kosher meat" or "nonkosher meat", or "kosher food" or "nonkosher food", or who displays on his window, door or in his place of business, or in handbills or other printed matter distributed in or outside of his place of business, words or letters in Hebraic characters other than the word "kosher", or any sign, emblem, insignia, 6-pointed star, symbol or mark in simulation of same, without displaying in conjunction therewith in English letters of at least the same size as such characters, signs, emblems, insignia, symbols or marks, the words "we sell kosher meat and food only" or "we sell nonkosher meat and food only", or "we sell both kosher and nonkosher meat and food" is guilty of a misdemeanor. Possession of nonkosher meat and food, in any place of business advertising the sale of kosher meat and food only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of the provisions of this section. (3) A person who, with intent to defraud, sells or exposes for sale in any hotel, restaurant or other place where food products are sold for consumption on or off the premises, any meat or meat preparations, article of food or food products, and falsely represents the same to be kosher, whether such meat or meat preparations, article of food or food products be raw or prepared for human consumption, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such food is kosher or falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or sells or exposes for sale in the same place of business both kosher and nonkosher meat or meat preparations, or both kosher and nonkosher food or food products, either raw or prepared for human consumption, and who fails to indicate on his window signs and all display advertising, in block letters at least 4 inches in height, "kosher and nonkosher food sold here", or who exposes for sale in any show window or place of business both kosher and nonkosher food or food products, either raw or prepared for human consumption, and who fails to display over each kind of food or food preparation so exposed a sign in block letters at least 4 inches in height reading "kosher food" or "nonkosher food", or who displays on his window, door or in his place of business, or in handbills or other printed matter distributed in or outside of his place of business, words or letters in Hebraic characters other than the word "kosher", or any sign, emblem, insignia, 6-pointed star, symbol or mark in simulation of same, without displaying in conjunction therewith in English letters of at least the same size as such characters, signs, emblems, insignia, symbols or marks the words "we sell kosher food only" or "we sell nonkosher food only", or "we sell both kosher and nonkosher food", is guilty of a misdemeanor. Possession of nonkosher food, in any place of business advertising the sale of kosher food only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of the provisions of this section. (4) No person shall: (a) Wilfully mark, stamp, tag, brand, label or in any other way or by any other means of identification represent or cause to be marked, stamped, tagged, branded, labeled or represented as kosher food or food products not kosher or not so prepared. (b) Wilfully remove, deface, obliterate, cover, alter or destroy, or cause to be removed, defaced, obliterated, covered, altered or destroyed the original slaughterhouse plumba or any other mark, stamp, tag, brand, label or any other means of identification affixed to foods or food products to indicate that such foods or food products are kosher. (c) Knowingly sell, dispose of or have in his possession, for the purpose of resale to any person as kosher, any food or food products not having affixed thereto the original slaughterhouse plumba or any other mark, stamp, tag, brand, label or other means of identification employed to indicate that such food or food products are kosher or any food or food products to which such plumba, mark, stamp, tag, brand, label or other means of identification has or have been fraudulently affixed. (5) The department of agriculture shall investigate,

inspect and supervise the sale of meat and meat preparations and enforce the provisions of this act. The department may promulgate rules and regulations for the enforcement and administration of this act in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948. (6) Any person who violates the provisions of this section is guilty of a misdemeanor. History:Add. 1966, Act 78, Imd. Eff. June 10, 1966

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.297f - "Halal" Defined; Prohibited Acts; Violation as Misdemeanor; Presumption; Additional Prohibited Acts; Investigation and Inspection by Department of Agriculture; Rules.

Sec. 297f. (1) As used in this section, "halal" means prepared or processed in accordance with Islamic religious requirements. (2) A person who, with intent to defraud, does any of the following is guilty of a misdemeanor: (a) Sells or exposes for sale in any place where food products are sold for consummation on or off the premises any meat, meat preparation, article of food, or food product, and falsely represents it to be halal, whether the meat, or meat preparation, article of food, or food product is raw or prepared for human consumption, either by direct statement orally, or in writing, which is reasonably calculated to deceive or lead a reasonable person to believe that a representation is being made that that food is halal. (b) Falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed on the package or container the word "halal" in English. (c) Exposes for sale in any show window or place of business both halal and nonhalal meat or meat preparations, or halal and nonhalal food or food products, either raw or prepared for human consumption, and who fails to identify each kind of meat or meat preparation as "halal meat" or "halal food". (d) Displays on his or her window, door, or in his or her place of business, or in handbills or other printed matter distributed inside or outside of his or her place of business, words or letters in Arabic characters other than the word "halal", or any sign, emblem, insignia, symbol, or mark in simulation of same, without also displaying in English letters of at least the same size as such characters, signs, emblems, insignia, symbols, or marks, the words "we sell halal meat and food only" or "we sell nonhalal meat and food only", or "we sell both halal and nonhalal meat and food". (3) Possession of nonhalal food, in any place of business advertising the sale of halal food only, is presumptive evidence that the person in possession exposes the nonhalal meat and food for sale with intent to defraud. (4) A person who does any of the following is guilty of a misdemeanor: (a) Willfully marks, stamps, tags, brands, labels, or in any other way or by any other means of identification represents or causes to be marked, stamped, tagged, branded, labeled, or represented as halal food or food products not halal or not so prepared. (b) Willfully removes, defaces, obliterates, covers, alters, or destroys, or causes to be removed, defaced, obliterated, covered, altered, or destroyed the original slaughterhouse plumba or any other mark, stamp, tag, brand, label, or any other means of identification affixed to foods or food products to indicate that those foods or food products are halal. (c) Knowingly sells, disposes of, or has in his or her possession, for the purpose of resale to any person as halal, any food or food products not having affixed to the food or food product the original slaughterhouse plumba or any other mark, stamp, tag, brand, label, or other means of identification employed to indicate that that food or food product is halal or any food or food products to which such plumba, mark, stamp, tag, brand, label, or other means of identification has been fraudulently affixed. (5) The department of agriculture shall investigate and inspect the sale of halal food products and shall enforce this act. The department of agriculture may promulgate rules for the enforcement and administration of this section under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. History:Add. 2002, Act 207, Imd. Eff. Apr. 29, 2002Compiler's Notes:In subsection (2)(a), "consummation" evidently should read "consumption."

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.298 - Medicine; Practicing Under False or Assumed Name.

Sec. 298. Any person who practices medicine or advertises to practice medicine under a false or assumed name, or under a name other than his or her own, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.298 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 291 of 1929, being CL 1929, § 6756.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.298a - Representation of Service as Under Supervision of Physician; Product or Appliance Approved by Medical Profession.

Sec. 298a. If any person, partnership, corporation or enterprise shall offer to furnish any service, product or appliance designed or represented to affect human health, well-being or appearance, and shall advertise, state or represent in any offer, inducement or contract that the rendering of such service will be under the guidance or supervision of a physician, or that such product or appliance has been indorsed or approved by the medical profession, it shall be unlawful for such person, partnership, corporation or enterprise to render such service or cause or permit the same to be rendered except by or under the direct, continuing personal supervision of a physician licensed to practice in Michigan, or to furnish such product or appliance unless the same had, in fact, been indorsed or approved in writing by a bona fide organization of licensed physicians. Any person violating any provisions of this section is guilty of a misdemeanor punishable by a fine not to exceed $1000.00 or imprisonment for not more than 1 year, or both. History:Add.

1966, Act 302, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.299 - Agricultural Seeds; False Statement.

Sec. 299. False statements regarding agricultural seeds—Any person or his agent or employe, who, in writing or in a newspaper, circular or other publication published in this state, makes or disseminates any statement or assertion of fact concerning the superior qualifications, quality, value or locality where grown of any agricultural seeds sold or offered for sale in this state, or the possession of rewards, prizes or distinctions conferred on account of such seeds, or the motive or purpose of such sale, intended to give the appearance of an offer advantageous to the purchaser, or as an inducement for the planting of such seeds, which is untrue or calculated to mislead and to induce a person to purchase such seeds, is guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.299Former Law:See section 1 of Act 176 of 1919, being CL 1929, § 5082.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.300 - Insurance Company; Killing or Injuring Animals to Defraud.

Sec. 300. Killing or injuring animals with intent to defraud insurance company—Any person who shall injure or kill any horse, mule or other live stock which shall be insured by any insurance company authorized to do business in this state, when such killing or injury shall be with the wilful intent on the part of such person to defraud such insurance company, whether such person shall be the owner of such insured property or not shall be guilty of a felony, punishable by imprisonment for not more than 2 years or by a fine of not more than 1,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.300Former Law:See section 1 of Act 165 of 1893, being CL 1897, § 11597; CL 1915, § 15352; and CL 1929, § 17001.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIII - Chapter XLIII Frauds and Cheats (750.271...750.300a)Section 750.300a - Food Stamps or Coupons; Conduct as Crime; Course of Conduct as One Offense; Determination of Degree; Definitions.

Sec. 300a. (1) A person who knowingly uses, transfers, acquires, alters, purchases, possesses, presents for redemption, or transports food stamps or coupons or access devices other than as authorized by the food stamp act of 1977, 7 U.S.C. 2011 to 2030, and the regulations promulgated under that act, or any supplemental food program administered by any department of this state pursuant to section 17 of the child nutrition act of 1966, 42 U.S.C. 1786, and the regulations promulgated under that act, is guilty of a crime as follows: (a) Except as otherwise provided in this subdivision, if the aggregate value of the food stamps or coupons or access devices is $250.00 or less, the person is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not more than $1,000.00, or both. If the person has 1 prior conviction for violating this section, the person is guilty of a felony, and may be punished as provided in subdivision (b). If the person has 2 or more prior convictions for violating this section, the person is guilty of a felony, and may be punished as provided in subdivision (c). The existence of a prior conviction shall be determined by the court at sentencing. (b) Except as otherwise provided in this subdivision, if the aggregate value of the food stamps or coupons or access devices is more than $250.00 but does not exceed $1,000.00, the person is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than $10,000.00, or both. If the person has 1 or more prior convictions for violating this section, the person is guilty of a felony, and may be punished as provided in subdivision (c). The existence of a prior conviction shall be determined by the court at sentencing. (c) If the aggregate value of the food stamps or coupons or access devices is more than $1,000.00, the person is guilty of a felony, punishable by imprisonment for not more than 10 years, or a fine of not more than $250,000.00, or both. (2) If food stamps or coupons or access devices of various values are used, transferred, acquired, altered, purchased, possessed, presented for redemption, or transported in violation of this section over a period of 12 months, the course of conduct may be charged as 1 offense and the values of the food stamps or coupons or access devices aggregated in determining the degree of the offense. (3) As used in this section: (a) "Access device" means any card, plate, code, account number, or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds pursuant to the food stamp program established under the food stamp act of 1977, 7 U.S.C. 2011 to 2030, or any supplemental food program administered by any department of this state pursuant to section 17 of the child nutrition act of 1966, 42 U.S.C. 1786. (b) "Aggregate value of the food stamps or coupons or access devices" means the total face value of any food stamps or coupons involved in the violation plus the total value of any access devices involved in the violation. The value of an access device is the total value of the payments, allotments, benefits, money, goods, or other things of value that may be obtained, or the total value of funds that may be transferred, by use of the access device at the time of the violation. (c) "Food stamps or coupons" means the coupons issued pursuant to the food stamp program established under the food stamp act of 1977, 7 U.S.C. 2011 to 2030, or issued pursuant to any supplemental food program administered by any department of this state pursuant to section 17 of the child nutrition act of 1966, 42 U.S.C. 1786. History:Add. 1988, Act 387, Eff. Mar. 30, 1989 ;-- Am. 1993, Act 230, Eff. Apr. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.301 - Accepting Money or Valuable

Thing Contingent on Uncertain Event.

Sec. 301. Any person or his or her agent or employee who, directly or indirectly, takes, receives, or accepts from any person any money or valuable thing with the agreement, understanding or allegation that any money or valuable thing will be paid or delivered to any person where the payment or delivery is alleged to be or will be contingent upon the result of any race, contest, or game or upon the happening of any event not known by the parties to be certain, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.301 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 and 11 of Act 176 of 1925, being CL 1929, §§ 9121 and 9131.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.302 - Keeping or Occupying Common Gambling House or Building or Place Where Gaming Permitted; Apparatus Used for Gaming or Gambling; Manufacture or Possession of Gaming or Gambling Apparatus for Sale.

Sec. 302. (1) Except as provided in subsection (2), any person, or his or her agent or employee who, directly or indirectly, keeps, occupies, or assists in keeping or occupying any common gambling house or any building or place where gaming is permitted or suffered or who suffers or permits on any premises owned, occupied, or controlled by him or her any apparatus used for gaming or gambling or who shall use such apparatus for gaming or gambling in any place within this state, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. (2) This section does not prohibit the manufacture of gaming or gambling apparatus or the possession of gaming or gambling apparatus by the manufacturer of the apparatus solely for sale outside of this state, or for sale to a gambling establishment operating within this state in compliance with the laws of this state, if applicable, and in compliance with the laws of the United States, provided the manufacturer meets or exceeds federal government requirements in regard to manufacture, storage, and transportation. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.302 ;-- Am. 1989, Act 85, Imd. Eff. June 20, 1989 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 2 and 11 of Act 176 of 1925, being CL 1929, §§ 9122 and 9131.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.303 - Keeping or Maintaining Gaming Room, Gaming Table, or Game of Skill or Chance for Hire, Gain, or Reward; Accessory; Applicability of Subsection (1) to Mechanical Amusement Device, Slot Machine, or Crane Game; “Slot Machine” and “Crane Game” Defined; Notice.

Sec. 303. (1) Except as otherwise provided in this section, a person who for hire, gain, or reward, keeps or maintains a gaming room, gaming table, game of skill or chance, or game partly of skill and partly of chance, used for gaming, or who permits a gaming room, or gaming table, or game to be kept, maintained, or played on premises occupied or controlled by the person, is guilty of a misdemeanor, punishable by imprisonment for not more than 2 years, or a fine of not more than $1,000.00. A person who aids, assists, or abets in the keeping or maintaining of a gaming room, gaming table, or game, is guilty of a misdemeanor, punishable by imprisonment for not more than 2 years, or a fine of not more than $1,000.00. (2) Subsection (1) does not apply to a mechanical amusement device which may, through the application of an element of skill, reward the player with the right to replay the mechanical amusement device at no additional cost if the mechanical amusement device is not allowed to accumulate more than 15 replays at 1 time; the mechanical amusement device is designed so that accumulated free replays may only be discharged by reactivating the device for 1 additional play for each accumulated free replay; and the mechanical amusement device makes no permanent record, directly or indirectly, of the free replays awarded. (3) Subsection (1) does not apply to a slot machine if the slot machine is 25 years old or older and is not used for gambling purposes. As used in this section, "slot machine" means a mechanical device, an essential part of which is a drum or reel which bears an insignia and which when operated may deliver, as a result of the application of an element of chance, a token or money or property, or by operation of which a person may become entitled to receive, as a result of the application of an element of chance, a token or money or property. (4) A slot machine which is being used for a gambling purpose in violation of subsection (3) shall be confiscated and turned over to the director of the department of state police for auction. (5) Subsection (1) does not apply to a crane game. As used in this section, "crane game" means an amusement machine activated by the insertion of a coin by which the player uses 1 or more buttons, joysticks, or similar means of control, or a combination of those means of control, to position a mechanical or electromechanical claw, or other retrieval device, over a prize, toy, novelty, or an edible item having a wholesale value of not more than $3.75, and thereby attempts to retrieve the prize, toy, novelty, or edible item. Every prize, toy, or edible item must be retrievable by the claw. A slot machine is not considered a crane game. (6) A person who knowingly alters a crane game that is available for play so that the crane game is not in compliance with the elements of the definition contained in subsection (5) is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of not more than $20,000.00, or both. (7) A law enforcement officer may confiscate any crane game that is available for play and is not in compliance with the elements of the definition contained in subsection (5). The confiscated crane games and their contents shall not be destroyed, altered, dismantled, sold, or otherwise disposed of except upon order of a court having competent jurisdiction. (8) The following notice shall be conspicuously posted on the front of every crane game located in this state: "This game is not licensed or regulated by the state of Michigan." History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.303 ;-- Am. 1975, Act 315, Imd. Eff. Dec. 22, 1975 ;-- Am. 1979, Act 43, Imd. Eff. July 2, 1979 ;-- Am. 1988, Act 464, Imd. Eff. Dec. 27, 1988 ;-- Am. 1990, Act 130, Imd. Eff. June 26, 1990 ;-- Am. 1996, Act 129, Imd. Eff. Mar. 13, 1996Constitutionality:The provision of the

Penal Code which exempts from the statutory proscription of gaming devices mechanical amusement devices which, through application of an element of skill, reward a player with free replays of the device, and which do not allow more than fifteen replays or the discharge of free replays without actually being played or keep a permanent record of the replays awarded is not unconstitutionally vague. Automatic Music and Vending Corporation v Liquor Control Commission, 426 Mich 452; 396 NW2d 204 (1986).Former Law:See section 15 of Ch. 43 of R.S. 1846, being CL 1857, § 1588; CL 1871, § 1998; How., § 2029; CL 1897, § 5935; CL 1915, § 7801; CL 1929, § 9117; and Act 171 of 1877.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.303a - Applicability of Chapter; Recreational Card Playing Conducted at Senior Citizen Housing Facility.

Sec. 303a. This chapter does not apply to recreational card playing conducted at a senior citizen housing facility not licensed by the liquor control commission by a senior citizens club or a group of residents of a senior citizen housing facility that consists of at least 15 members who are 60 years of age or older under all of the following circumstances: (a) The card playing is conducted solely for the amusement and recreation of the members and guests of the club or group and is not conducted for fund-raising. The number of guests participating in the card playing shall not exceed the number of club or group members participating in the card playing. (b) Only bona fide members and employees of the club or group participate in the conduct of the activity. (c) The card playing is conducted after 9 a.m. and before midnight. (d) The participating cardplayers bet not more than 25 cents per bet. (e) The winnings from 1 hand of cards do not exceed $5.00. (f) Except for winnings, revenue generated from the activity is used for reasonable expenses incurred in conducting the card playing, and no person is compensated for participating in the conduct of the card playing. History:Add. 1996, Act 539, Imd. Eff. Jan. 14, 1997

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.304 - Selling Pools and Registering Bets.

Sec. 304. Any person or his or her agent or employee who, directly or indirectly, keeps, maintains, operates, or occupies any building or room or any part of a building or room or any place with apparatus, books, or any device for registering bets or buying or selling pools upon the result of a trial or contest of skill, speed or endurance or upon the result of a game, competition, political nomination, appointment, or election or any purported event of like character or who registers bets or buys or sells pools, or who is concerned in buying or selling pools or who knowingly permits any grounds or premises, owned, occupied, or controlled by him or her to be used for any of the purposes aforesaid, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.304 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 3 and 11 of Act 176 of 1925, being CL 1929, §§ 9123 and 9131.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.305 - Publication or Distribution of Betting Odds; Penalty.

Sec. 305. (1) Any person, or his or her agent or employee who, directly or indirectly, by means of any newspaper, periodical, poster, notice, or other mode of publication or reproduction, writes, prints, publishes, advertises, delivers, or distributes or offers to deliver or distribute to the public or to any part thereof or to any person, any statement or information concerning the making or laying of wagers or bets or the selling of pools or evidences of betting odds on any contest or game or on the happening of any event not known by the parties to be certain, or any purported event of like character, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. (2) The acts prohibited in subsection (1) constitute violations of subsection (1) when committed before any game, contest, or event. The possession of evidence for the publication of any statement or information concerning the making or laying of wagers or bets or the selling of pools or betting odds also constitutes a violation of subsection (1) when possessed for publication before the act evidenced thereby. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.305 ;-- Am. 1959, Act 229, Eff. Mar. 19, 1960 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 4 and 11 of Act 176 of 1925, being §§ 9124 and 9131.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.305a - Racing Results; Unlawful Use of Teletype Ticker, Exceptions; Prima Facie Evidence; Penalties.

Sec. 305a. It shall be unlawful for any corporation, association, firm, co-partnership or person, either directly, or indirectly, or by or through any agent or employee, to lease, loan, sell, assign or in any way cause to be furnished any machine, device or instrumentality, excluding the telephone, and including but not limited to the device commonly referred to as a teletype ticker, registering or recording by any words, figures, signs, characters or hieroglyphics information concerning and the results of racing as defined in section 331 of Act No. 328 of the Public Acts of 1931, being section 750.331 of the Compiled Laws of 1948, or any statement or information concerning the making or laying of wagers, or bets, or the selling of pools or evidences of betting odds on any such race, to any person, firm, association, co-partnership or corporation, directly, indirectly or otherwise, or to their agents or employees within this state; and it shall likewise be unlawful for any corporation, association, firm, co-partnership or person, either

directly or indirectly, or by or through any agent or employee, to transmit, convey or otherwise cause to be transmitted or conveyed through facilities owned, operated, leased by, serviced by, or otherwise under the control of such corporation, association, firm, co-partnership or person, such information to a teletype ticker or other device or instrumentality recording the same within this state; and it shall likewise be unlawful for any corporation, association, firm, co-partnership or person to string wires or other means of transmitting such information to such device or instrumentality within this state, used for recording such information, or to maintain, service, repair, lease, rent or install such communication lines and such recording devices or instrumentalities to, in and upon any premises in this state: Provided, however, That the provisions hereof shall not apply to the transmission and recording of such information to bona fide newspapers, having a general circulation and carrying principally local, sports, or national news of general interest and shall not apply to duly licensed radio and television stations or to press associations for distribution to such newspapers, radio or television stations nor to the use of totalizers and mechanical devices legally used, under the provisions of section 13, Act No. 199, Public Acts of 1933 as amended, being section 431.13 of the Compiled Laws of 1948, it being the intention of this section to make unlawful the transmission of such information and the furnishing and maintenance of facilities for the receipt and recordation of such information to so-called hand-books, bookies, pool rooms and to any and all other agencies within this state for illegal gambling purposes. The presence of a so-called teletype ticker machine or other device or instrumentality for recording such information and the presence of wires installed for the transmitting of such information in, upon and to any premises within this state other than hereinbefore excepted is hereby declared to be prima facie evidence of the criminal intent of the person, firm, association, co-partnership or corporation and its agents and employees, lending, leasing, renting, conveying, supplying, servicing or otherwise maintaining said wires, devices or instrumentalities: Provided, however, That said presumption of criminal intent shall be rebutted if the corporation, association, firm, co-partnership, person, agent, or employee, furnishing, maintaining, servicing, or installing such device or facilities or transmitting such information, prior to the issuance of a warrant for the violation of this section, shall have notified the prosecuting attorney of the county where the violation is alleged to have occurred in writing that such device and facilities may be used for unlawful and illegal purposes. Any person, co-partnership, firm, association or corporation and any agent and employee thereof who shall, directly or indirectly, do or cause to be done any act or acts hereinbefore declared to be unlawful shall be guilty of a misdemeanor punishable by imprisonment in the state prison for not more than 2 years or by a fine of $5,000.00, or both fine and imprisonment: Provided, however, That no public utility corporation engaged in the distribution and selling of electrical energy shall be deemed to be in violation of this act by reason of its sale of electrical energy to a telephone or telegraph company, or by reason of its permitting its poles or conduits to be occupied by the wires and cables of a telephone or telegraph company. History:Add. 1952, Act 199, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.306 - Pool Tickets; Declaration as Nuisance.

Sec. 306. (1) All policy or pool tickets, slips or checks, memoranda of any combination, or other bet, manifold, or other policy or pool books or sheets are hereby declared a common nuisance and the possession of 1 or more of those items is a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. (2) The possession of articles listed in subsection (1), or of any other implements, apparatus, or materials of any other form of gaming, is prima facie evidence of their use, by the person having them in possession, in the form of gaming in which like articles are commonly used. And such article found upon the person of one lawfully arrested for violation of any law relative to lotteries, policy lotteries or policy, the buying or selling of pools or registering of bets or other form of gaming is competent evidence upon the trial of an indictment to which it may be relevant. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.306 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 5 and 11 of Act 176 of 1925, being CL 1929, §§ 9125 and 9131.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.307 - Gambling; Prima Facie Evidence.

Sec. 307. Prima facie evidence—In a prosecution or proceeding relative to lotteries, policy lotteries or policy, buying and selling pools or registering bets, any words, figures or characters, written, printed or exposed upon a blackboard, placard or otherwise in a place alleged to be used or occupied for such business, purporting or appearing to be a name of a horse or jockey, or a description of or reference to a trial or contest of skill, speed or endurance of man, beast, bird or machine, or game, competition, political nomination, appointment or election, or other act or event, or any odds, bet, combination bet or other stake or wager, or any code, cipher or substitute therefor, shall be prima facie evidence of the existence of the race, game, contest or other act or event so purporting or appearing to be referred to, and that such place is kept or occupied for gaming; and in all cases a copy or oral description thereof shall be competent evidence of the same. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.307Former Law:See section 6 of Act 176 of 1925, being CL 1929, § 9126.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.308 - Gaming House; Search Warrant; Seizure of Apparatus and Material; Arrest.

Sec. 308. If a person makes oath before a judge that he or she has probable cause to believe and does believe that a house or other building, room, or place is used as and for a common gaming house, for gaming for money or other property, or is occupied, used,

or kept for promoting a lottery, or for the sale of lottery tickets, or for promoting the game known as a policy lottery or policy, or for the buying or selling of pools or registering of bets upon any race, game, contest, act, or event, and that persons resort thereto for any such purpose, the judge, whether the names of the persons last mentioned are known to the complainant or not, shall, if he or she be satisfied there is reasonable cause for such belief, issue a warrant commanding the sheriff or deputy sheriff or any constable or police officer to enter and search such house, building, room, or place, and if any lottery, policy or pool tickets, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus, or material of any form of gaming be found in the place, to take into his or her custody all the implements, apparatus, or material of gaming, including any articles, equipment, furniture, loud speakers and amplifying apparatus, adding machines, calculators, money changers and boxes, and money found therein or in or on gambling apparatus, or material used in connection with or the promotion of gambling or a gambling place; and upon the finding of such apparatus and material of any form of gaming, the officers shall be authorized to arrest the keepers of the place, all persons in any way assisting in keeping the same, whether as capper, tout, guard, doorkeep, lookout, or otherwise, and all persons who are there found, and to keep the persons, implements, apparatus, or material of gaming, including any punch board prizes, articles, equipment, furniture, loud speakers and amplifying apparatus, adding machines, calculators, money changers and boxes, and money found therein or in or on gambling apparatus, or material used in connection with or the promotion of gambling or a gambling place, so that they may be forthcoming before some court or magistrate to be dealt with according to law. The provisions of law relative to destroying or other disposition of gaming articles shall apply to all articles and property seized as herein provided. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1941, Act 25, Eff. Jan. 10, 1942 ;-- CL 1948, 750.308 ;-- Am. 1953, Act 64, Eff. Oct. 2, 1953 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991Former Law:See section 7 of Act 176 of 1925, being CL 1929, § 9127.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.308a - Disposition of Articles or Property Seized.

Sec. 308a. On application of a sheriff, chief of police of a police department, commissioner of the Michigan state police, or other peace officer, a court or magistrate of competent jurisdiction may upon due notice and hearing turn over to said sheriff, chief of a police department, commissioner of the Michigan state police, or peace officer, any articles or property listed under the provisions of section 308 of this chapter lawfully seized by any such peace officer for such disposition as the court or magistrate shall prescribe, or said court or magistrate may provide for the destruction or other disposition of said articles or property. Any funds derived from the disposition of any such articles or property shall be turned over to the treasurer of the city, township or county whose law enforcement officer made application for the disposition of such articles or property, or to the state treasurer if such application is made by the commissioner of the Michigan state police. History:Add. 1953, Act 64, Eff. Oct. 2, 1953

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.309 - Frequenting or Attending Gaming Places.

Sec. 309. Frequenting or attending gaming places—Any person who shall attend or frequent any place where gaming or gambling is suffered or permitted, or any place operated or occupied as a common gaming or gambling house or room, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.309Former Law:See section 10 of Act 176 of 1925, being CL 1929, § 9129.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.310 - Exceptions.

Sec. 310. This chapter shall not be construed to prohibit or make unlawful the operation of a game of skill or chance pursuant to the Michigan Exposition and Fairgrounds Act or the giving or payment of purses, prizes, or premiums to players in a game or participants in a contest or to the owner, driver, manager, or trainer of animals or the drivers, mechanics, or operators of a machine or the giving or payment of entry fees or the payment of expenses or reward for services or labor in connection with a race, contest, or game but it shall apply to the selling of pools or to a transaction whereby money or a valuable thing shall be paid as a gain or speculation on the result of a contest, race, game, or event not known to the parties to be certain and concerning which the parties to the transaction do not render service directly related to the holding of the contest, race, or game or the bringing about of the event. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.310 ;-- Am. 1978, Act 356, Eff. July 22, 1978Former Law:See section 8 of Act 176 of 1925, being CL 1929, § 9128.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.310a - Applicability of Chapter; Bowling Game or Bowling Card Game.

Sec. 310a. (1) Subject to subsection (3), this chapter does not apply to a bowling game or a bowling card game conducted in a bowling center to which all of the following apply: (a) The total amount of the participation fee per person per game does not exceed $5.00. (b) The total prize payout per league per game does not exceed $1,000.00 and is comprised only of participation fees. (2) This

section applies only to a game that is sponsored solely by 1 league and whose participants are members of the same league. (3) The bowling center in which the bowling game or bowling card game is conducted shall not receive a percentage of the participation fees or prize money from bowling games or bowling card games for which a stake or prize is awarded. (4) As used in this section: (a) "Bowling center" means a bowling alley with a minimum of 5 lanes. (b) "Bowling card game" means a card game held in conjunction with a bowling game, the results of which depend on the outcome of the bowling game. Bowling card game does not include any of the following: (i) A mechanical or electronic simulation of a bowling card game. (ii) Roulette, beano, cards unless used in a bowling card game, dice, wheels of fortune, video poker, slot machines, or other similar games in which winning depends primarily upon fortuitous or accidental circumstances beyond the control of the player. (iii) A game that includes a mechanical or physical device that directly or indirectly impairs or thwarts the skill of the player. (c) "Bowling game" means not more than 3 sets of 10 frames of bowling. Bowling game does not include any of the following: (i) A mechanical or electronic simulation of a bowling game. (ii) Roulette, beano, cards unless used in a bowling card game, dice, wheels of fortune, video poker, slot machines, or other similar games in which winning depends primarily upon fortuitous or accidental circumstances beyond the control of the player. (iii) A game that includes a mechanical or physical device that directly or indirectly impairs or thwarts the skill of the player. (d) "Participation fee" means a fee that is charged by the league to a participant in a game for which a stake or prize is awarded. History:Add. 1996, Act 539, Imd. Eff. Jan. 14, 1997 ;-- Am. 1998, Act 338, Imd. Eff. Sept. 30, 1998

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.310b - Applicability of Chapter; Redemption Game.

Sec. 310b. (1) This chapter does not apply to a redemption game if all of the following conditions are met: (a) The outcome of the game is determined through the application of an element of skill by the player. (b) The award of the prize is based upon the player's achieving the object of the game or otherwise upon the player's score. (c) Only noncash prizes, toys, novelties, or coupons or other representations of value redeemable for noncash prizes, toys, or novelties are awarded. A gift card may be awarded under this subdivision if all of the following apply: (i) The gift card is usable only at a retailer or an affiliated group of retailers. (ii) The gift card is issued in a specified amount. (iii) The gift card is redeemable only for goods and services available from the retailer or retailers and not for cash. (iv) Information on the gift card may not be altered with the use of a personal identification number. (d) The wholesale value of a prize, toy, or novelty awarded for the successful single play of a game is not more than $3.75. (e) The redemption value of coupons or other representations of value awarded for the successful single play of a game does not exceed 15 times the amount charged for a single play of the game or a $3.75-per-play average, whichever is less. However, players may accumulate coupons or other representations of value for redemption for noncash prizes, toys, or novelties of a greater value up to, but not exceeding, $500.00 wholesale value. (2) As used in this section, "redemption game" means a single player or multiplayer mechanical, electronic, or manual amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, propelling, or stopping a ball or other object into, upon, or against a hole or other target. Redemption game does not include either of the following: (a) A game such as roulette, beano, cards, dice, wheel of fortune, video poker, a slot machine, or another game in which winning depends primarily upon fortuitous or accidental circumstances beyond the control of the player. (b) A game that includes a mechanical or physical device that directly or indirectly impairs or thwarts the skill of the player. History:Add. 1996, Act 539, Imd. Eff. Jan. 14, 1997 ;-- Am. 2010, Act 219, Imd. Eff. Dec. 9, 2010

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.310c - Applicability of Chapter; Social Media Internet Game; Definition.

Sec. 310c. (1) The chapter does not prohibit a social media internet game from rewarding a player, as a result of chance or uncertain event, with either 1 or more free plays or an extended period of playing time. (2) As used in this section, "social media internet game" means a game offered over the internet or on a telephone or other mobile device. Social media internet game does not include fantasy sports. History:Add. 2017, Act 41, Imd. Eff. May 23, 2017

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.310d - Inapplicability of Chapter; Gambling Under Lawful Internet Gaming Act.

Sec. 310d. This chapter does not apply to gambling conducted under the lawful internet gaming act. History:Add. 2019, Act 150, Imd. Eff. Dec. 20, 2019

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.310e - Inapplicability of Chapter; Sports Betting Under Lawful Sports Betting Act.

Sec. 310e. This chapter does not apply to sports betting conducted under the lawful sports betting act. History:Add. 2019, Act 148, Imd. Eff. Dec. 20, 2019

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.311 - Gambling in Stocks, Bonds, Grain or Produce.

Sec. 311. Gambling in stocks, bonds, grain, etc.—It shall be unlawful for any corporation, association, firm, copartnership or person to keep or cause to be kept by any agent or employe within this state, any office, store or other place, wherein is conducted or permitted the pretended buying or selling of the shares of stocks or bonds of any corporation, or petroleum, cotton, grain, provisions or other produce, either on margins or otherwise, without any intention of receiving and paying for the property so bought or of delivering the property so sold; or wherein is conducted or permitted the pretended buying or selling of such property on margins, when the party selling the same or offering to sell the same does not have the property on hand to deliver upon such sale; or when the party buying any of such property, or offering to buy the same, does not intend actually to receive the same if purchased or to deliver the same if sold; all such acts and all purchases and sales, or contracts and agreements for the purchase and sale of any of the property aforesaid in manner aforesaid, and all offers to sell the same or to purchase the same in manner aforesaid, as well as all transactions in stocks, bonds, petroleum, cotton, grains or provisions in the manner as aforesaid, on margins for future or optional delivery, are hereby declared gambling and criminal acts, whether the person buying or selling or offering to buy or sell acts for himself or as an agent, employe or broker for any firm, copartnership, company, corporation, association or broker's office. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.311Former Law:See section 1 of Act 199 of 1887, being How., § 9354f; CL 1897, § 11373; CL 1915, § 15091; CL 1929, § 16618; and sections 1 and 2 of Act 336 of 1907, being CL 1915, §§ 7805 and 7806; and CL 1929, §§ 9133 and 9134.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.312 - Commission Merchants, Statements on Demand.

Sec. 312. Commission merchants, etc., to furnish written statement, etc., on demand—It shall be the duty of every commission merchant, firm, copartnership, association, corporation or broker doing business as such, to furnish upon demand, to any customer or principal for whom such commission merchant, broker, firm, copartnership, corporation or association has executed any order for the actual purchase or sale of any of the commodities mentioned in the next preceding section of this chapter either for immediate or future delivery, a written statement containing the names of the parties from whom any such property was bought or to whom it shall have been sold, as the case may be, the time when, the place where and the price at which the same was either bought or sold; and in case such commission merchant, broker, firm, copartnership, corporation or association shall refuse promptly to furnish such statement upon reasonable demand, the fact of such refusal shall be prima facie evidence that such property was not sold or bought in legitimate manner upon the open market. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.312Former Law:See section 2 of Act 199 of 1887, being How., § 9354g; CL 1897, § 11374; CL 1915, § 15092; CL 1929, § 16619; and section 4 of Act 336 of 1907, being CL 1915, § 7808; and CL 1929, § 9136.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.313 - Gambling in Stocks, Bonds, Grain or Produce; Penalty.

Sec. 313. Penalty for gambling and using property for gambling in stocks, bonds, grain, etc.—Any person who shall knowingly permit any of the acts set forth in the eleventh section of this chapter in his building, house or in any out-house, booth, arbor or erection of which he has the title, care or possession, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 2 years or by a fine of not less than 500 dollars or more than 1,000 dollars, and any penalty so adjudged shall be a lien upon the premises on or in which such unlawful acts are carried on or permitted, and any person whether acting for himself, or as a broker, agent or employe of any person, or as an officer, broker, agent or employe of any corporation, association, firm or co-partnership, who shall violate any of the provisions of the eleventh section of this chapter, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 2 years, or by fine of not less than 500 dollars nor more than 1,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.313Former Law:See section 3 of Act 199 of 1887, being How., § 9354h; CL 1897, § 11375; CL 1915, § 15093; and CL 1929, § 16620.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.314 - Winning at Gambling.

Sec. 314. Any person who by playing at cards, dice, or any other game, or by betting or putting up money on cards, or by any other means or device in the nature of betting on cards, or betting of any kind, wins or obtains any sum of money or any goods, or any article of value whatever, is guilty of a misdemeanor if the money, goods, or articles so won or obtained are of the value of not more than $50.00. If the money, goods, or articles so won or obtained are of the value of more than $50.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.314 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 9 of Ch. 43 of R.S. 1846, being CL 1857, § 1582; CL 1871, § 1992; How., § 2023; CL 1897, § 5929; CL 1915, § 7795; CL 1929, § 9111; and Act 171 of 1877.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.315 - Losing at Gambling.

Sec. 315. Losing at gambling—Any person who shall lose any sum of money, or any goods, article or thing of value, by playing or betting on cards, dice or by any other device in the nature of such playing or betting, and shall pay or deliver the same or any part thereof to the winner, and shall not, within 3 months after such loss, without covin or collusion, prosecute with effect for such money or goods, the winner to whom such money or goods shall have been so paid or delivered, shall be guilty of a misdemeanor, punishable by a fine not exceeding 3 times the value of such money or goods. Such loser may sue for and recover such money in an action for money had and received to the use of the plaintiff; and such goods, article or valuable thing in an action of replevin, or the value thereof in an action on the case. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.315Former Law:See sections 9 and 10 of Ch. 43 of R.S. 1846, being CL 1857, §§ 1582 and 1583; CL 1871, §§ 1992 and 1993; How., §§ 2023 and 2024; CL 1897, §§ 5929 and 5930; CL 1915, §§ 7795 and 7796; and CL 1929, §§ 9111 and 9112.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLIV - Chapter XLIV Gambling (750.301...750.315a)Section 750.315a - Loan Promotion Raffle or Savings Promotion Raffle; Inapplicability of Chapter.

Sec. 315a. This chapter does not apply to a loan promotion raffle or savings promotion raffle conducted by a domestic credit union under section 411 of the credit union act, 2003 PA 215, MCL 490.411, to a loan promotion raffle or savings promotion raffle conducted by a state bank under section 4111 of the banking code of 1999, 1999 PA 276, MCL 487.14111, or to a loan promotion raffle or savings promotion raffle conducted by a federally chartered credit union, a national bank, or a federally chartered savings and loan association that is conducted in the same manner as a loan promotion raffle or savings promotion raffle conducted by a domestic credit union under section 411 of the credit union act, 2003 PA 215, MCL 490.411. History:Add. 1982, Act 395, Eff. Mar. 30, 1983 ;-- Am. 2003, Act 217, Imd. Eff. Dec. 2, 2003 ;-- Am. 2014, Act 400, Imd. Eff. Dec. 29, 2014 ;-- Am. 2016, Act 163, Eff. Sept. 7, 2016

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.316 - First Degree Murder; Incarceration Order Upon Conviction; Penalty; Definitions.

Sec. 316. (1) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, a person who commits any of the following is guilty of first degree murder and shall be punished by imprisonment for life without eligibility for parole: (a) Murder perpetrated by means of poison, lying in wait, or any other willful, deliberate, and premeditated killing. (b) Murder committed in the perpetration of, or attempt to perpetrate, arson, criminal sexual conduct in the first, second, or third degree, child abuse in the first degree, a major controlled substance offense, robbery, carjacking, breaking and entering of a dwelling, home invasion in the first or second degree, larceny of any kind, extortion, kidnapping, vulnerable adult abuse in the first or second degree under section 145n, torture under section 85, aggravated stalking under section 411i, or unlawful imprisonment under section 349b. (c) A murder of a peace officer or a corrections officer committed while the peace officer or corrections officer is lawfully engaged in the performance of any of his or her duties as a peace officer or corrections officer, knowing that the peace officer or corrections officer is a peace officer or corrections officer engaged in the performance of his or her duty as a peace officer or corrections officer. (2) Immediately following a conviction under this section, a court shall enter an order committing the convicted person to the jurisdiction of the department of corrections for incarceration in a state correctional facility pending sentencing using a form created by the state court administrative office for this purpose. This order becomes effective if both of the following apply: (a) The sheriff agrees to transport for final sentencing the person from the state correctional facility to the county and from the county back to the state correctional facility. (b) The convicted person was not less than 18 years of age at the time he or she committed the offense for which he or she was convicted under this section. (3) A court shall hold the sentencing hearing not more than 45 days after a person is committed to the department of corrections under subsection (2). (4) As used in this section: (a) "Arson" means a felony violation under chapter X. (b) "Corrections officer" means any of the following: (i) A prison or jail guard or other prison or jail personnel. (ii) Any of the personnel of a boot camp, special alternative incarceration unit, or other minimum security correctional facility. (iii) A parole or probation officer. (c) "Major controlled substance offense" means any of the following: (i) A violation of section 7401(2)(a)(i) to (iii) of the public health code, 1978 PA 368, MCL 333.7401. (ii) A violation of section 7403(2)(a)(i) to (iii) of the public health code, 1978 PA 368, MCL 333.7403. (iii) A conspiracy to commit an offense listed in subparagraph (i) or (ii). (d) "Peace officer" means any of the following: (i) A police or conservation officer of this state or a political subdivision of this state. (ii) A police or conservation officer of the United States. (iii) A police or conservation officer of another state or a political subdivision of another state. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.316 ;-- Am. 1969, Act 331, Eff. Mar. 20, 1970 ;-- Am. 1980, Act 28, Imd. Eff. Mar. 7, 1980 ;-- Am. 1994, Act 267, Eff. Oct. 1, 1994 ;-- Am. 1996, Act 20, Eff. Apr. 1, 1996 ;-- Am. 1996, Act 21, Eff. Apr. 1, 1996 ;-- Am. 1999, Act 189, Eff. Apr. 1, 2000 ;-- Am. 2004, Act 58, Eff. June 11, 2004 ;-- Am. 2006, Act 415, Eff. Dec. 1, 2006 ;-- Am. 2013, Act 39, Imd. Eff. June 4, 2013 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014 ;-- Am. 2014, Act 158, Eff. July 1, 2014 ;-- Am. 2022, Act 149, Imd. Eff. July 19, 2022Constitutionality:This section, which provides a mandatory life sentence for first degree murder, does not violate constitutional guarantees of due process and equal protection or the guarantee against cruel and unusual punishment. People v Hall, 396 Mich 650; 242 NW2d 377

(1976).The use of common-law definition of rape in this section, until it was amended by 1980 PA 28, does not violate the equal protection clause. People v McDonald, 409 Mich 110; 293 NW2d 588 (1980).In People v Gay, 407 Mich 681; 289 NW2d 651 (1980), the Michigan supreme court held that the prosecution of defendants under this section subsequent to their convictions in federal court for the same acts is limited by the double jeopardy clause of the Michigan constitution.In People v Wilder, 411 Mich 328; 308 NW2d 112 (1981), the Michigan supreme court held that conviction and sentence for both first-degree felony murder and the underlying felony of armed robbery violates the state constitutional prohibition against double jeopardy.A mandatory life sentence imposed for conspiracy to commit first-degree, even if nonparolable, is not so excessive as to constitute cruel and unusual punishment; nor does it violate the Equal Protection Clauses of the Michigan and United States Constitutions. People v Fernandez, 427 Mich 321; 398 NW2d 311 (1986).Former Law:See section 1 of Ch. 153 of R.S. 1846, being CL 1857, § 5711; CL 1871, § 7510; How., § 9075; CL 1897, § 11470; CL 1915, § 15192; and CL 1929, § 16708.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.317 - Second Degree Murder; Penalty.

Sec. 317. Second degree murder—All other kinds of murder shall be murder of the second degree, and shall be punished by imprisonment in the state prison for life, or any term of years, in the discretion of the court trying the same. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.317Former Law:See section 2 of Ch. 153 of R.S. 1846, being CL 1857, § 5712; CL 1871, § 7511; How., § 9076; CL 1897, § 11471; CL 1915, § 15193; and CL 1929, § 16709.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.317a - Delivery of Schedule 1 or 2 Controlled Substance; Death as Felony; Penalty.

Sec. 317a. A person who delivers a schedule 1 or 2 controlled substance, other than marihuana, to another person in violation of section 7401 of the public health code, 1978 PA 368, MCL 333.7401, that is consumed by that person or any other person and that causes the death of that person or other person is guilty of a felony punishable by imprisonment for life or any term of years. History:Add. 2005, Act 167, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.318 - Degree of Murder; Determination; Testimony, Open Court, Transcript.

Sec. 318. The jury before whom any person indicted for murder shall be tried shall, if they find such person guilty thereof, ascertain in their verdict, whether it be murder of the first or second degree; but, if such person shall be convicted by confession, the court shall proceed by examination of witnesses to determine the degree of the crime, and shall render judgment accordingly. All testimony taken at such examination shall be taken in open court and a typewritten transcript or copy thereof, certified by the court reporter taking the same, shall be placed in the file of the case in the office of the county clerk. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1947, Act 295, Eff. Oct. 11, 1947 ;-- CL 1948, 750.318Former Law:See section 3 of Ch. 153 of R.S. 1846, being CL 1857, § 5713; CL 1871, § 7512; How., § 9077; CL 1897, § 11472; CL 1915, § 15194; and CL 1929, § 16710.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.321 - Manslaughter.

Sec. 321. Manslaughter—Any person who shall commit the crime of manslaughter shall be guilty of a felony punishable by imprisonment in the state prison, not more than 15 years or by fine of not more than 7,500 dollars, or both, at the discretion of the court. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.321Former Law:See section 10 of Ch. 153 of R.S. 1846, being CL 1857, § 5720; CL 1871, § 7519; How., § 9084; CL 1897, § 11479; CL 1915, § 15201; and CL 1929, § 16717.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.322 - Manslaughter; Wilful Killing of Unborn Quick Child.

Sec. 322. Wilful killing of unborn quick child—The wilful killing of an unborn quick child by any injury to the mother of such child, which would be murder if it resulted in the death of such mother, shall be deemed manslaughter. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.322Former Law:See section 32 of Ch. 153 of R.S. 1846, being CL 1857, § 5742; CL 1871, § 7541; How., § 9106; CL 1897, § 11501; CL 1915, § 15223; and CL 1929, § 16739.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.326 - Immoderate Speed Not Dependent on Legal Speed.

Sec. 326. Immoderate speed not dependent on legal rate of speed—In any prosecution under the 2 next preceding sections, whether the defendant was driving at an immoderate rate of speed shall not depend upon the rate of speed fixed by law for operating such vehicle. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.326Former Law:See section 3 of Act 98 of 1921, being CL

1929, § 16745.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.327 - Death Due to Explosives.

Sec. 327. Death due to explosives—No person shall order, send, take or carry, or attempt to order, send, take or carry dynamite, nitro-glycerine or any other explosive substance which explodes by concussion or friction, concealed in any bag, satchel, valise, trunk, box or in any other manner, either as freight or baggage, on any passenger boat or vessel, or any railroad car or train of cars, street car, motor bus, stage or other vehicle used wholly or partly for carrying passengers. In case any person violates any of the provisions of this section, he, and any consignee to whom any such dynamite, nitro-glycerine, or other explosive substance has been consigned by his procurement in violation of any of the provisions hereof, shall be guilty of a felony, punishable by imprisonment in the state prison for life or any term of years, in case such dynamite, nitro-glycerine or other explosive substance explodes and destroys human life while in possession of any carrier or on any boat, vessel, railroad car, street car, motor bus, stage or other vehicle contrary to any of the provisions hereof. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.327

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.327a - Sale of Explosives to Minors.

Sec. 327a. A person who sells or furnishes to a minor, without first having procured the written consent of the parent or guardian of the minor, any bulk gunpowder, dynamite, blasting caps or nitroglycerine is guilty of a misdemeanor. History:Add. 1961, Act 12, Eff. Sept. 8, 1961 ;-- Am. 1972, Act 32, Imd. Eff. Feb. 19, 1972

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.328 - Death Due to Explosives; Placed With Intent to Destroy Building or Object.

Sec. 328. Death from explosives placed with intent to destroy, etc., building or object—Any person who with intent to destroy, throw down or injure the whole or any part of any building or object, places or causes to be placed in, upon, under, against or near such building or object any gun powder or other explosive substance which upon explosion causes the death of any person, shall be guilty of a felony, punishable by imprisonment in the state prison for life or any term of years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.328

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.329 - Discharging Firearm Pointed or Aimed at Another Person Resulting in Death; Manslaughter; Exception; "Peace Officer" Defined.

Sec. 329. (1) A person who wounds, maims, or injures another person by discharging a firearm that is pointed or aimed intentionally but without malice at another person is guilty of manslaughter if the wounds, maiming, or injuries result in death. (2) This section does not apply to a peace officer of this state or another state, or of a local unit of government of this state or another state, or of the United States, performing his or her duties as a peace officer. As used in this section, "peace officer" means that term as defined in section 215. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.329 ;-- Am. 2005, Act 303, Imd. Eff. Dec. 21, 2005

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLV - Chapter XLV Homicide (750.316...750.329a)Section 750.329a - Intent to Assist Individual in Suicide; Prohibited Conduct; Felony; Exception; Effect of Common Law Offense.

Sec. 329a. (1) A person who knows that an individual intends to kill himself or herself and does any of the following with the intent to assist the individual in killing himself or herself is guilty of criminal assistance to the killing of an individual, a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both: (a) Provides the means by which the individual attempts to kill himself or herself or kills himself or herself. (b) Participates in an act by which the individual attempts to kill himself or herself or kills himself or herself. (c) Helps the individual plan to attempt to kill himself or herself or to kill himself or herself. (2) This section does not apply to withholding or withdrawing medical treatment. (3) This section does not prohibit a prosecution under the common law offense of assisting in a suicide, but a person shall not be convicted under both this section and that common law offense for conduct arising out of the same transaction. History:Add. 1998, Act 296, Eff. Sept. 1, 1998

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLVI - Chapter XLVI Horse Racing (750.330...750.332)Section 750.330 - Betting Odds; Publishing and Selling.

Sec. 330. Any person, firm, or corporation, who by means of any newspaper, periodical, poster, notice, or other mode of publication or reproduction, publishes or sells reports of betting odds on horse races wherever conducted is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. This section does not apply to trotting or pacing races permitted to be held in this state, nor to races conducted at state or county fairs or other fairs conducted by agricultural societies; nor as prohibiting the publication of matters pertaining to pedigrees, entries or results of races excepted by this section, or

programs for the use solely of spectators at races nor to any publication designed solely for the benefit of breeders or purchasers of stock. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.330 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 to 3 of Act 328 of 1917, being CL 1929, §§ 16628 to 16630.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLVI - Chapter XLVI Horse Racing (750.330...750.332)Section 750.331 - Racing; Definition, Penalty.

Sec. 331. All running, trotting, or pacing of horses, or any other animals, for any bet or stakes, in money, goods, or other valuable thing, excepting such as are by special laws for that purpose expressly allowed, constitute racing within the meaning of this section, and are hereby declared to be common and public nuisances and all parties concerned therein, either as authors, betters, stakers, stake-holders, judges to determine the speed of animals, riders, contrivers, or abettors thereof, are guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. However, this section does not apply to the giving of premiums by agricultural and other societies and associations for the running and trotting of horses at fairs or regularly appointed meetings. Every person who contributes or collects any money, goods, or things in action, for the purpose of making up a purse, plate, or other valuable thing, to be raced for by any animal, contrary to law, is guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.331 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 and 3 of Ch. 40 of R.S. 1846, being CL 1857, §§ 5920 and 5922; CL 1871, §§ 7777 and 7779; How., §§ 9387 and 9389; CL 1897, §§ 11396 and 11398; CL 1915, §§ 15114 and 15116; and CL 1929, §§ 16621 and 16623.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLVI - Chapter XLVI Horse Racing (750.330...750.332)Section 750.332 - Fraudulent Entry of Horses in Speed Contests.

Sec. 332. Fraudulent entry of horses in speed contests—Any person who shall knowingly and corruptly enter, or cause to be entered for competition, or to compete for any prize, purse, premium, stake or sweepstakes, offered by any agricultural society or driving club, or other society organized under the laws of this state, or by any association of persons in this state where the same is to be decided by a contest of speed, any horse, mare, gelding, colt or filly, under an assumed or false name, or out of its proper class or division, with intent to cheat or deceive such society or organization or association, shall be guilty of a felony. The class or division in which an entry is made, within the meaning of this section, shall be determined by the rules and regulations of the society, organization or association under whose auspices the contest is to be conducted and the published terms and conditions under which the prize, purse, premium, stake or sweepstakes is offered, opened or announced. The true name of any horse, mare, gelding, colt or filly, within the meaning of this section, shall be the name by which it is known under and according to the rules and regulations of such society, organization or association, and the name by which any horse, mare, gelding, colt or filly has once competed for any prize, purse, premium, stake or sweepstakes, shall be regarded as its true name, unless the name is changed as provided by said rules and regulations. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.332Former Law:See sections 1 to 3 of Act 63 of 1891, being CL 1897, §§ 11769 to 11771; CL 1915, §§ 15583 to 15585; and CL 1929, §§ 16625 to 16627.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLVIII - Chapter XLVIII Indecency and Immorality (750.335...750.347)Section 750.335 - Lewd and Lascivious Cohabitation and Gross Lewdness.

Sec. 335. Any individual, married or unmarried, who is guilty of open and gross lewdness and lascivious behavior, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. No prosecution may be commenced under this section after 1 year from the time the offense was committed. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.335 ;-- Am. 1952, Act 73, Eff. Sept. 18, 1952 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003 ;-- Am. 2023, Act 78, Imd. Eff. July 12, 2023Former Law:See sections 6 and 7 of Ch. 158 of R.S. 1846, being CL 1857, §§ 5861 and 5862; CL 1871, §§ 7696 and 7697; How., §§ 9282 and 9283; CL 1897, §§ 11693 and 11694; CL 1915, §§ 15467 and 15468; and CL 1929, §§ 16822 and 16823.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLVIII - Chapter XLVIII Indecency and Immorality (750.335...750.347)Section 750.335a - Indecent Exposure; Violation; Penalty; Mother's Breastfeeding or Expressing Milk Exempt.

Sec. 335a. (1) A person shall not knowingly make any open or indecent exposure of his or her person or of the person of another. (2) A person who violates subsection (1) is guilty of a crime, as follows: (a) Except as provided in subdivision (b) or (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than $1,000.00, or both. (b) If the person was fondling his or her genitals, pubic area, buttocks, or, if the person is female, breasts, while violating subsection (1), the person is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. (c) If the person was at the time of the violation a sexually delinquent person, the violation is punishable by imprisonment for an indeterminate term, the minimum of which is 1 day and the maximum of which is life. (3) A mother's breastfeeding of a child or expressing breast milk does not constitute indecent or obscene conduct under subsection (1) regardless of whether or not her areola or nipple is visible during or incidental to the breastfeeding or expressing of breast milk. History:Add. 1952, Act 73, Eff. Sept. 18,

1952 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003 ;-- Am. 2005, Act 300, Eff. Feb. 1, 2006 ;-- Am. 2014, Act 198, Imd. Eff. June 24, 2014

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLVIII - Chapter XLVIII Indecency and Immorality (750.335...750.347)Section 750.338 - Gross Indecency; Between Male Persons.

Sec. 338. Any male person who, in public or in private, commits or is a party to the commission of or procures or attempts to procure the commission by any male person of any act of gross indecency with another male person shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years, or by a fine of not more than $2,500.00, or if such person was at the time of the said offense a sexually delinquent person, may be punishable by imprisonment in the state prison for an indeterminate term, the minimum of which shall be 1 day and the maximum of which shall be life. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.338 ;-- Am. 1952, Act 73, Eff. Sept. 18, 1952Constitutionality:This section, which prohibits "acts of gross indecency," is not unconstitutionally vague as applied to forced fellatio and fellatio with a minor. People v Howell, 396 Mich 16; 238 NW 2d 148 (1976).Former Law:See section 1 of Act 198 of 1903, being CL 1915, § 15511; and CL 1929, § 16851.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLVIII - Chapter XLVIII Indecency and Immorality (750.335...750.347)Section 750.338a - Gross Indecency; Female Persons.

Sec. 338a. Any female person who, in public or in private, commits or is a party to the commission of, or any person who procures or attempts to procure the commission by any female person of any act of gross indecency with another female person shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years, or by a fine of not more than $2,500.00, or if such person was at the time of the said offense a sexually delinquent person, may be punishable by imprisonment in the state prison for an indeterminate term, the minimum of which shall be 1 day and the maximum of which shall be life. History:Add. 1939, Act 148, Eff. Sept. 29, 1939 ;-- CL 1948, 750.338a ;-- Am. 1952, Act 73, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLVIII - Chapter XLVIII Indecency and Immorality (750.335...750.347)Section 750.338b - Gross Indecency; Between Male and Female Persons.

Sec. 338b. Any male person who, in public or in private, commits or is a party to the commission of any act of gross indecency with a female person shall be guilty of a felony, punishable as provided in this section. Any female person who, in public or in private, commits or is a party to the commission of any act of gross indecency with a male person shall be guilty of a felony punishable as provided in this section. Any person who procures or attempts to procure the commission of any act of gross indecency by and between any male person and any female person shall be guilty of a felony punishable as provided in this section. Any person convicted of a felony as provided in this section shall be punished by imprisonment in the state prison for not more than 5 years, or by a fine of not more than $2,500.00, or if such person was at the time of the said offense a sexually delinquent person, may be punishable by imprisonment in the state prison for an indeterminate term, the minimum of which shall be 1 day and the maximum of which shall be life. History:Add. 1939, Act 148, Eff. Sept. 29, 1939 ;-- CL 1948, 750.338b ;-- Am. 1952, Act 73, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XLVIII - Chapter XLVIII Indecency and Immorality (750.335...750.347)Section 750.347 - Disabled or Disfigured Human Being; Exposure or Exhibition; Violation as Misdemeanor; Penalty.

Sec. 347. A physician or other person who exposes or exhibits any human being who is disabled or disfigured, except as used for scientific purposes before members of the medical profession or medical classes, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.347 ;-- Am. 2015, Act 214, Eff. Mar. 14, 2016Former Law:See sections 1 to 3 of Act 103 of 1903, being CL 1915, §§ 15518 to 15520; and CL 1929, §§ 16890 to 16892.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XV - Chapter XV Boats and Navigation (750.104...750.109a)Section 750.104 - Fitting Out Vessel With Intent to Destroy.

Sec. 104. Fitting out vessel with intent to destroy the same—Any person who shall lade, equip or fit out, or assist in lading, equipping or fitting out any ship, boat or vessel, with intent that the same shall be cast away, burnt, sunk or otherwise destroyed, to injure or defraud any owner or insurer of such ship, boat or vessel, or of any property laden on board the same, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.104Former Law:See section 42 of Ch. 154 of R.S. 1846, being CL 1857, § 5786; CL 1871, § 7593; How., § 9164; CL 1897, § 11578; CL 1915, § 15323; and CL 1929, § 16919.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XV - Chapter XV Boats and Navigation (750.104...750.109a)Section 750.105 - False Invoice of Cargo.

Sec. 105. Making false invoice of cargo—The owner of any ship, boat or vessel, or of any property laden, or pretended to be laden on board the same, and any other person concerned in the lading or fitting out of any such ship, boat or vessel, who shall make out or exhibit, or cause to be made out or exhibited, any false or fraudulent invoice, bill of lading, bill of parcels or other false estimates of any goods or property laden or pretended to be laden on board such ship, boat or vessel, with intent to injure or defraud any insurer of such ship, boat or vessel or property, or of any part thereof, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.105Former Law:See section 43 of Ch. 154 of R.S. 1846, being CL 1857, § 5787; CL 1871, § 7594; How., § 9165; CL 1897, § 11579; CL 1915, § 15324; and CL 1929, § 16920.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XV - Chapter XV Boats and Navigation (750.104...750.109a)Section 750.107 - Moored Boat; Breaking of Lock or Chain.

Sec. 107. Breaking lock, etc., of boat moored in lake, etc.—Any person or persons who shall wilfully and maliciously break any lock or chain fastened to any ship, boat or vessel, moored in any lake, river or watercourse of this state, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.107Former Law:See section 1 of Act 166 of 1869, being CL 1871, § 7625; How., § 9198; CL 1897, § 11600; CL 1915, § 15355; and CL 1929, § 16996.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XV - Chapter XV Boats and Navigation (750.104...750.109a)Section 750.108 - Moored Boat; Removing.

Sec. 108. Removing boat from fastenings, etc.—Any person who shall wilfully remove any ship, boat or vessel from their fastenings moored upon any lake, river, or watercourse in this state, without the consent of the owner, or who shall maliciously loose any ship, boat or vessel fastened by lock, chains or other fastening to the bank or shore of any lake, river or watercourse, and suffer the same to float away without the consent of the owner or person having in charge said ship, boat or vessel, or who shall rent or hire any such ship, boat or vessel, and shall without any cause leave such ship, boat or vessel, and abandon the same without giving the owner or owners, or person having charge thereof, notice of such abandonment, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.108Former Law:See section 2 of Act 166 of 1869, being CL 1871, § 7626; How., § 9199; CL 1897, § 11601; CL 1915, § 15356; CL 1929, § 16997; and Act 56 of 1885.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XV - Chapter XV Boats and Navigation (750.104...750.109a)Section 750.109 - Mooring Vessel to Buoy or Beacon.

Sec. 109. Mooring vessel to buoy or beacon—Any person mooring any ship, boat or vessel to any of the buoys or beacons placed in any of the waters of the state, by the authority of the United States, or in any manner hanging on with a boat or vessel to any such buoy or beacon, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.109Former Law:See section 1 of Act 5 of 1869, being CL 1871, § 7615; How., § 9196; CL 1897, § 11638; CL 1915, § 15404; and CL 1929, § 16998.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XV - Chapter XV Boats and Navigation (750.104...750.109a)Section 750.109a - Unauthorized Possession; Penalty.

Sec. 109a. Any person who, wilfully and without authority, takes possession of or uses any vessel, as defined in Act No. 245 of the Public Acts of 1959, being sections 281.651 to 281.669 of the Compiled Laws of 1948, and any person who wilfully and without authority assists in or is a party to such taking possession of or use of a vessel belonging to another, is guilty of a misdemeanor. History:Add. 1961, Act 217, Eff. Sept. 8, 1961

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVI - Chapter XVI Breaking and Entering (750.110...750.116)Section 750.110 - Breaking and Entering; "Shipping Container" Defined.

Sec. 110. (1) A person who breaks and enters, with intent to commit a felony or a larceny therein, a tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, structure, boat, ship, shipping container, or railroad car is guilty of a felony punishable by imprisonment for not more than 10 years. (2) As used in this section and section 111, "shipping container" means a standardized, reusable container for transporting cargo that is capable of integrating with a railcar flatbed or a flatbed semitrailer. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.110 ;-- Am. 1964, Act 133, Eff. Aug. 28, 1964 ;-- Am. 1968, Act 324, Eff. Nov. 15, 1968 ;-- Am. 1994, Act 270, Eff. Oct. 1, 1994 ;-- Am. 2008, Act 10, Eff. June 1, 2008Former Law:See section 1 of Act 345 of 1925, being CL 1929, § 16948; and Act 13 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVI - Chapter XVI Breaking and Entering (750.110...750.116)Section 750.110a - Definitions; Home Invasion; First Degree; Second Degree; Third Degree; Penalties.

Sec. 110a. (1) As used in this section: (a) "Dwelling" means a structure or shelter that is used permanently or temporarily as a place

of abode, including an appurtenant structure attached to that structure or shelter. (b) "Dangerous weapon" means 1 or more of the following: (i) A loaded or unloaded firearm, whether operable or inoperable. (ii) A knife, stabbing instrument, brass knuckles, blackjack, club, or other object specifically designed or customarily carried or possessed for use as a weapon. (iii) An object that is likely to cause death or bodily injury when used as a weapon and that is used as a weapon or carried or possessed for use as a weapon. (iv) An object or device that is used or fashioned in a manner to lead a person to believe the object or device is an object or device described in subparagraphs (i) to (iii). (c) "Without permission" means without having obtained permission to enter from the owner or lessee of the dwelling or from any other person lawfully in possession or control of the dwelling. (2) A person who breaks and enters a dwelling with intent to commit a felony, larceny, or assault in the dwelling, a person who enters a dwelling without permission with intent to commit a felony, larceny, or assault in the dwelling, or a person who breaks and enters a dwelling or enters a dwelling without permission and, at any time while he or she is entering, present in, or exiting the dwelling, commits a felony, larceny, or assault is guilty of home invasion in the first degree if at any time while the person is entering, present in, or exiting the dwelling either of the following circumstances exists: (a) The person is armed with a dangerous weapon. (b) Another person is lawfully present in the dwelling. (3) A person who breaks and enters a dwelling with intent to commit a felony, larceny, or assault in the dwelling, a person who enters a dwelling without permission with intent to commit a felony, larceny, or assault in the dwelling, or a person who breaks and enters a dwelling or enters a dwelling without permission and, at any time while he or she is entering, present in, or exiting the dwelling, commits a felony, larceny, or assault is guilty of home invasion in the second degree. (4) A person is guilty of home invasion in the third degree if the person does either of the following: (a) Breaks and enters a dwelling with intent to commit a misdemeanor in the dwelling, enters a dwelling without permission with intent to commit a misdemeanor in the dwelling, or breaks and enters a dwelling or enters a dwelling without permission and, at any time while he or she is entering, present in, or exiting the dwelling, commits a misdemeanor. (b) Breaks and enters a dwelling or enters a dwelling without permission and, at any time while the person is entering, present in, or exiting the dwelling, violates any of the following ordered to protect a named person or persons: (i) A probation term or condition. (ii) A parole term or condition. (iii) A personal protection order term or condition. (iv) A bond or bail condition or any condition of pretrial release. (5) Home invasion in the first degree is a felony punishable by imprisonment for not more than 20 years or a fine of not more than $5,000.00, or both. (6) Home invasion in the second degree is a felony punishable by imprisonment for not more than 15 years or a fine of not more than $3,000.00, or both. (7) Home invasion in the third degree is a felony punishable by imprisonment for not more than 5 years or a fine of not more than $2,000.00, or both. (8) The court may order a term of imprisonment imposed for home invasion in the first degree to be served consecutively to any term of imprisonment imposed for any other criminal offense arising from the same transaction. (9) Imposition of a penalty under this section does not bar imposition of a penalty under any other applicable law. History:Add. 1994, Act 270, Eff. Oct. 1, 1994 ;-- Am. 1999, Act 44, Eff. Oct. 1, 1999

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVI - Chapter XVI Breaking and Entering (750.110...750.116)Section 750.110b - Dumping of Garbage, Oil, or Rubbish From Boats; Penalty.

Sec. 110b. Any person who discharges, dumps, deposits or throws or causes or permits the discharging, dumping, depositing or throwing of any garbage, except that which has passed through a disposal unit of a type approved by the United States public health service, or oil or rubbish from a vessel or watercraft of 25 or more feet in length into a river or inland lake within this state, or within 3 miles of the shoreline of any part of the great lakes or connecting waters thereof within this state, is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 1 year or by a fine of not more than $1,000.00, or by both. History:Add. 1964, Act 132, Eff. Jan. 1, 1966

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVI - Chapter XVI Breaking and Entering (750.110...750.116)Section 750.111 - Entering Without Breaking.

Sec. 111. Any person who, without breaking, enters any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, boat, ship, shipping container, railroad car or structure used or kept for public or private use, or any private apartment therein, with intent to commit a felony or any larceny therein, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $2,500.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.111 ;-- Am. 1964, Act 133, Eff. Aug. 28, 1964 ;-- Am. 2008, Act 10, Eff. June 1, 2008Former Law:See section 2 of Act 345 of 1925, being CL 1929, § 16949; and Act 13 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVI - Chapter XVI Breaking and Entering (750.110...750.116)Section 750.112 - Burglary With Explosives.

Sec. 112. Burglary with explosives—Any person who enters any building, and for the purpose of committing any crime therein, uses or attempts to use nitro-glycerine, dynamite, gunpowder or any other high explosive, shall be guilty of a felony, punishable by imprisonment in the state prison not less than 15 years nor more than 30 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.112Former Law:See section 1 of Act 64 of 1907, being CL 1915, § 15338; and CL 1929, § 16951.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)328-1931-XVI - Chapter XVI Breaking and Entering (750.110...750.116)Section 750.113 - Coin or Depository Box; Opening or Attempt to Open.

Sec. 113. A person who maliciously and willfully, by and with the aid and use of any key, instrument, device, or explosive, blows or attempts to blow, or forces or attempts to force an entrance into any coin box, depository box, or other receptacle established and maintained for the convenience of the public, or of any person or persons, in making payment for any article of merchandise or service, wherein is contained any money or thing of value, or extracts or obtains, or attempts to extract or obtain, therefrom any such money or thing of value so deposited or contained therein, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.113 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 24 of 1925, being CL 1929, § 16953.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVI - Chapter XVI Breaking and Entering (750.110...750.116)Section 750.114 - Breaking and Entering; Outside Showcase or Counter.

Sec. 114. A person who shall break and enter, or enter without breaking, at any time, any outside showcase or other outside enclosed counter used for the display of goods, wares, or merchandise, with intent to commit the crime of larceny, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.114 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 65 of 1911, being CL 1915, § 15339; CL 1929, § 16952; and Act 144 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVI - Chapter XVI Breaking and Entering (750.110...750.116)Section 750.115 - Breaking and Entering or Entering Without Breaking; Buildings, Tents, Boats, Railroad Cars; Entering Public Buildings When Expressly Denied.

Sec. 115. (1) An individual who breaks and enters or enters without breaking, any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, boat, ship, railroad car or structure used or kept for public or private use, or any private apartment therein, or any cottage, clubhouse, boat house, hunting or fishing lodge, garage or the out-buildings belonging thereto, any ice shanty with a value of $100.00 or more, or any other structure, whether occupied or unoccupied, without first obtaining permission to enter from the person having immediate control thereof, is guilty of a misdemeanor. (2) If an individual violates subsection (1) and the person having immediate control thereof is the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has or has had a child in common, or a resident or former resident of the individual's household, the individual is guilty of a misdemeanor. (3) This section does not apply to entering without breaking, any place which at the time of the entry was open to the public, unless the entry was expressly denied. This section does not apply if the breaking and entering or entering without breaking was committed by a peace officer or an individual under the peace officer's direction in the lawful performance of the peace officer's duties as a peace officer. (4) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1947, Act 74, Eff. Oct. 11, 1947 ;-- CL 1948, 750.115 ;-- Am. 2000, Act 148, Imd. Eff. June 7, 2000 ;-- Am. 2023, Act 199, Eff. Feb. 13, 2024Former Law:See sections 1 and 2 of Act 181 of 1929, being CL 1929, §§ 16957 and 16958.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVI - Chapter XVI Breaking and Entering (750.110...750.116)Section 750.116 - Use or Possession of Certain Tools; Intent to Steal Property or a Motor Vehicle; Other Violations; Definitions.

Sec. 116. (1) Except as provided in subsection (2), an individual who knowingly possesses any nitroglycerine, or other explosive, thermite, engine, machine, tool or implement, device, chemical, or substance, adapted and designed for cutting or burning through, forcing, or breaking open, any building, room, vault, safe, or other depository, with the intent to use it to steal any money or other property, knowing the same to be adapted and designed for the purpose of cutting or burning through, forcing, or breaking open any building, room, vault, safe, or other depository, with intent to use or employ the same to steal is guilty of a felony, punishable by imprisonment for not more than 10 years. (2) An individual who knowingly possesses any nitroglycerine, or other explosive, thermite, engine, machine, tool or implement, device, chemical, or substance, adapted and designed for cutting or burning through, forcing, or breaking open a motor vehicle, or an electronic device or tool that is designed or adapted to unlock or turn on a motor vehicle, with the intent to steal a motor vehicle is guilty of a felony punishable by imprisonment for not more than 5 years. (3) An individual who, in association with another individual or group of individuals as part of a criminal organization, knowingly possesses any nitroglycerine, or other explosive, thermite, engine, machine, tool or implement, device, chemical, or substance, adapted and designed for cutting or burning through, forcing, or breaking open a motor vehicle, or an electronic device or tool that is designed or adapted to unlock or turn on a motor vehicle, with the intent to steal more than 1 motor vehicle is guilty of a felony punishable by imprisonment for not more than 10 years. (4) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. (5) As used in this section: (a) "Depository" does not include a motor vehicle. (b) "Electronic device or tool" means a device or tool with the

purpose of unlocking or turning on a motor vehicle and does not include a previously issued activated electronic card, key, or other electronic device assigned to the lawful owner of the vehicle. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.116 ;-- Am. 2024, Act 92, Eff. Oct. 21, 2024Former Law:See section 53 of Ch. 154 of R.S. 1846, being CL 1871, § 7604; How., § 9175; CL 1897, § 11589; CL 1915, § 15334; CL 1929, § 16930; and Act 116 of 1867.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVII - Chapter XVII Bribery and Corruption (750.117...750.125)Section 750.117 - Public Officer; Bribery.

Sec. 117. Bribery of public officer—Any person who shall corruptly give, offer or promise to any public officer, agent, servant or employe, after the election or appointment of such public officer, agent, servant or employe and either before or after such public officer, agent, servant or employe shall have been qualified or shall take his seat, any gift, gratuity, money, property or other valuable thing, the intent or purpose of which is to influence the act, vote, opinion, decision or judgment of such public officer, agent, servant or employe, or his action on any matter, question, cause or proceeding, which may be pending or may by law be brought before him in his public capacity, or the purpose and intent of which is to influence any act or omission relating to any public duty of such officer, agent, servant or employe, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.117Former Law:See section 7 of Ch. 156 of R.S. 1846, being CL 1857, § 5826; CL 1871, § 7659; How., § 9241; CL 1897, § 11311; CL 1915, § 14978; and CL 1929, § 16569.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVII - Chapter XVII Bribery and Corruption (750.117...750.125)Section 750.118 - Public Officer; Accepting Bribe.

Sec. 118. Public officer accepting bribe—Any executive, legislative or judicial officer who shall corruptly accept any gift or gratuity, or any promise to make any gift, or to do any act beneficial to such officer, under an agreement, or with an understanding that his vote, opinion or judgment shall be given in any particular manner, or upon a particular side of any question, cause or proceeding, which is or may be by law brought before him in his official capacity, or that in such capacity, he shall make any particular nomination or appointment, shall forfeit his office, and be forever disqualified to hold any public office, trust or appointment under the constitution or laws of this state, and shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.118Former Law:See section 8 of Ch. 156 of R.S. 1846, being CL 1857, § 5827; CL 1871, § 7660; How., § 9242; CL 1897, § 11312; CL 1915, § 14979; and CL 1929, § 16570.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVII - Chapter XVII Bribery and Corruption (750.117...750.125)Section 750.119 - Corruption of Appraiser, Receiver, Trustee, Administrator, Executor, Commissioner, Auditor, Juror, Arbitrator, or Referee by Giving, Offering, or Promising Gift or Gratuity Regarding Pending Matter; Intent; Penalties.

Sec. 119. (1) A person who corrupts or attempts to corrupt an appraiser, receiver, trustee, administrator, executor, commissioner, auditor, juror, arbitrator, or referee by giving, offering, or promising any gift or gratuity with the intent to bias the opinion or influence the decision of that appraiser, receiver, trustee, administrator, executor, commissioner, auditor, juror, arbitrator, or referee regarding any matter pending in a court, or before an inquest, or for the decision for which the appraiser, receiver, trustee, administrator, executor, commissioner, auditor, juror, arbitrator, or referee was appointed or chosen, is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (b) If the violation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life or any term of years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (2) This section does not prohibit a person from being charged with, convicted of, or punished for any other crime including any other violation of law arising out of the same transaction as the violation of this section. (3) The court may order a term of imprisonment imposed for violating this section to be served consecutively to a term of imprisonment imposed for any other crime, including any other violation of law arising out of the same transaction as the violation of this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.119 ;-- Am. 2000, Act 453, Eff. Mar. 28, 2001Former Law:See section 9 of Ch. 156 of R.S. 1846, being CL 1857, § 5828; CL 1871, § 7661; How., § 9243; CL 1897, § 11313; CL 1915, § 14980; and CL 1929, § 16571.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVII - Chapter XVII Bribery and Corruption (750.117...750.125)Section 750.120 - Jurors, Appraisers, etc.; Accepting Bribe.

Sec. 120. Juror, etc., accepting bribe—Any person summoned as a juror or chosen or appointed as an appraiser, receiver, trustee, administrator, executor, commissioner, auditor, arbitrator or referee who shall corruptly take anything to give his verdict, award, or report, or who shall corruptly receive any gift or gratuity whatever, from a party to any suit, cause, or proceeding, for the trial or decision of which such juror shall have been summoned, or for the hearing or determination of which such appraiser, receiver,

trustee, administrator, executor, commissioner, auditor, arbitrator, or referee shall have been chosen or appointed, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.120Former Law:See section 10 of Ch. 156 of R.S. 1846, being CL 1857, § 5829; CL 1871, § 7662; How., § 9244; CL 1897, § 11314; CL 1915, § 14981; CL 1929, § 16572; and Act 120 of 1875.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVII - Chapter XVII Bribery and Corruption (750.117...750.125)Section 750.120a - Willfully Attempting to Influence Juror by Intimidation or Other Improper Means; Retaliating Against Person for Having Performed Duties as Juror; Penalties.

Sec. 120a. (1) A person who willfully attempts to influence the decision of a juror in any case by argument or persuasion, other than as part of the proceedings in open court in the trial of the case, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (2) A person who willfully attempts to influence the decision of a juror in any case by intimidation, other than as part of the proceedings in open court in the trial of the case, is guilty of a crime as follows: (a) Except as provided in subdivisions (b) and (c), the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (b) If the intimidation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life or any term of years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (c) If the intimidation involved committing or attempting to commit a crime or a threat to kill or injure any person or to cause property damage, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $25,000.00, or both. (3) Subsections (1) and (2) do not prohibit any deliberating juror from attempting to influence other members of the same jury by any proper means. (4) A person who retaliates, attempts to retaliate, or threatens to retaliate against another person for having performed his or her duties as a juror is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. As used in this subsection, "retaliate" means any of the following: (a) Committing or attempting to commit a crime against any person. (b) Threatening to kill or injure any person or threatening to cause property damage. (5) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law including any violation of law arising out of the same transaction as the violation of this section. (6) The court may order a term of imprisonment imposed for violating subsection (2) or (4) to be served consecutively to a term of imprisonment imposed for any other violation of law including any violation of law arising out of the same transaction as the violation of this section. History:Add. 1955, Act 88, Eff. Oct. 14, 1955 ;-- Am. 2000, Act 450, Eff. Mar. 28, 2001 ;-- Am. 2003, Act 280, Imd. Eff. Jan. 8, 2004

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVII - Chapter XVII Bribery and Corruption (750.117...750.125)Section 750.120b - Jury Deliberations; Recording or Attempting to Record; Penalty.

Sec. 120b. It shall be unlawful for any person to attempt to record or to record the deliberation of a jury in any case. Any person violating the provisions of this section shall be guilty of a misdemeanor. History:Add. 1956, Act 47, Eff. Aug. 11, 1956

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVII - Chapter XVII Bribery and Corruption (750.117...750.125)Section 750.121 - Public Institutions; Bribery of Officers.

Sec. 121. Bribery of officers of public institutions by persons having contracts therewith—Any person interested directly or indirectly in a contract with a state or municipal institution who shall corruptly give, offer or promise to any officer of such institution any bribe, gift, or gratuity whatever, with intent to improperly influence his official action under such contract, shall be guilty of felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.121Former Law:See section 2 of Act 107 of 1873, being How., § 9356; CL 1897, § 11385; CL 1915, § 15103; CL 1929, § 484; and Act 297 of 1915.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVII - Chapter XVII Bribery and Corruption (750.117...750.125)Section 750.122 - Prohibited Acts; Witnesses; Threat or Intimidation; Affirmative Defense; Violation as Felony; Penalties; Applicability of Section; Definitions.

Sec. 122. (1) A person shall not give, offer to give, or promise anything of value to an individual for any of the following purposes: (a) To discourage any individual from attending a present or future official proceeding as a witness, testifying at a present or future official proceeding, or giving information at a present or future official proceeding. (b) To influence any individual's testimony at a present or future official proceeding. (c) To encourage any individual to avoid legal process, to withhold testimony, or to testify falsely in a present or future official proceeding. (2) Subsection (1) does not apply to the reimbursement or payment of reasonable costs for any witness to provide a statement to testify truthfully or provide truthful information in an official proceeding as provided for under section 16 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.66, or section 2164 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2164, or court rule. (3) A person shall not do any of the following by threat or intimidation: (a) Discourage or attempt to discourage any individual from attending a present or future official proceeding as a witness, testifying at a present or future official proceeding, or giving information at a present or future official proceeding. (b)

Influence or attempt to influence testimony at a present or future official proceeding. (c) Encourage or attempt to encourage any individual to avoid legal process, to withhold testimony, or to testify falsely in a present or future official proceeding. (4) It is an affirmative defense under subsections (1) and (3), for which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify or provide evidence truthfully. (5) Subsections (1) and (3) do not apply to any of the following: (a) The lawful conduct of an attorney in the performance of his or her duties, such as advising a client. (b) The lawful conduct or communications of a person as permitted by statute or other lawful privilege. (6) A person shall not willfully impede, interfere with, prevent, or obstruct or attempt to willfully impede, interfere with, prevent, or obstruct the ability of a witness to attend, testify, or provide information in or for a present or future official proceeding. (7) A person who violates this section is guilty of a crime as follows: (a) Except as provided in subdivisions (b) and (c), the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (b) If the violation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life or any term of years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (c) If the violation involves committing or attempting to commit a crime or a threat to kill or injure any person or to cause property damage, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $25,000.00, or both. (8) A person who retaliates, attempts to retaliate, or threatens to retaliate against another person for having been a witness in an official proceeding is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. As used in this subsection, "retaliate" means to do any of the following: (a) Commit or attempt to commit a crime against any person. (b) Threaten to kill or injure any person or threaten to cause property damage. (9) This section applies regardless of whether an official proceeding actually takes place or is pending or whether the individual has been subpoenaed or otherwise ordered to appear at the official proceeding if the person knows or has reason to know the other person could be a witness at any official proceeding. (10) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section. (11) The court may order a term of imprisonment imposed for violating this section to be served consecutively to a term of imprisonment imposed for the commission of any other crime including any other violation of law arising out of the same transaction as the violation of this section. (12) As used in this section: (a) "Official proceeding" means a proceeding heard before a legislative, judicial, administrative, or other governmental agency or official authorized to hear evidence under oath, including a referee, prosecuting attorney, hearing examiner, commissioner, notary, or other person taking testimony or deposition in that proceeding. (b) "Threaten or intimidate" does not mean a communication regarding the otherwise lawful access to courts or other branches of government, such as the otherwise lawful filing of any civil action or police report of which the purpose is not to harass the other person in violation of section 2907 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2907. History:Add. 2000, Act 452, Eff. Mar. 28, 2001Compiler's Notes:Former MCL 750.122, which pertained to conflict of interest and officers of public institutions, was repealed by Act 317 of 1968, Eff. Sept. 1, 1968.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVII - Chapter XVII Bribery and Corruption (750.117...750.125)Section 750.123 - Officer Omitting Duty for Reward.

Sec. 123. A sheriff, coroner, constable, peace officer, or any other officer authorized to serve process or arrest or apprehend offenders against criminal law who shall receive from a defendant or from any other person any money or other valuable thing or any service or promise to pay or give money or to perform or omit to perform any act as a consideration, reward, or inducement, for omitting or delaying to arrest any defendant, or to carry him or her before a magistrate, or for delaying to take any person to prison, or for postponing the sale of any property under an execution, or for omitting or delaying to perform any duty pertaining to his or her office, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00. However, if that defendant is charged with an offense against the criminal laws of this state, an officer convicted under this section may be punished by any fine or by any term of imprisonment or both a fine and imprisonment, within the limits fixed by the statute that the defendant is charged with having violated. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.123 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 21 of Ch. 156 of R.S. 1846, being CL 1857, § 5840; CL 1871, § 7673; How., § 9255; CL 1897, § 11325; CL 1915, § 14992; CL 1929, § 16583; and Act 242 of 1921.

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Sec. 124. Any person who corruptly gives, offers or promises to any person engaged in amateur or professional baseball, boxing, wrestling or other competitive athletic pursuits, any gift, gratuity or valuable thing whatever, with intent to influence him to lose or try to lose, or to affect the result in any way of, any contest in which he is participating or expects to participate; or any person engaged in amateur or professional baseball, boxing, wrestling or other competitive athletic pursuits, who corruptly solicits or accepts a gift, gratuity or valuable thing, or a promise to make a gift or to do an act beneficial to himself, under an agreement or with the understanding that he shall lose or try to lose, or to affect the result in any way of, any contest in which he is participating or expects to participate, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 160, Imd. Eff. May 16, 1945 ;-- CL 1948, 750.124 ;-- Am. 1951, Act 91, Eff. Sept. 28, 1951Former Law:See section 1 of Act 238 of 1921, being CL

1929, § 17101.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVII - Chapter XVII Bribery and Corruption (750.117...750.125)Section 750.125 - Giving, Offering, or Promising Commission, Gift, or Gratuity to Agent, Employee, or Other Person With Intent to Influence Action of Agent or Employee; Requesting or Accepting Commission, Gift, or Gratuity; Using or Giving Document Containing Materially False, Erroneous, or Defective Statement; Evidence; Use of Truthful Testimony, Evidence, or Other Information Against Witness in Criminal Case; Violation as Misdemeanor.

Sec. 125. (1) A person shall not give, offer, or promise a commission, gift, or gratuity to an agent, employee, or other person or do or offer to do an act beneficial to an agent, employee, or other person with intent to influence the action of the agent or employee in relation to his or her principal's or employer's business. (2) An agent or employee shall not request or accept a commission, gift, or gratuity, or a promise of a commission, gift, or gratuity, for the agent, employee, or another person or the doing of an act or offer of an act beneficial to the agent, employee, or another person according to an agreement or understanding between the agent or employee and any other person that the agent or employee shall act in a particular manner in relation to his or her principal's or employer's business. (3) A person shall not use or give to an agent, employee, or other person, and an agent or employee shall not use, approve, or certify, with intent to deceive the principal or employer, a receipt, account, invoice, or other document concerning which the principal or employer is interested that contains a statement that is materially false, erroneous, or defective or omits to state fully any commission, money, property, or other valuable thing given or agreed to be given to the agent or employee. (4) Evidence is not admissible in any proceeding or prosecution under this section to show that a gift or acceptance of a commission, money, property, or other valuable thing described in this section is customary in a business, trade, or calling. The customary nature of a transaction is not a defense in a proceeding or prosecution under this section. (5) In a proceeding or prosecution under this section, a person shall not be excused from attending and testifying or from producing documentary evidence pursuant to a subpoena on the ground that the testimony or evidence may tend to incriminate him or her or subject him or her to a penalty or forfeiture. Truthful testimony, evidence, or other truthful information compelled under this section and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to testify or produce evidence as required. (6) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.125 ;-- Am. 1999, Act 251, Imd. Eff. Dec. 28, 1999 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 210 of 1905, being CL 1915, § 15590; CL 1929, § 17094; and sections 2 to 6 of Act 146 of 1923, being CL 1929, §§ 17095 to 17099.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVIII - Chapter XVIII Bucket Shops (750.126...750.130)Section 750.126 - Intent of Chapter.

Sec. 126. Intent of chapter—It is the intention of this chapter to prevent, punish and prohibit within this state, the business now engaged in and conducted in places commonly known and designated as bucket shops, and also to include the practice now commonly known as bucket shopping by any person or persons, agents, corporations, associations or copartnerships who or which ostensibly carry on the business or occupation of commission merchants or brokers in grain, provisions, cotton, coffee, petroleum, stocks, bonds or other commodities whatsoever. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.126Former Law:See section 1 of Act 336 of 1907, being CL 1915, § 7805; and CL 1929, § 9133.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVIII - Chapter XVIII Bucket Shops (750.126...750.130)Section 750.127 - Bucket Shop; Definition.

Sec. 127. Bucket shops defined—A bucket shop, within the meaning of this chapter, is defined to be an office, store or other place wherein the proprietor or keeper thereof, or other person or agent, either in his or its own behalf, or as the agent or correspondent of any other person, corporation, association or copartnership within or without the state conducts the business of making or offering to make contracts, agreements, trades or transactions respecting the purchase or sale, or purchase and sale of any stocks, grains, provisions or other commodity or personal property wherein both parties thereto, or said proprietor or keeper contemplated or intended that the contracts, agreements, trades or transactions shall be, or may be closed, adjusted or settled according to or upon the basis of the market quotations or price made on any board of trade or exchange, upon which the commodities or securities referred to in such contracts, agreements, trades or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange, or wherein both parties or such keeper or proprietor shall contemplate or intend that such contracts, agreements, trades or transactions shall be or may be deemed closed or terminated, when the market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades or transactions shall reach a certain figure, and also any office, store or other place where the keeper, person or agent or proprietor thereof, either in his or its own behalf, or as an agent as aforesaid therein, makes or offers to make, with others, contracts, trades or transactions for the purchase or sale of any such commodity, wherein the parties thereto do not contemplate the actual or bona fide receipt or delivery of such property, but do contemplate a settlement thereof based upon differences in the price at which said property is or is claimed to be bought and sold. The said crime shall be complete against any proprietor, person, agent or keeper thus offering to make any such contracts, trades or transactions, whether such offer is accepted or not. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.127Former Law:See

section 1 of Act 336 of 1907, being CL 1915, § 7805; and CL 1929, § 9133.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVIII - Chapter XVIII Bucket Shops (750.126...750.130)Section 750.128 - Maintenance of Bucket Shop; Punishment.

Sec. 128. Punishment—Any corporation, association, copartnership, person or persons, or agent, who shall keep or cause to be kept within this state, any bucket shop, and any corporation, person or persons, or agents whether acting individually or as a member or as an officer, agent or employe or any corporation, association or copartnership, who shall keep, maintain or assist in the keeping and maintaining, of any such bucket shop within this state, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 2 years or by a fine of not less than 500 dollars or more than 1,000 dollars. The continuance of such establishment after the first conviction shall be deemed a second offense and if the offender be a corporation, it shall be liable to forfeiture of all its rights and privileges as such. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.128Former Law:See section 2 of Act 336 of 1907, being CL 1915, § 7806; and CL 1929, § 9134.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVIII - Chapter XVIII Bucket Shops (750.126...750.130)Section 750.129 - Accessories.

Sec. 129. Accessories—Any corporation, association or copartnership, person or persons or his agent or agents who shall communicate, receive, exhibit or display in any manner, any statements of quotations of the prices of any property mentioned in the second section of the chapter with a view to any transaction or transactions in this chapter prohibited, shall be deemed an accessory, and upon conviction thereof, shall be fined and punished the same as the principal, as provided in the next preceding section of this chapter. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.129Former Law:See section 3 of Act 336 of 1907, being CL 1915, § 7807; and CL 1929, § 9135.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XVIII - Chapter XVIII Bucket Shops (750.126...750.130)Section 750.130 - Commission Merchant; Furnishing Written Statement Upon Demand.

Sec. 130. Commission merchant to furnish written statement upon demand—It shall be the duty of every commission merchant, copartnership, association, corporation, person or persons, or agent or broker in this state, engaged in the business of buying or selling of or buying and selling stocks, bonds, grain, provisions or other commodities or personal property for any person, principal, customer or purchaser, to furnish, upon demand, to any customer or principal for whom such merchant, broker, copartnership, corporation, association, person or persons, or agent or agents has executed any order for the actual purchase or sale of the commodities hereinbefore mentioned, either for immediate or future delivery, a written statement containing the names of the parties from whom the property was bought, or to whom it shall have been sold, as the case may be, the time when, the place where, and the price at which the same was either bought or sold, and in case such commission merchant, broker, person or persons, or agent or agents, copartnership, corporation or association shall refuse promptly to furnish the statement upon reasonable demand, the fact of such refusal shall be prima facie evidence that such property was not sold or bought in a legitimate manner, but was bought in violation thereof. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.130Former Law:See section 4 of Act 336 of 1907, being CL 1915, § 7808; and CL 1929, § 9136.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.135 - Children; Exposing With Intent to Injure or Abandon; Surrender of Child to Emergency Service Provider; Applicability of Subsection (1); Definitions.

Sec. 135. (1) Except as provided in subsection (3), a father or mother of a child under the age of 6 years, or another individual, who exposes the child in any street, field, house, or other place, with intent to injure or wholly to abandon the child, is guilty of a felony, punishable by imprisonment for not more than 10 years. (2) Except for a situation involving actual or suspected child abuse or child neglect, it is an affirmative defense to a prosecution under subsection (1) that the child was not more than 72 hours old and was surrendered to an emergency service provider under chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20. A criminal investigation shall not be initiated solely on the basis of a newborn being surrendered to an emergency service provider under chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20. (3) Subsection (1) does not apply to a mother of a newborn who is surrendered under the born alive infant protection act. Subsection (1) applies to an attending physician who delivers a live newborn as a result of an attempted abortion and fails to comply with the requirements of the born alive infant protection act. (4) As used in this section: (a) "Emergency service provider" means a uniformed employee or contractor of a fire department, hospital, or police station when that individual is inside the premises and on duty. (b) "Fire department" means an organized fire department as that term is defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1. (c) "Hospital" means a hospital that is licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260. (d) "Police station" means a police station as that term is defined in section 43 of the Michigan vehicle code, 1949 PA 300, MCL 257.43. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.135 ;-- Am. 2000, Act 233, Eff. Jan. 1, 2001 ;-- Am. 2002, Act 689, Eff. Mar. 31, 2003Compiler's Notes:Enacting section 1 of Act 233 of 2000 provides:“Enacting section 1. Section 135 of the Michigan

penal code, 1931 PA 328, MCL 750.135, as amended by this amendatory act, does not apply to a violation of that section committed before the effective date of this amendatory act."Former Law:See section 31 of Ch. 153 of R.S. 1846, being CL 1857, § 5741; CL 1871, § 7540; How., § 9105; CL 1897, § 11500; CL 1915, § 15222; CL 1929, § 16738; and Act 200 of 1875.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.135a - Leaving Child Unattended in Vehicle; Prohibition; Violation; Definitions.

Sec. 135a. (1) A person who is responsible for the care or welfare of a child shall not leave that child unattended in a vehicle for a period of time that poses an unreasonable risk of harm or injury to the child or under circumstances that pose an unreasonable risk of harm or injury to the child. (2) A person who violates this section is guilty of a crime as follows: (a) Except as otherwise provided in subdivisions (b) to (d), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (b) If the violation results in physical harm other than serious physical harm to the child, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (c) If the violation results in serious physical harm to the child, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both. (d) If the violation results in the death of the child, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (3) As used in this section: (a) "Child" means an individual less than 6 years of age. (b) "Physical harm" and "serious physical harm" mean those terms as defined in section 136b. (c) "Unattended" means alone or without the supervision of an individual 13 years of age or older who is not legally incapacitated. (d) "Vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79. History:Add. 2008, Act 519, Eff. Apr. 1, 2009

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.136 - Labia Majora or Labia Minor or Clitoris; Surgical Procedure Prohibited; Exceptions; Violation as Felony; Penalty; Violation of Law Arising From Same Transaction.

Sec. 136. (1) A person shall not knowingly circumcise, excise, or infibulate the whole or any part of the labia majora or labia minora or clitoris of another person who is less than 18 years of age. (2) A surgical operation is not a violation of this section if the operation is either of the following: (a) Necessary to the health of the person on whom it is performed and is performed by a person licensed to perform that operation under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211. (b) Performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed to perform that operation under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211. (3) A person shall not knowingly facilitate a violation of subsection (1). (4) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 15 years. (5) It is not a defense to prosecution under this section that the person on whom the operation is performed, or any other person, believes that the operation is required as a matter of custom or ritual, or that the person on whom the operation is performed, or that person's parent or guardian, consented to the operation. (6) A violation of this section by a person licensed under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, is grounds for permanent revocation of that license. (7) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section. History:Add. 2017, Act 68, Eff. Oct. 9, 2017 ;-- Add. 2017, Act 70, Eff. Oct. 9, 2017Compiler's Notes:Former MCL 750.136, which pertained to cruelty of children, was repealed by Act 251 of 1988, Eff. Sept. 1, 1988.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.136a - Transporting Person for Conduct Violating MCL 750.136; Felony; Penalty; Violation Arising Out of Same Transaction.

Sec. 136a. (1) A person shall not knowingly transport a person from this state for the purpose of conduct with regard to that person that would be a violation of section 136 if the conduct occurred in this state. (2) A person shall not knowingly facilitate a violation of subsection (1). (3) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 15 years. (4) It is not a defense to prosecution under this section that the person on whom the operation is performed, or any other person, believes that the operation is required as a matter of custom or ritual, or that the person on whom the operation is performed, or that person's parent or guardian, consented to the operation. (5) A violation of this section by a person licensed under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, is grounds for permanent revocation of that license. (6) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section. History:Add. 2017, Act 69, Eff. Oct. 9, 2017 ;-- Add. 2017, Act 71, Eff. Oct. 9, 2017Compiler's Notes:Former MCL 750.136a, which pertained to torturing of children, was repealed by Act 251 of 1988, Eff. Sept. 1, 1988.MCL 750.136a was added by 2017 PA 69 and 2017 PA 71. 2017 PA 71, being substantively the same as 2017 PA 69, supersedes and becomes the only version on its effective date.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.136b - Definitions; Child Abuse; Degrees;

Penalties; Exception; Affirmative Defense; Enhanced Sentence; "Prior Conviction" Defined.

Sec. 136b. (1) As used in this section: (a) "Child" means a person who is less than 18 years of age and is not emancipated by operation of law as provided in section 4 of 1968 PA 293, MCL 722.4. (b) "Cruel" means brutal, inhuman, sadistic, or that which torments. (c) "Omission" means a willful failure to provide food, clothing, or shelter necessary for a child's welfare or willful abandonment of a child. (d) "Person" means a child's parent or guardian or any other person who cares for, has custody of, or has authority over a child regardless of the length of time that a child is cared for, in the custody of, or subject to the authority of that person. (e) "Physical harm" means any injury to a child's physical condition. (f) "Serious physical harm" means any physical injury to a child that seriously impairs the child's health or physical well-being, including, but not limited to, brain damage, a skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprain, internal injury, poisoning, burn or scald, or severe cut. (g) "Serious mental harm" means an injury to a child's mental condition or welfare that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life. (2) A person is guilty of child abuse in the first degree if the person knowingly or intentionally causes serious physical harm or serious mental harm to a child. Child abuse in the first degree is a felony punishable by imprisonment for life or any term of years. (3) A person is guilty of child abuse in the second degree if any of the following apply: (a) The person's omission causes serious physical harm or serious mental harm to a child or if the person's reckless act causes serious physical harm or serious mental harm to a child. (b) The person knowingly or intentionally commits an act likely to cause serious physical or mental harm to a child regardless of whether harm results. (c) The person knowingly or intentionally commits an act that is cruel to a child regardless of whether harm results. (d) The person or a licensee, as licensee is defined in section 1 of 1973 PA 116, MCL 722.111, violates section 15(2) of 1973 PA 116, MCL 722.125. (4) Child abuse in the second degree is a felony punishable by imprisonment as follows: (a) For a first offense, not more than 10 years. (b) For an offense following a prior conviction, not more than 20 years. (5) A person is guilty of child abuse in the third degree if any of the following apply: (a) The person knowingly or intentionally causes physical harm to a child. (b) The person knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a child, and the act results in physical harm to a child. (6) Child abuse in the third degree is a felony punishable by imprisonment as follows: (a) For a first offense, not more than 2 years. (b) For an offense following a prior conviction, not more than 5 years. (7) A person is guilty of child abuse in the fourth degree if any of the following apply: (a) The person's omission or reckless act causes physical harm to a child. (b) The person knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a child, regardless of whether physical harm results. (8) Child abuse in the fourth degree is a crime punishable as follows: (a) For a first offense, a misdemeanor punishable by imprisonment for not more than 1 year. (b) For an offense following a prior conviction, a felony punishable by imprisonment for not more than 2 years. (9) This section does not prohibit a parent or guardian, or other person permitted by law or authorized by the parent or guardian, from taking steps to reasonably discipline a child, including the use of reasonable force. (10) It is an affirmative defense to a prosecution under this section that the defendant's conduct involving the child was a reasonable response to an act of domestic violence in light of all the facts and circumstances known to the defendant at that time. The defendant has the burden of establishing the affirmative defense by a preponderance of the evidence. As used in this subsection, "domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501. (11) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (12) As used in this section, "prior conviction" means a violation of this section or a violation of a law of another state substantially corresponding to this section. History:Add. 1988, Act 251, Eff. Sept. 1, 1988 ;-- Am. 1999, Act 273, Eff. Apr. 3, 2000 ;-- Am. 2008, Act 577, Eff. Apr. 1, 2009 ;-- Am. 2012, Act 194, Eff. July 1, 2012 ;-- Am. 2016, Act 488, Eff. Apr. 6, 2017 ;-- Am. 2020, Act 49, Eff. June 1, 2020Compiler's Notes:Section 4 of Act 251 of 1988 provides: “All proceedings pending and liabilities existing at the time this amendatory act takes effect are saved and may be prosecuted according to the law in force when they are commenced pursuant to section 4a of chapter 1 of the Revised Statutes of 1846, being section 8.4a of the Michigan Compiled Laws.”Enacting section 1 of Act 194 of 2012 provides:"Enacting section 1. This amendatory act shall be known and may be cited as "Dominick's Law"."

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.136c - Transfer or Acquisition of Legal or Physical Custody of Individual; Prohibited Conduct; Exceptions; Violation as Felony; Penalty.

Sec. 136c. (1) A person shall not transfer or attempt to transfer the legal or physical custody of an individual to another person for money or other valuable consideration, except as otherwise permitted by law. (2) A person shall not acquire or attempt to acquire the legal or physical custody of an individual for payment of money or other valuable consideration to another person, except as otherwise permitted by law. (3) Except as provided in subsections (4) and (5), a person shall not do any of the following, whether or not the person receives money or other valuable consideration for doing so: (a) Transfer or attempt to transfer the legal or physical custody of a child with the intent to permanently divest a parent of parental responsibility, except by order of a court of competent

jurisdiction. (b) Arrange for or assist in the permanent transfer, adoption, adoptive placement, or any other permanent physical placement of a child, except for the performance of adoption activities under 1973 PA 116, MCL 722.111 to 722.128, in the performance of the person's duties. (c) Assist, aid, abet, or conspire in the commission of an act described in subdivision (a) or (b). (4) Subsection (3) does not apply to services provided by an adoption attorney relating to a court supervised adoption proceeding under chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, or to an adoption attorney providing services under any of the circumstances described under subsection (5). (5) Subsection (3) does not apply to the placement of a child under 1 or more of the following conditions: (a) With a relative, a child placing agency, or the department of health and human services. (b) By a child placing agency or the department of health and human services. (c) In accordance with the interstate compact on placement of children, 1984 PA 114, MCL 3.711 to 3.717. (d) In which the child will be returned in less than 180 days. (e) With the specific intent that the child will be returned, that the placement benefits the child, and that it is based on the temporary needs of the family, including, but not limited to, 1 or more of the following: (i) Respite for the child and family. (ii) A vacation or school-sponsored activity or function. (iii) A temporary inability of the parent or legal guardian to provide care for the child due to incarceration, military service, medical treatment, or other incapacity of the parent or legal guardian. (f) In accordance with chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70. (6) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $100,000.00, or both. History:Add. 2000, Act 205, Eff. Sept. 1, 2000 ;-- Am. 2016, Act 482, Eff. Apr. 6, 2017 ;-- Am. 2020, Act 184, Eff. Jan. 6, 2021

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.136d - Violation of MCL 750.136b in Presence of Child Other Than Victim; Penalty; Laws Arising Out of Same Transaction.

Sec. 136d. (1) A person who violates section 136b in the presence of a child other than the child who is the victim of the violation is guilty of a felony punishable as follows: (a) If the person violates section 136b(2) in the presence of another child, by imprisonment for life or any term of years. (b) Except as provided in subdivision (c), if the person violates section 136b(4) in the presence of another child, by imprisonment for not more than 10 years. (c) If the person violates section 136b(4) in the presence of another child on a second or subsequent occasion, by imprisonment for not more than 20 years. (d) If the person violates section 136b(6) in the presence of another child, by imprisonment for not more than 2 years. (2) A charge and conviction under this section do not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same transaction as the violation of this section. History:Add. 2012, Act 194, Eff. July 1, 2012Compiler's Notes:Enacting section 1 of Act 194 of 2012 provides:"Enacting section 1. This amendatory act shall be known and may be cited as "Dominick's Law"."

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.137 - Purchases From Minors.

Sec. 137. A dealer in second-hand goods, junk shop keeper, peddler, rag or paper buyer, pawnbroker or hawker who purchases either directly or indirectly or by his agent or clerk, any goods, thing, article or articles from a minor without the written consent of the parent or guardian of the minor shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.137 ;-- Am. 1972, Act 32, Imd. Eff. Feb. 19, 1972Former Law:See section 1 of Act 52 of 1889, being How., § 9354; CL 1897, § 11376; CL 1915, § 15094; and CL 1929, § 9830.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.138 - Children; Legal Custody; Interference.

Sec. 138. A person who in any manner interferes or attempts to interfere with the custody of any child who has been adjudged to be dependent, neglected, or delinquent pursuant to chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, after the making of an order of commitment to a state institution or otherwise, in accordance with that act and pending the actual admission and reception of the child as an inmate of the institution, school, or home to which commitment is made; and any person who entices the neglected, dependent, or delinquent child from and out of the custody of the person or persons entitled thereto under the order of the court or who shall in any way interfere or attempt to interfere with the custody; and a person who entices or procures the child committed as aforesaid to leave and depart from any hospital or other place where the child was placed pursuant to the order of the court for the purpose of receiving medical treatment pending admission into the state institution, school, home, or other institution or place to which commitment may have been made, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.138 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Compiler's Notes:Act 6 of 1907, Ex. Sess., referred to in this section, was repealed by Act 288 of 1939. For present law, see MCL 712A.1 et seq.Former Law:See sections 1 and 2 of Act 286 of 1915, being CL 1915, §§ 2026 and 2027; CL 1929, §§ 12850 and 12851.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.139 - Child Under 18 Years of Age; Confinement; Commitment or Trial; Presence at Trial of Adults; Transportation With Adults Charged With or Convicted of Crime; Exception; Violation as Misdemeanor.

Sec. 139. (1) Except as provided in subsection (2), a child under 18 years of age while under arrest, confinement, or conviction for a crime must not be placed in an apartment or cell of a prison or place of confinement with 1 or more adults who are under arrest, confinement, or conviction for a crime, be permitted to remain in any court room during the trial of adults, or be transported in a vehicle used to transport inmates with adults charged with or convicted of a crime. (2) Subsection (1) does not apply to prisoners being transported to or from, or confined in a youth correctional facility operated by the department of corrections or a private vendor under section 20g of the corrections code of 1953, 1953 PA 232, MCL 791.220g. (3) All cases involving the commitment or trial of children under 18 years of age for any crime or misdemeanor, before any court, must be heard and determined by the court at a suitable time, designated by the court, separate and apart from the trial of other criminal cases. (4) A person who violates this section is guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.139 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991 ;-- Am. 1998, Act 510, Imd. Eff. Jan. 8, 1999 ;-- Am. 2019, Act 104, Eff. Oct. 1, 2021Former Law:See sections 1 to 3 of Act 110 of 1901, being CL 1915, §§ 7240 to 7242; and CL 1929, §§ 12816 to 12818.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.140 - Children; Exhibition; Employ; Apprentice.

Sec. 140. Any person having the care, custody, or control of any child under 16 years of age, who shall exhibit, use, or employ, or who shall apprentice, give away, let out, or otherwise dispose of the child to any person in or for the vocation, service, or occupation of rope or wire walking, gymnast, contortionist, rider, or acrobat, dancing, or begging in any place whatsoever, or for any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever, or for any exhibition injurious to the health or dangerous to the life or limb of the child, or who shall cause, procure, or encourage the child to engage therein, and any person who shall take, receive, hire, employ, use, exhibit, or have in custody any child for any of the purposes mentioned in this section, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.140 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 260 of 1881, being How., § 1998; CL 1897, § 5553; CL 1915, § 7222; and CL 1929, § 12798.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.141 - Presence of Minor Under 17 in Places Where Liquor Is Sold, Given Away, or Furnished; Attendance of Minors at Dances.

Sec. 141. A minor child under 17 years of age shall not be permitted to remain in a dance hall, saloon, barroom or any place where spirituous or intoxicating liquor, wine or beer, or any beverage, liquor or liquors containing spirituous or intoxicating liquor, beer or malt liquor is sold, given away or furnished for a beverage, unless the minor is accompanied by parent or guardian. A proprietor, keeper or manager of any such place who permits a minor child to remain in any such place, and a person who encourages or induces in any way the minor child to enter the place or to remain therein shall be deemed guilty of a misdemeanor. This section shall not prevent a township, village or city from establishing, by ordinance, regulations more stringent than the provisions of this act relative to the attendance of a minor at theaters, movie houses, bowling or billiard halls and dance halls. This section shall not prevent a township, village or city from establishing, by ordinance, regulations permitting the attendance of minor children at dances where no spirituous or intoxicating liquor, beer or malt liquor is sold, given away or consumed in the dance area. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.141 ;-- Am. 1959, Act 254, Eff. Mar. 19, 1960 ;-- Am. 1966, Act 166, Imd. Eff. July 1, 1966 ;-- Am. 1972, Act 32, Imd. Eff. Feb. 19, 1972Former Law:See section 3 of Chapter XXX of Part II of Act 319 of 1927, being CL 1929, § 7631; section 2 of Act 260 of 1881, being How., § 1999; CL 1897, § 5554; CL 1915, § 7223; CL 1929, § 12799; Act 236 of 1905; and Act 55 of 1907.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.141a - Definitions; Prohibited Conduct by Person Having Control of Real Property; Applicability of Section; Violation of Subsection (2) as Misdemeanor; Penalty; Evidence of Rebuttable Presumption; Selling or Furnishing Alcoholic Beverage to Minor Not Authorized by Act; Criminal Penalty.

Sec. 141a. (1) As used in this section: (a) "Alcoholic beverage" means an alcoholic liquor as defined in section 2 of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.2 of the Michigan Compiled Laws. (b) "Allow" means to give permission for, or approval of, possession or consumption of an alcoholic beverage or a controlled substance, by any of the following means: (i) In writing. (ii) By 1 or more oral statements. (iii) By any form of conduct, including a failure to take corrective action, that would cause a reasonable person to believe that permission or approval has been given. (c) "Control over any premises, residence, or other real property" means the authority to regulate, direct, restrain, superintend, control, or govern the conduct of other individuals on or within that premises, residence, or other real property, and includes, but is not limited to, a possessory right. (d) "Controlled substance" means that term as defined in section 7104 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7104 of the Michigan Compiled Laws. (e) "Corrective action" means any of the following: (i) Making a prompt demand that the minor or other individual depart from the premises, residence, or other real property, or refrain from the unlawful possession or consumption of the alcoholic beverage or controlled substance on or within that premises, residence, or other real property, and taking additional action described in subparagraph (ii) or (iii) if the minor or other

individual does not comply with the request. (ii) Making a prompt report of the unlawful possession or consumption of alcoholic liquor or a controlled substance to a law enforcement agency having jurisdiction over the violation. (iii) Making a prompt report of the unlawful possession or consumption of alcoholic liquor or a controlled substance to another person having a greater degree of authority or control over the conduct of persons on or within the premises, residence, or other real property. (f) "Minor" means an individual less than 21 years of age. (g) "Premises" means a permanent or temporary place of assembly, other than a residence, including, but not limited to, any of the following: (i) A meeting hall, meeting room, or conference room. (ii) A public or private park. (h) "Residence" means a permanent or temporary place of dwelling, including, but not limited to, any of the following: (i) A house, apartment, condominium, or mobile home. (ii) A cottage, cabin, trailer, or tent. (iii) A motel unit, hotel unit, or bed and breakfast unit. (i) "Social gathering" means an assembly of 2 or more individuals for any purpose, unless all of the individuals attending the assembly are members of the same household or immediate family. (2) Except as otherwise provided in subsection (3), an owner, tenant, or other person having control over any premises, residence, or other real property shall not do either of the following: (a) Knowingly allow a minor to consume or possess an alcoholic beverage at a social gathering on or within that premises, residence, or other real property. (b) Knowingly allow any individual to consume or possess a controlled substance at a social gathering on or within that premises, residence, or other real property. (3) This section does not apply to the use, consumption, or possession of a controlled substance by an individual pursuant to a lawful prescription, or to the use, consumption, or possession of an alcoholic beverage by a minor for religious purposes. (4) Except as provided in subsection (5), a person who violates subsection (2) is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or by a fine of not more than $1,000.00, or both. (5) For a second or subsequent violation of subsection (2) the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by a fine of not more than $1,000.00, or both. (6) Evidence of all of the following gives rise to a rebuttable presumption that the defendant allowed the consumption or possession of an alcoholic beverage or a controlled substance on or within a premises, residence, or other real property, in violation of this section: (a) The defendant had control over the premises, residence, or other real property. (b) The defendant knew that a minor was consuming or in possession of an alcoholic beverage or knew that an individual was consuming or in possession of a controlled substance at a social gathering on or within that premises, residence, or other real property. (c) The defendant failed to take corrective action. (7) This section does not authorize selling or furnishing an alcoholic beverage to a minor. (8) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct. History:Add. 1994, Act 31, Eff. June 1, 1994Compiler's Notes:Former MCL 750.141a, which pertained to furnishing alcoholic beverage to minors without prescription, was repealed by Act 531 of 1978, Eff. Dec. 23, 1978.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.142 - Furnishing Obscene Publications or Criminal News to Minors.

Sec. 142. A person who sells, gives away or in any way furnishes to a person under the age of 18 years a book, pamphlet, or other printed paper or other thing, containing obscene language, or obscene prints, pictures, figures or descriptions tending to corrupt the morals of youth, or any newspapers, pamphlets or other printed paper devoted to the publication of criminal news, police reports, or criminal deeds, and a person who shall in any manner hire, use or employ a person under the age of 18 years to sell, give away, or in any manner distribute such books, pamphlets or printed papers, and any person having the care, custody or control of a person under the age of 18 years, who permits him or her to engage in any such employment, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.142 ;-- Am. 1972, Act 14, Imd. Eff. Feb. 19, 1972Former Law:See section 5 of Act 260 of 1881, being How., § 2002; CL 1897, § 5557; CL 1915, § 7226; and CL 1929, § 12802.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.143 - Children; Exhibition of Obscene Matter.

Sec. 143. Exhibition of obscene matter within view of children—Any person who shall exhibit upon any public street or highway, or in any other place within the view of children passing on any public street or highway, any book, pamphlet or other printed paper or thing containing obscene language or obscene prints, figures, or descriptions, tending to the corruption of the morals of youth, or any newspapers, pamphlets, or other printed paper or thing devoted to the publication of criminal news, police reports or criminal deeds, shall on conviction thereof be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.143Former Law:See section 6 of Act 260 of 1881, being How., § 2003; CL 1897, § 5558; CL 1915, § 7227; and CL 1929, § 12803.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.143a - Information About Rating System; Posting Sign by Video Game Retailer Required; Violation; Fine; Definitions.

Sec. 143a. (1) A video game retailer shall post a sign in a prominent area within the video game retailer's retail establishment that provides information about a rating system or notifies consumers that a rating system is available to aid in the selection of a game and shall make information that explains the video game rating system available to consumers on request. (2) A video game retailer that violates this section is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $1,000.00. (3) As used in this section: (a) "Rating system" means any video game rating system shown on the exterior packaging of a video

game when it is sold or rented. (b) "Video game" means an object or device that stores recorded data or instructions generated by a person who uses it, and by processing the data or instructions creates an interactive game capable of being played, viewed, or experienced on or through a computer, gaming system, game console, or other technology. (c) "Video game retailer" means a person that sells or rents video games to the public. History:Add. 2005, Act 105, Eff. Dec. 1, 2005

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.144 - Minor; Boarding Houses, Licensing.

Sec. 144. Licensed boarding homes for children—Any person who maintains a boarding home for children, unless licensed therefor by the state welfare commission, shall be guilty of a misdemeanor. Any person who has in his custody or control for a longer period than 30 days, 1 or more children under the age of 15 years unattended by a parent or guardian, except children related to him by blood or marriage, for the purpose of providing such child or children with care, food and lodging, shall be deemed to maintain a boarding home for children: Provided, That nothing in this section shall be construed to apply to the legal guardian of the child. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.144Former Law:See section 6 of Act 136 of 1919, being CL 1929, § 12874.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.145 - Minor; Contributing to Neglect or Delinquency.

Sec. 145. Contributing to neglect or delinquency of children—Any person who shall by any act, or by any word, encourage, contribute toward, cause or tend to cause any minor child under the age of 17 years to become neglected or delinquent so as to come or tend to come under the jurisdiction of the juvenile division of the probate court, as defined in section 2 of chapter 12a of Act No. 288 of the Public Acts of 1939, as added by Act No. 54 of the Public Acts of the First Extra Session of 1944, and any amendments thereto, whether or not such child shall in fact be adjudicated a ward of the probate court, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1939, Act 88, Eff. Sept. 29, 1939 ;-- Am. 1945, Act 85, Eff. Sept. 6, 1945 ;-- CL 1948, 750.145Compiler's Notes:For provisions of section 2, referred to in this section, see MCL 712A.2.Former Law:See section 2 of Chapter XXX of Part II of Act 319 of 1927, being CL 1929, § 7630; and section 13 of Chapter XXXVI of Part II of Act 319 of 1927, being CL 1929, § 7696.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.145a - Accosting, Enticing or Soliciting Child for Immoral Purpose.

Sec. 145a. A person who accosts, entices, or solicits a child less than 16 years of age, regardless of whether the person knows the individual is a child or knows the actual age of the child, or an individual whom he or she believes is a child less than 16 years of age with the intent to induce or force that child or individual to commit an immoral act, to submit to an act of sexual intercourse or an act of gross indecency, or to any other act of depravity or delinquency, or who encourages a child less than 16 years of age, regardless of whether the person knows the individual is a child or knows the actual age of the child, or an individual whom he or she believes is a child less than 16 years of age to engage in any of those acts is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $4,000.00, or both. History:Add. 1935, Act 174, Eff. Sept. 21, 1935 ;-- Am. 1939, Act 88, Eff. Sept. 29, 1939 ;-- CL 1948, 750.145a ;-- Am. 2002, Act 45, Eff. June 1, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.145b - Accosting, Enticing or Soliciting Child for Immoral Purpose; Prior Conviction; Penalty.

Sec. 145b. (1) A person convicted of violating section 145a who has 1 or more prior convictions is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $10,000.00, or both. (2) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (3) As used in this section, "prior conviction" means a violation of section 145a or a violation of a law of another state substantially corresponding to section 145a. History:Add. 1935, Act 174, Eff. Sept. 21, 1935 ;-- Am. 1939, Act 88, Eff. Sept. 29, 1939 ;-- CL 1948, 750.145b ;-- Am. 2002, Act 45, Eff. June 1, 2002

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.145c - Definitions; Child Sexually Abusive Activity or Material; Penalties; Possession of Child Sexually Abusive Material; Expert Testimony; Defenses; Acts of Commercial Film or Photographic Print Processor; Report to Law Enforcement Agency by Computer Technician;

Reasonable Availability of Evidence to Defendant; Applicability and Uniformity of Section; Enactment or Enforcement of Ordinance, Rule, or Regulation Prohibited.

Sec. 145c. (1) As used in this section: (a) "Access" means to intentionally cause to be viewed by or transmitted to a person. (b) "Appears to include a child" means that the depiction appears to include, or conveys the impression that it includes, a person who is less than 18 years of age, and the depiction meets either of the following conditions: (i) It was created using a depiction of any part of an actual person under the age of 18. (ii) It was not created using a depiction of any part of an actual person under the age of 18, but all of the following apply to that depiction: (A) The average individual, applying contemporary community standards, would find the depiction, taken as a whole, appeals to the prurient interest. (B) The reasonable person would find the depiction, taken as a whole, lacks serious literary, artistic, political, or scientific value. (C) The depiction depicts or describes a listed sexual act in a patently offensive way. (c) "Child" means a person who is less than 18 years of age, subject to the affirmative defense created in subsection (7) regarding persons emancipated by operation of law. (d) "Commercial film or photographic print processor" means a person or his or her employee who, for compensation, develops exposed photographic film into movie films, negatives, slides, or prints; makes prints from negatives or slides; or duplicates movie films or videotapes. (e) "Computer technician" means a person who installs, maintains, troubleshoots, upgrades, or repairs computer hardware, software, personal computer networks, or peripheral equipment. (f) "Contemporary community standards" means the customary limits of candor and decency in this state at or near the time of the alleged violation of this section. (g) "Erotic fondling" means touching a person's clothed or unclothed genitals, pubic area, buttocks, or, if the person is female, breasts, or if the person is a child, the developing or undeveloped breast area, for the purpose of real or simulated overt sexual gratification or stimulation of 1 or more of the persons involved. Erotic fondling does not include physical contact, even if affectionate, that is not for the purpose of real or simulated overt sexual gratification or stimulation of 1 or more of the persons involved. (h) "Erotic nudity" means the lascivious exhibition of the genital, pubic, or rectal area of any person. As used in this subdivision, "lascivious" means wanton, lewd, and lustful and tending to produce voluptuous or lewd emotions. (i) "Listed sexual act" means sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity. (j) "Make" means to bring into existence by copying, shaping, changing, or combining material, and specifically includes, but is not limited to, intentionally creating a reproduction, copy, or print of child sexually abusive material, in whole or part. Make does not include the creation of an identical reproduction or copy of child sexually abusive material within the same digital storage device or the same piece of digital storage media. (k) "Masturbation" means the real or simulated touching, rubbing, or otherwise stimulating of a person's own clothed or unclothed genitals, pubic area, buttocks, or, if the person is female, breasts, or if the person is a child, the developing or undeveloped breast area, either by manual manipulation or self-induced or with an artificial instrument, for the purpose of real or simulated overt sexual gratification or arousal of the person. (l) "Passive sexual involvement" means an act, real or simulated, that exposes another person to or draws another person's attention to an act of sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, sexual excitement, or erotic nudity because of viewing any of these acts or because of the proximity of the act to that person, for the purpose of real or simulated overt sexual gratification or stimulation of 1 or more of the persons involved. (m) "Prurient interest" means a shameful or morbid interest in nudity, sex, or excretion. (n) "Child sexually abusive activity" means a child engaging in a listed sexual act. (o) "Child sexually abusive material" means any depiction, whether made or produced by electronic, mechanical, or other means, including a developed or undeveloped photograph, picture, film, slide, video, electronic visual image, computer diskette, computer or computer-generated image, or picture, or sound recording which is of a child or appears to include a child engaging in a listed sexual act; a book, magazine, computer, computer storage device, or other visual or print or printable medium containing such a photograph, picture, film, slide, video, electronic visual image, computer, or computer-generated image, or picture, or sound recording; or any reproduction, copy, or print of such a photograph, picture, film, slide, video, electronic visual image, book, magazine, computer, or computer-generated image, or picture, other visual or print or printable medium, or sound recording. (p) "Sadomasochistic abuse" means either of the following: (i) Flagellation or torture, real or simulated, for the purpose of real or simulated sexual stimulation or gratification, by or upon a person. (ii) The condition, real or simulated, of being fettered, bound, or otherwise physically restrained for sexual stimulation or gratification of a person. (q) "Sexual excitement" means the condition, real or simulated, of human male or female genitals in a state of real or simulated overt sexual stimulation or arousal. (r) "Sexual intercourse" means intercourse, real or simulated, whether genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between a human and an animal, or with an artificial genital. (2) A person who persuades, induces, entices, coerces, causes, or knowingly allows a child to engage in a child sexually abusive activity for the purpose of producing any child sexually abusive material, or a person who arranges for, produces, makes, copies, reproduces, or finances, or a person who attempts or prepares or conspires to arrange for, produce, make, copy, reproduce, or finance any child sexually abusive activity or child sexually abusive material for personal, distributional, or other purposes if that person knows, has reason to know, or should reasonably be expected to know that the child is a child or that the child sexually abusive material includes a child or that the depiction constituting the child sexually abusive material appears to include a child, or that person has not taken reasonable precautions to determine the age of the child is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $100,000.00, or both. (b) If the child sexually abusive activity or child sexually abusive material involves a prepubescent child, sadomasochistic abuse or bestiality, or includes a video or more than 100 images of child sexually abusive material, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than $125,000.00, or both. (3) Except as provided in subsection (14), a person who distributes or promotes, or finances the distribution or promotion of, or receives for the purpose of distributing or promoting, or conspires,

attempts, or prepares to distribute, receive, finance, or promote any child sexually abusive material or child sexually abusive activity if that person knows, has reason to know, or should reasonably be expected to know that the child is a child or that the child sexually abusive material includes a child or that the depiction constituting the child sexually abusive material appears to include a child, or that person has not taken reasonable precautions to determine the age of the child is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 7 years or a fine of not more than $50,000.00, or both. (b) If the child sexually abusive activity or child sexually abusive material involves a prepubescent child, sadomasochistic abuse or bestiality, or includes a video or more than 100 images of child sexually abusive material, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $75,000.00, or both. (4) A person who knowingly possesses or knowingly seeks and accesses any child sexually abusive material if that person knows, has reason to know, or should reasonably be expected to know the child is a child or that the child sexually abusive material includes a child or that the depiction constituting the child sexually abusive material appears to include a child, or that person has not taken reasonable precautions to determine the age of the child is guilty of a crime as follows: (a) Except as provided in subdivision (b) and section 145g, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $10,000.00, or both. (b) If the child sexually abusive activity or child sexually abusive material involves a prepubescent child, sadomasochistic abuse or bestiality, or includes a video or more than 100 images of child sexually abusive material, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $50,000.00, or both. (5) Subsection (4) does not apply to any of the following: (a) A person described in section 7 of 1984 PA 343, MCL 752.367, a commercial film or photographic print processor acting under subsection (9), or a computer technician acting under subsection (10). (b) A police officer acting within the scope of his or her duties as a police officer. (c) An employee or contract agent of the department of health and human services acting within the scope of his or her duties as an employee or contract agent. (d) A judicial officer or judicial employee acting within the scope of his or her duties as a judicial officer or judicial employee. (e) A party or witness in a criminal or civil proceeding acting within the scope of that criminal or civil proceeding. (f) A physician, psychologist, limited license psychologist, professional counselor, or registered nurse licensed under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, acting within the scope of practice for which he or she is licensed. (g) A social worker registered in this state under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, acting within the scope of practice for which he or she is registered. (6) Expert testimony as to the age of the child used in a child sexually abusive material or a child sexually abusive activity is admissible as evidence in court and may be a legitimate basis for determining age, if age is not otherwise proven. (7) It is an affirmative defense to a prosecution under this section that the alleged child is a person who is emancipated by operation of law under section 4(2) of 1968 PA 293, MCL 722.4, as proven by a preponderance of the evidence. (8) If a defendant in a prosecution under this section proposes to offer in his or her defense evidence to establish that a depiction that appears to include a child was not, in fact, created using a depiction of any part of an actual person under the age of 18, the defendant shall at the time of the arraignment on the information or within 15 days after arraignment but not less than 10 days before the trial of the case, or at such other time as the court directs, file and serve upon the prosecuting attorney of record a notice in writing of his or her intention to offer that defense. The notice must contain, as particularly as is known to the defendant or the defendant's attorney, the names of witnesses to be called on behalf of the defendant to establish that defense. The defendant's notice must include specific information as to the facts that establish that the depiction was not, in fact, created using a depiction of any part of an actual person under the age of 18. Failure to file a timely notice in conformance with this subsection precludes a defendant from offering this defense. (9) If a commercial film or photographic print processor reports to a law enforcement agency having jurisdiction his or her knowledge or observation, within the scope of his or her professional capacity or employment, of a film, photograph, movie film, videotape, negative, or slide depicting a person that the processor has reason to know or reason to believe is a child engaged in a listed sexual act; furnishes a copy of the film, photograph, movie film, videotape, negative, or slide to a law enforcement agency having jurisdiction; or keeps the film, photograph, movie film, videotape, negative, or slide according to the law enforcement agency's instructions, both of the following apply: (a) The identity of the processor must be confidential, subject to disclosure only with his or her consent or by judicial process. (b) If the processor acted in good faith, he or she is immune from civil liability that might otherwise be incurred by his or her actions. This immunity extends only to acts described in this subsection. (10) If a computer technician reports to a law enforcement agency having jurisdiction his or her knowledge or observation, within the scope of his or her professional capacity or employment, of an electronic visual image, computer-generated image or picture or sound recording depicting a person that the computer technician has reason to know or reason to believe is a child engaged in a listed sexual act; furnishes a copy of that image, picture, or sound recording to the law enforcement agency; or keeps the image, picture, or sound recording according to the law enforcement agency's instructions, both of the following apply: (a) The identity of the computer technician must be confidential, subject to disclosure only with his or her consent or by judicial process. (b) If the computer technician acted in good faith, he or she is immune from civil liability that might otherwise be incurred by his or her actions. This immunity extends only to acts described in this subsection. (11) In any criminal proceeding regarding an alleged violation or attempted violation of this section, the court shall deny any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any photographic or other pictorial evidence of a child engaging in a listed sexual act if the prosecuting attorney makes that evidence reasonably available to the defendant. Evidence is considered to be reasonably available to the defendant under this subsection if the prosecuting attorney provides an opportunity to the defendant and his or her attorney, and any person the defendant may seek to qualify as an expert witness at trial, to inspect, view, and examine that evidence at a facility approved by the prosecuting attorney. (12) This section applies uniformly throughout the state and all political subdivisions and municipalities in the

state. (13) A local municipality or political subdivision shall not enact any ordinance or enforce any existing ordinance, rule, or regulation governing child sexually abusive activity or child sexually abusive material. (14) Subsection (3) does not apply to the persons described in section 7 of 1984 PA 343, MCL 752.367. History:Add. 1977, Act 301, Eff. Mar. 30, 1978 ;-- Am. 1988, Act 110, Eff. June 1, 1988 ;-- Am. 1994, Act 444, Eff. Apr. 1, 1995 ;-- Am. 2002, Act 629, Eff. Mar. 31, 2003 ;-- Am. 2004, Act 478, Imd. Eff. Dec. 28, 2004 ;-- Am. 2012, Act 583, Eff. Mar. 1, 2013 ;-- Am. 2018, Act 373, Eff. Mar. 17, 2019Compiler's Notes:The definitions for subdivisions (n) and (o) are evidently out of alphabetical order.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.145d - Use of Internet or Computer System; Prohibited Conduct; Violation; Penalty; Jurisdiction; Order to Reimburse State or Local Governmental Unit; Definitions.

Sec. 145d. (1) A person shall not use the internet or a computer, computer program, computer network, or computer system to communicate with any person for the purpose of doing any of the following: (a) Committing, attempting to commit, conspiring to commit, or soliciting another person to commit conduct proscribed under section 145a, 145c, 157c, 349, 350, 520b, 520c, 520d, 520e, or 520g, or section 5 of 1978 PA 33, MCL 722.675, in which the victim or intended victim is a minor or is believed by that person to be a minor. (b) Committing, attempting to commit, conspiring to commit, or soliciting another person to commit conduct proscribed under section 411h or 411i. (c) Committing, attempting to commit, conspiring to commit, or soliciting another person to commit conduct proscribed under chapter XXXIII or section 327, 327a, 328, or 411a(2). (2) A person who violates this section is guilty of a crime as follows: (a) If the underlying crime is a misdemeanor or a felony with a maximum term of imprisonment of less than 1 year, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $5,000.00, or both. (b) If the underlying crime is a misdemeanor or a felony with a maximum term of imprisonment of 1 year or more but less than 2 years, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $5,000.00, or both. (c) If the underlying crime is a misdemeanor or a felony with a maximum term of imprisonment of 2 years or more but less than 4 years, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (d) If the underlying crime is a felony with a maximum term of imprisonment of 4 years or more but less than 10 years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both. (e) If the underlying crime is a felony punishable by a maximum term of imprisonment of 10 years or more but less than 15 years, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (f) If the underlying crime is a felony punishable by a maximum term of imprisonment of 15 years or more or for life, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. (3) The court may order that a term of imprisonment imposed under this section be served consecutively to any term of imprisonment imposed for conviction of the underlying offense. (4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this section, including the underlying offense. (5) This section applies regardless of whether the person is convicted of committing, attempting to commit, conspiring to commit, or soliciting another person to commit the underlying offense. (6) A violation or attempted violation of this section occurs if the communication originates in this state, is intended to terminate in this state, or is intended to terminate with a person who is in this state. (7) A violation or attempted violation of this section may be prosecuted in any jurisdiction in which the communication originated or terminated. (8) The court may order a person convicted of violating this section to reimburse this state or a local unit of government of this state for expenses incurred in relation to the violation in the same manner that expenses may be ordered to be reimbursed under section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f. (9) As used in this section: (a) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network. Computer includes a computer game device or a cellular telephone, personal digital assistant (PDA), or other handheld device. (b) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers. (c) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network. (d) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware. (e) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses. (f) "Internet" means that term as defined in section 230 of the communications act of 1934, 47 USC 230. (g) "Minor" means an individual who is less than 18 years of age. History:Add. 1999, Act 32, Eff. Aug. 1, 1999 ;-- Am. 1999, Act 235, Eff. Mar. 10, 2000 ;-- Am. 2000, Act 185, Eff. Sept. 18, 2000 ;-- Am. 2012, Act 353, Eff. Jan. 1, 2013

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.145e - Dissemination of Sexually Explicit Visual Material of Another Person; Prohibition; Exceptions; Other Violations of Law; Violation; Penalty; Definitions.

Sec. 145e. (1) A person shall not intentionally and with the intent to threaten, coerce, or intimidate disseminate any sexually explicit

visual material of another person if all of the following conditions apply: (a) The other person is not less than 18 years of age. (b) The other person is identifiable from the sexually explicit visual material itself or information displayed in connection with the sexually explicit visual material. This subdivision does not apply if the identifying information is supplied by a person other than the disseminator. (c) The person obtains the sexually explicit visual material of the other person under circumstances in which a reasonable person would know or understand that the sexually explicit visual material was to remain private. (d) The person knows or reasonably should know that the other person did not consent to the dissemination of the sexually explicit visual material. (2) Subsection (1) does not apply to any of the following: (a) To the extent content is provided by another person, a person engaged in providing: (i) An interactive computer service as that term is defined in 47 USC 230; (ii) An information service, telecommunications service, or cable service as those terms are defined in 47 USC 153; (iii) A commercial mobile service as defined in 47 USC 332; (iv) A direct-to-home satellite service as defined in 47 USC 303(v); or (v) A video service as defined in 2006 PA 480, MCL 484.3301 to 484.3315. (b) A person who disseminates sexually explicit visual material that is part of a news report or commentary or an artistic or expressive work, such as a performance, work of art, literary work, theatrical work, musical work, motion picture, film, or audiovisual work. (c) A law enforcement officer, or a corrections officer or guard in a correctional facility or jail, who is engaged in the official performance of his or her duties. (d) A person disseminating sexually explicit visual material in the reporting of a crime. (3) This section does not prohibit a person from being charged with, convicted of, or punished for another violation of law committed by that person while violating or attempting to violate this section. (4) A person who violates subsection (1) is guilty of a crime and punishable as provided in section 145f. (5) As used in this section: (a) "Disseminate" means post, distribute, or publish on a computer device, computer network, website, or other electronic device or medium of communication. (b) "Nudity" means displaying a person's genitalia or anus or, if the person is a female, her nipples or areola. (c) "Sexually explicit visual material" means a photograph or video that depicts nudity, erotic fondling, sexual intercourse, or sadomasochistic abuse. History:Add. 2016, Act 89, Eff. July 25, 2016

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.145f - Violation of MCL 750.145e; Penalty.

Sec. 145f. A person who violates section 145e is guilty of a crime punishable as follows: (a) Except as provided in subdivision (b), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (b) For a second or subsequent violation of section 145e, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. History:Add. 2016, Act 90, Eff. July 25, 2016

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.145g - Child Sexually Abusive Activity or Material; Second or Subsequent Offense; Mandatory Minimum.

Sec. 145g. If a person is convicted of a second or subsequent offense under section 145c, the sentence imposed for a second or subsequent offense is a mandatory minimum sentence of not less than 5 years. For the purposes of this section, an offense is considered a second or subsequent offense if, prior to conviction of the second or subsequent offense, the person has been convicted under section 145c or of another crime involving a sexual offense against a minor. History:Add. 2018, Act 375, Eff. Mar. 17, 2019

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XX - Chapter XX Children (750.135...750.145h)Section 750.145h - Vulnerable Adult; Sexually Explicit Visual Material; Violation; Penalties; Enhanced Sentence; Definitions.

Sec. 145h. (1) A person shall not intentionally or knowingly harass, abuse, threaten, force, coerce, compel, or exploit the vulnerability of a vulnerable adult in a manner that causes the vulnerable adult to provide that person, or any other person, sexually explicit visual material. (2) Except as provided in subsection (3), a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both. (3) A person who violates subsection (1) who has 1 or more prior convictions for a violation of subsection (1) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00, or both. (4) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (5) As used in this section: (a) "Sexually explicit visual material" means that term as defined in section 145e. (b) "Vulnerable adult" means that term as defined in section 145m. History:Add. 2023, Act 275, Eff. Mar. 7, 2024

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXA - Chapter Xxa Vulnerable Adults (750.145m...750.145r)Section 750.145m - Definitions.

Sec. 145m. As used in this chapter: (a) "Adult foster care facility" means that term as defined in section 3 of the adult foster care

facility licensing act, MCL 400.703. (b) "Adult foster care facility licensing act" means 1979 PA 218, MCL 400.701 to 400.737. (c) "Caregiver" means an individual who directly cares for or has physical custody of a vulnerable adult. (d) "Developmental disability" means that term as defined in section 500 of the mental health code, MCL 330.1500. (e) "Facility" means an adult foster care facility, a home for the aged, or a nursing home. (f) "Home for the aged" means that term as defined in section 20106 of the public health code, MCL 333.20106. (g) "Licensee" means that term as defined in section 5 of the adult foster care facility licensing act, MCL 400.705, or as defined in section 20108 of the public health code, MCL 333.20108. Licensee does not include a hospital, as that term is defined in section 20106 of the public health code, MCL 333.20106, except that part of a hospital that is a hospital long-term care unit, as that term is defined in section 20106 of the public health code, MCL 333.20106. (h) "Mental health code" means 1974 PA 258, MCL 330.1001 to 330.2106. (i) "Mental illness" means that term as defined in section 400 of the mental health code, MCL 330.1400. (j) "Nursing home" means that term as defined in section 20109 of the public health code, MCL 333.20109 and a hospital long-term care unit as defined in section 20106 of the public health code, MCL 333.20106. (k) "Other person with authority over a vulnerable adult" includes, but is not limited to, a person with authority over a vulnerable adult in that part of a hospital that is a hospital long-term care unit, but does not include a person with authority over a vulnerable adult in that part of a hospital that is not a hospital long-term care unit. As used in this subdivision, "hospital" and "hospital long-term care unit" mean those terms as defined in section 20106 of the public health code, MCL 333.20106. (l) "Part 213, 215, or 217 of the public health code" means MCL 333.21301 to 333.21333, 333.21501 to 333.21568, and 333.21701 to 333.21799e. (m) "Personal care" means assistance with eating, dressing, personal hygiene, grooming, or maintenance of a medication schedule as directed and supervised by a vulnerable adult's physician. (n) "Physical harm" means any injury to a vulnerable adult's physical condition. (o) "Public health code" means 1978 PA 368, MCL 333.1101 to 333.25211. (p) "Reckless act or reckless failure to act" means conduct that demonstrates a deliberate disregard of the likelihood that the natural tendency of the act or failure to act is to cause physical harm, serious physical harm, or serious mental harm. (q) "Resident" means an individual who resides in a facility. (r) "Serious physical harm" means a physical injury that threatens the life of a vulnerable adult, that causes substantial bodily disfigurement, or that seriously impairs the functioning or well-being of the vulnerable adult. (s) "Serious mental harm" means a mental injury that results in a substantial alteration of mental functioning that is manifested in a visibly demonstrable manner. (t) "Social welfare act" means 1939 PA 280, MCL 400.1 to 400.119b. (u) "Vulnerable adult" means 1 or more of the following: (i) An individual age 18 or over who, because of age, developmental disability, mental illness, or physical disability requires supervision or personal care or lacks the personal and social skills required to live independently. (ii) An adult as defined in section 3(1)(b) of the adult foster care facility licensing act, MCL 400.703. (iii) An adult as defined in section 11(b) of the social welfare act, MCL 400.11. History:Add. 1994, Act 149, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXA - Chapter Xxa Vulnerable Adults (750.145m...750.145r)Section 750.145n - Vulnerable Adult Abuse; First Degree; Second Degree; Third Degree; Fourth Degree; Authority to Prevent Vulnerable Adult From Being Harmed or Harming Others Not Prohibited; Applicability of Section to Act Carried Out by Patient Advocate.

Sec. 145n. (1) A caregiver is guilty of vulnerable adult abuse in the first degree if the caregiver intentionally causes serious physical harm or serious mental harm to a vulnerable adult. Vulnerable adult abuse in the first degree is a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (2) A caregiver or other person with authority over the vulnerable adult is guilty of vulnerable adult abuse in the second degree if the reckless act or reckless failure to act of the caregiver or other person with authority over the vulnerable adult causes serious physical harm or serious mental harm to a vulnerable adult. Vulnerable adult abuse in the second degree is a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (3) A caregiver is guilty of vulnerable adult abuse in the third degree if the caregiver intentionally causes physical harm to a vulnerable adult. Vulnerable adult abuse in the third degree is a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $2,500.00, or both. (4) A caregiver or other person with authority over the vulnerable adult is guilty of vulnerable adult abuse in the fourth degree if the reckless act or reckless failure to act of the caregiver or other person with authority over a vulnerable adult causes physical harm to the vulnerable adult or the caregiver or other person with authority over the vulnerable adult knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a vulnerable adult, regardless of whether physical harm results. Vulnerable adult abuse in the fourth degree is a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (5) A caregiver or other person with authority over the vulnerable adult is guilty of vulnerable adult abuse in the fourth degree if the caregiver or other person with authority over the vulnerable adult violates subsection (4) and 1 or more of the following circumstances apply: (a) The caregiver or other person with authority over the vulnerable adult is the spouse or former spouse of the victim. (b) The caregiver or other person with authority over the vulnerable adult is an individual with whom the victim has or has had a dating relationship. (c) The caregiver or other person with authority over the vulnerable adult is an individual with whom the victim has or has had a child in common. (d) The caregiver or other person with authority over the vulnerable adult is a resident or former resident of the victim's household. (6) A violation of subsection (5) is a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (7) This section does not prohibit a caregiver or other person with authority over a vulnerable adult from taking reasonable action to prevent a vulnerable adult from being harmed or from harming others. (8) This section does not apply to an act or failure to act that is carried out as directed by a patient advocate under a patient advocate designation executed in accordance with sections 5506 to 5515 of the estates and protected individuals code, 1998 PA 386,

MCL 700.5506 to 700.5515. (9) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. History:Add. 1994, Act 149, Eff. Oct. 1, 1994 ;-- Am. 2000, Act 66, Eff. Apr. 1, 2000 ;-- Am. 2004, Act 559, Imd. Eff. Jan. 3, 2005 ;-- Am. 2016, Act 480, Eff. Apr. 6, 2017 ;-- Am. 2023, Act 199, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXA - Chapter Xxa Vulnerable Adults (750.145m...750.145r)Section 750.145o - Violation of Act by Operator or Employee of Unlicensed Facility; Violation as Felony; Penalty.

Sec. 145o. An operator of an unlicensed facility that is subject to licensure, or an employee or an individual acting on behalf of an unlicensed facility that is subject to licensure, who violates the adult foster care facility licensing act or part 213, 215, or 217 of the public health code or rules promulgated pursuant to the adult foster care facility licensing act or part 213, 215, or 217 of the public health code and whose violation is a proximate cause of the death of a vulnerable adult is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $75,000.00, or both. History:Add. 1994, Act 149, Eff. Oct. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXA - Chapter Xxa Vulnerable Adults (750.145m...750.145r)Section 750.145p - Caregiver, Other Person With Authority Over Vulnerable Adult, or Licensee; Certain Conduct as Misdemeanor; Penalty; Certain Disciplinary Action Not Precluded by Subsection (3); Certain Conduct as Felony; Penalty.

Sec. 145p. (1) A caregiver, other person with authority over a vulnerable adult, or a licensee who intentionally does 1 or more of the following is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $25,000.00, or both: (a) Commingles, borrows, or pledges funds of a resident that are required by law or administrative rule to be held in a separate trust account. (b) Interferes with or obstructs an investigation under the adult foster care facility licensing act, part 213, 215, or 217 of the public health code, or section 11b of the social welfare act, being section 400.11b of the Michigan Compiled Laws. (c) Files information required by the adult foster care facility licensing act or part 213, 215, or 217 of the public health code that is false or misleading. (2) A caregiver, other person with authority over a vulnerable adult, or a licensee who intentionally retaliates or discriminates against a resident because the resident does 1 or more of the following is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $25,000.00, or both: (a) Provides information to a state or local official enforcing the adult foster care facility licensing act or part 213, 215, or 217 of the public health code. (b) Makes a complaint against a facility. (c) Initiates, participates in, or testifies in an administrative or criminal action against a facility or a civil suit related to the criminal action. (3) A caregiver, other person with authority over a vulnerable adult, or a licensee who intentionally retaliates or discriminates against an employee because the employee does 1 or more of the following is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $10,000.00, or both: (a) Provides information to a state or local official enforcing the adult foster care facility licensing act or part 213, 215, or 217 of the public health code. (b) Makes a complaint against a facility. (c) Initiates, participates in, or testifies in an administrative or criminal action against a facility or a civil suit related to the criminal action. (4) Subsection (3) does not preclude an employer from taking reasonable and appropriate disciplinary action against an employee. (5) A caregiver, other person with authority over a vulnerable adult, or a licensee who has been convicted of violating this section who commits a second or subsequent violation of this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $75,000.00, or both. History:Add. 1994, Act 149, Eff. Oct. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXA - Chapter Xxa Vulnerable Adults (750.145m...750.145r)Section 750.145q - Violation of Other Applicable Laws.

Sec. 145q. A conviction or sentence imposed for a violation of this chapter does not preclude a conviction or sentence for a violation of any other applicable law. History:Add. 1994, Act 149, Eff. Oct. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXA - Chapter Xxa Vulnerable Adults (750.145m...750.145r)Section 750.145r - Sentence to Perform Community Service.

Sec. 145r. (1) In addition to or as an alternative to imposing a term of imprisonment under this chapter, the court may sentence the person to perform community service as follows: (a) If the person is convicted of a felony, community service for not more than 160 days. (b) If the person is convicted of a misdemeanor, community service for not more than 80 days. (2) For purposes of this section, community service shall not include activities involving interaction with or care of vulnerable adults. (3) A person sentenced to perform community service under this section shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that community service. History:Add. 1994, Act 149, Eff. Oct. 1, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXI - Chapter XXI Civil Rights (750.146...750.148)Section 750.146 - Right to Equal Public Accommodations; Separation of Facilities According to Sex.

Sec. 146. All persons within the jurisdiction of this state shall be entitled to full and equal accommodations, advantages, facilities and privileges of inns, hotels, motels, government housing, restaurants, eating houses, barber shops, billiard parlors, stores, public conveyances on land and water, theatres, motion picture houses, public educational institutions, in elevators, on escalators, in all methods of air transportation and all other places of public accommodation, amusement, and recreation, subject only to the conditions and limitations established by law and applicable alike to all citizens and to all citizens alike, with uniform prices. Rooming facilities at educational, religious, charitable or nonprofit institutions or organizations, and restrooms and locker room facilities in places of public accommodation may be separated according to sex. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 117, Eff. Oct. 29, 1937 ;-- CL 1948, 750.146 ;-- Am. 1952, Act 101, Eff. Sept. 18, 1952 ;-- Am. 1956, Act 182, Eff. Aug. 11, 1956 ;-- Am. 1972, Act 116, Imd. Eff. Apr. 18, 1972Former Law:See section 1 of Act 130 of 1885, being How., § 9074a; CL 1897, § 11759; CL 1915, § 15570; CL 1929, § 16809; and Act 375 of 1919.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXI - Chapter XXI Civil Rights (750.146...750.148)Section 750.147 - Denial of Equal Public Accommodations.

Sec. 147. Any person being an owner, lessee, proprietor, manager, superintendent, agent or employee of any such place who shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities and privileges thereof or directly or indirectly publish, circulate, issue, display, post or mail any written or printed communications, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such places shall be refused, withheld from or denied to any person on account of race, color, religion, national origin, sex or blindness or that any particular race, color, religion, national origin, sex or blindness is not welcome, objectionable or not acceptable, not desired or solicited, shall for every such offense be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $100.00 or imprisoned for not less than 15 days or both such fine and imprisonment in the discretion of the court; and every person being an owner, lessee, proprietor, manager, superintendent, agent or employee of any such place, and who violates any of the provisions of this section, shall be liable to the injured party, in treble damages sustained, to be recovered in a civil action: Provided, however, That any right of action under this section shall be unassignable. In the event that any person violating this section is operating by virtue of a license issued by the state, or any municipal authority, the court, in addition to the penalty prescribed above, may suspend or revoke such license. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 117, Eff. Oct. 29, 1937 ;-- CL 1948, 750.147 ;-- Am. 1956, Act 182, Eff. Aug. 11, 1956 ;-- Am. 1972, Act 116, Imd. Eff. Apr. 18, 1972Former Law:See section 2 of Act 130 of 1885, being How., § 9074b; CL 1897, § 11760; CL 1915, § 15571; CL 1929, § 16810; and Act 375 of 1919.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXI - Chapter XXI Civil Rights (750.146...750.148)Section 750.147a - Discrimination in Extending Credit, Granting Loan, or Rating Person's Creditworthiness; Violation; Penalty; Civil Liability.

Sec. 147a. (1) A person shall not discriminate in extending credit or granting a loan on the basis of race, color, religion, national origin, marital status, sex, or physical disability unless both the following apply: (a) The person is a nonprofit corporation whose members share 1 of the following: (i) The same racial, religious, ethnic, marital, or sexual characteristic. (ii) The same physical disability. (iii) A blend of the characteristics described in subparagraphs (i) and (ii). (b) The person extends credit or grants a loan only to its members. (2) A person shall not discriminate in the rating of a person's creditworthiness on the basis of race, color, religion, national origin, marital status, sex, or physical disability. (3) A person who violates the provisions of subsection (1) or (2) is guilty of a misdemeanor punishable by a fine of not more than $1,000.00. (4) A person who violates the provisions of subsection (1) or (2) is liable in a civil action to the injured party for the amount of $200.00 or for damages, whichever is greater. Actions brought pursuant to rule 3.501 of the Michigan court rules are limited to those damages provided in this subsection. The prevailing party in the civil action shall be entitled to recover court costs and reasonable attorney fees. The right of action under this subsection is unassignable. History:Add. 1974, Act 246, Imd. Eff. Aug. 1, 1974 ;-- Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXI - Chapter XXI Civil Rights (750.146...750.148)Section 750.147b - Ethnic Intimidation.

Sec. 147b. (1) A person is guilty of ethnic intimidation if that person maliciously, and with specific intent to intimidate or harass another person because of that person's race, color, religion, gender, or national origin, does any of the following: (a) Causes physical contact with another person. (b) Damages, destroys, or defaces any real or personal property of another person. (c) Threatens, by word or act, to do an act described in subdivision (a) or (b), if there is reasonable cause to believe that an act described in subdivision (a) or (b) will occur. (2) Ethnic intimidation is a felony punishable by imprisonment for not more than 2 years, or by a fine of not more than $5,000.00, or both. (3) Regardless of the existence or outcome of any criminal prosecution, a person who suffers injury to his or her person or damage to his or her property as a result of ethnic intimidation may bring a civil cause of action against the person who commits the offense to secure an injunction, actual damages, including damages for emotional distress, or

other appropriate relief. A plaintiff who prevails in a civil action brought pursuant to this section may recover both of the following: (a) Damages in the amount of 3 times the actual damages described in this subsection or $2,000.00, whichever is greater. (b) Reasonable attorney fees and costs. History:Add. 1988, Act 371, Eff. Mar. 30, 1989Popular Name:Ethnic IntimidationPopular Name:Hate Crimes

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXI - Chapter XXI Civil Rights (750.146...750.148)Section 750.147c - Institutional Desecration; Violation; Felony; Penalties; Enhanced or Alternative Sentence; Civil Action; Definitions.

Sec. 147c. (1) A person is guilty of institutional desecration if that person maliciously and intentionally destroys, damages, defaces, or vandalizes, or makes a true threat to destroy, damage, deface, or vandalize, any of the following, in whole or in part, because of the actual or perceived race, color, religion, sex, sexual orientation, gender identity or expression, physical or mental disability, age, ethnicity, or national origin of another individual or group of individuals, regardless of the existence of any additional motivating factors: (a) A synagogue, mosque, church, temple, gurdwara, shrine, or other building, structure, or place used for religious worship or other religious purpose. (b) A cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead. (c) A school, educational facility, library, museum, community center, or campground. (d) A business or charitable establishment, storefront, facility, office, or headquarters. (e) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure, or place described in subdivision (a), (b), (c), or (d). (f) The digital or online assets maintained, authored, rented, or owned by any institution, facility, entity, or place described in subdivision (a), (b), (c), or (d). (g) Any personal, communal, or institutional property contained in any institution, facility, building, structure, or place described in subdivision (a), (b), (c), or (d). (2) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine: (a) The amount of the destruction or injury is $20,000.00 or more. (b) The person violates subsection (3)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (3) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine: (a) The amount of the destruction or injury is $1,000.00 or more but less than $20,000.00. (b) The person violates subsection (4)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (4) If any of the following apply, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine: (a) The amount of the destruction or injury is $200.00 or more but less than $1,000.00. (b) The person violates subsection (5) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (5) If the amount of the destruction or injury is less than $200.00, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine. (6) The amounts of the destruction or injury in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total amount of the destruction or injury. (7) If the prosecuting attorney intends to seek an enhanced sentence based on the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (8) In lieu of or in addition to the penalties described in subsections (4) and (5), the court may, if the defendant consents, impose an alternative sentence described under this subsection. In determining the suitability of an alternative sentence described under this subsection, the court shall consider the criminal history of the offender, the impact of the offense on the victim and wider community, the availability of the alternative sentence, and the nature of the violation. An alternative sentence may, if the entity chosen for community service is amenable, include an order requiring the offender to complete a period of community service intended to enhance the offender's understanding of the impact of the offense on the victim and wider community. (9) The court may, if the defendant consents, reduce any penalty imposed under subsection (3) by not more than 20% and impose an alternative sentence described under this subsection. In determining the suitability of an alternative sentence described under this subsection, the court shall consider the criminal history of the offender, the impact of the offense on the victim and wider community, the availability of the alternative sentence, and the nature of the violation. An alternative sentence may, if the entity chosen for community service is amenable, include an order requiring the offender to complete a period of community service intended to enhance the offender's understanding of the impact of the offense on the victim and wider community. (10) Regardless of the existence or outcome of any criminal prosecution, an entity or institution described under subsection (1) that suffers damage or destruction to property may bring a civil cause of action against the person who commits the offense to secure an injunction, actual damages, including damages for infliction of mental injury or emotional distress, or other appropriate relief. A plaintiff who

prevails in a civil action brought pursuant to this section may recover both of the following: (a) Damages in the amount of 3 times the actual damages described in this subsection or $25,000.00, whichever is greater. (b) Reasonable attorney fees and costs. (11) As used in this section: (a) "Reckless disregard" means to consciously disregard a substantial and unjustifiable risk that a statement will be viewed as threatening violence. (b) "True threat" means a statement in which the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, including unlawful property damage to the property of a particular individual or group of individuals. A true threat includes such a communication made with reckless disregard. A speaker is not liable for communicating a true threat if the speaker was unaware that the individual or the group of individuals could regard the statement as threatening violence. History:Add. 2023, Act 277, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXI - Chapter XXI Civil Rights (750.146...750.148)Section 750.148 - Civil Rights; Race or Color Not to Disqualify for Jury Service.

Sec. 148. Race or color not to disqualify for jury service. No citizen of the state of Michigan, possessing all other qualifications which are or may be prescribed by law, shall be disqualified to serve as grand or petit juror in any court of said state on account of race, creed or color, and any officer or other person charged with any duty in the drawing, summoning, and selection of persons who shall exclude from, fail, neglect and/or refuse, by words, trick and/or artifice, to draw the name of, summon and/or select any citizen for jury service because of his or her race, creed and/or color, shall be guilty of a misdemeanor and upon conviction shall be fined not less than 50 dollars or shall be imprisoned for a period of not less than 30 days, or both such fine and imprisonment in the discretion of the court. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 117, Eff. Oct. 29, 1937 ;-- CL 1948, 750.148Former Law:See section 3 of Act 130 of 1885, being How., § 9074c; CL 1897, § 11761; CL 1915, § 15572; and CL 1929, § 16811.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXII - Chapter XXII Compounding Offenses (750.149...750.149)Section 750.149 - Compounding or Concealing Offense; Penalty.

Sec. 149. Any person having knowledge of the commission of any offense punishable with death, or by imprisonment in the state prison, who shall take any money, or any gratuity or reward, or any engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal such offense, or not to prosecute therefor, or not to give evidence thereof, shall, when such offense of which he or she has knowledge was punishable with death, or imprisonment in the state prison for life, is guilty of a felony; and where the offense, of which he or she so had knowledge, was punishable in any other manner, he or she is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.149 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 20 of Ch. 156 of R.S. 1846, being CL 1857, § 5839; CL 1871, § 7672; How., § 9254; CL 1897, § 11324; CL 1915, § 14991; and CL 1929, § 16582.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIII - Chapter XXIII Concealing Death of Infant Child (750.150...750.150)Section 750.150 - Issue; Concealment of Death by Mother.

Sec. 150. If any unmarried woman conceals the death of any issue of her body, so that it may not be known whether such issue was born alive or not, or whether it was not murdered, she shall be punished by a fine not exceeding $1,000.00 or imprisonment for not more than 1 year. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.150 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 8 of Ch. 158 of R.S. 1846, being CL 1857, § 5863; CL 1871, § 7698; How., § 9284; CL 1897, § 11695; CL 1915, § 15469; and CL 1929, § 16824.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIV - Chapter XXIV Conspiracy (750.151...750.157c)Section 750.151 - Contracts; Conspiracy; Penalty.

Sec. 151. All contracts, agreements, understandings, and combinations made, entered into, or knowingly assented to, by and between any parties capable of making a contract or agreement which would be valid at law or in equity, the purpose or object or intent of which shall be to limit, control, or in any manner to restrict or regulate the amount of production or the quantity of any article or commodity to be raised, or produced by mining, manufacture, agriculture, or any other branch of business or labor, or to enhance, control or regulate the market price thereof, or in any manner to prevent or restrict free competition in the production or sale of any such article or commodity, shall be illegal and void, and every such contract, agreement, understanding, and combination shall constitute a criminal conspiracy. And every person who, for himself or herself personally, or as a member, or in the name of a partnership, or as a member, agent, or officer of a corporation, or of any association for business purposes of any kind, who shall enter into or knowingly consent to any such void and illegal contract, agreement, understanding, or combination, shall be deemed a party to such conspiracy. All parties so offending shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 6 months or a fine of not more than $750.00. And the prosecution for offenses under this section may be instituted and the trial had in any county where any of the conspirators become parties to such conspiracy, or in which any 1 of the conspirators shall reside. This section shall in no manner invalidate or affect contracts for what is known and recognized as common

law and in equity as contracts for the "good will of a trade or business"; but all such contracts shall be left to stand upon the same terms and within the same limitations recognized at common law and in equity. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.1 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 225 of 1889, being How., § 9354j; CL 1897, § 11377; CL 1915, § 15095; and CL 1929, § 16674.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIV - Chapter XXIV Conspiracy (750.151...750.157c)Section 750.152 - Illegal Contracts.

Sec. 152. Certain contracts illegal wherever made—Every contract, agreement, understanding, and combination declared void and illegal by the first section of this chapter shall be equally void and illegal within this state, whether made and entered into within or without the state. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.152Former Law:See section 2 of Act 225 of 1889, being How., § 9354k; CL 1897, § 11378; CL 1915, § 15096; and CL 1929, § 16675.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIV - Chapter XXIV Conspiracy (750.151...750.157c)Section 750.153 - Illegal Contracts; Carrying Into Effect.

Sec. 153. The carrying into effect, in whole or in part, of any such illegal contract, agreement, understanding, or combination as mentioned in the first section of this chapter and every act that shall be done for that purpose by any of the parties or through their agency or the agency of any 1 of them, constitutes a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.153 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 3 of Act 225 of 1889, being How., § 9354l; CL 1897, § 11379; CL 1915, § 15097; and CL 1929, § 16676.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIV - Chapter XXIV Conspiracy (750.151...750.157c)Section 750.154 - Violation by Corporation Forfeits Charter.

Sec. 154. Violation by corporation forfeits charter—Any corporation now or hereafter organized under the laws of this state, which shall enter into any contract, agreement, understanding or combination declared illegal and criminal by the first section of this chapter, or shall do any act towards or for the purpose of carrying the same into effect in whole or in part, and which shall not within 30 days from the time when this chapter shall take effect, withdraw its assent thereto and repudiate the same and file in the office of the secretary of state such refusal and repudiation under its corporate seal, shall forfeit its charter and all its rights and franchises thereunder. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.154Former Law:See section 4 of Act 225 of 1889, being How., § 9354m; CL 1897, § 11380; CL 1915, § 15098; and CL 1929, § 16677.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIV - Chapter XXIV Conspiracy (750.151...750.157c)Section 750.155 - Violation by Corporation Forfeits Charter; Quo Warranto.

Sec. 155. Quo warranto against offending corporations—It shall be the duty of the attorney general upon his own relation, or upon the relation of any private person, whenever he shall have good reasons to believe that the same can be established by proof, to file an information in the nature of a quo warranto against any corporation offending against any of the provisions of this chapter; and thereupon the same proceedings shall be had as provided by chapter 38 of Act No. 314 of the Public Acts of 1915, being sections 15271 to 15300 inclusive of the Compiled Laws of 1929, relating to proceedings by information in the nature of quo warranto, against corporations offending against any of the provisions of the act or acts creating, altering or renewing such corporations, and in other cases. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.155Compiler's Notes:Act 314 of 1915, referred to in this section, was repealed by Act 236 of 1961. See now MCL 600.101 et seq.Former Law:See section 5 of Act 225 of 1889, being How., § 9354n; CL 1897, § 11381; CL 1915, § 15099; and CL 1929, § 16678.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIV - Chapter XXIV Conspiracy (750.151...750.157c)Section 750.156 - Chapter Inapplicable to Agricultural Products or Livestock Under Certain Conditions; Chapter Inapplicable to Conspiracy Committed Under Chapter Lxviia.

Sec. 156. (1) This chapter does not apply to agricultural products or livestock while in the hands of the producer or raiser or to the services of laborers or artisans who are formed into societies or organizations for the benefit and protection of their members. (2) This chapter does not apply to conspiracy committed under chapter LXVIIA. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.156 ;-- Am. 2014, Act 329, Eff. Jan. 14, 2015Former Law:See section 6 of Act 225 of 1889, being How., § 9354o; CL 1897, § 11382; CL 1915, § 15100; CL 1929, § 16679.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIV - Chapter XXIV Conspiracy (750.151...750.157c)Section 750.157 - Providing Incriminating Testimony or Evidence; Use of Truthful Testimony, Evidence, or Other Information Against Witness in Criminal Case.

Sec. 157. A person shall not be excused from attending and testifying or producing any books, papers, or other documents before a court or magistrate upon an investigation, proceeding, or trial for a violation of this chapter on the ground that the testimony or evidence may tend to degrade or incriminate the person. Truthful testimony, evidence, or other truthful information compelled under this section and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to testify or produce evidence as required. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.157 ;-- Am. 1999, Act 251, Imd. Eff. Dec. 28, 1999

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIV - Chapter XXIV Conspiracy (750.151...750.157c)Section 750.157a - Conspiracy to Commit Offense or Legal Act in Illegal Manner; Penalty.

Sec. 157a. Any person who conspires together with 1 or more persons to commit an offense prohibited by law, or to commit a legal act in an illegal manner is guilty of the crime of conspiracy punishable as provided herein: (a) Except as provided in paragraphs (b), (c) and (d) if commission of the offense prohibited by law is punishable by imprisonment for 1 year or more, the person convicted under this section shall be punished by a penalty equal to that which could be imposed if he had been convicted of committing the crime he conspired to commit and in the discretion of the court an additional penalty of a fine of $10,000.00 may be imposed. (b) Any person convicted of conspiring to violate any provision of this act relative to illegal gambling or wagering or any other acts or ordinances relative to illegal gambling or wagering shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than $10,000.00, or both such fine and imprisonment. (c) If commission of the offense prohibited by law is punishable by imprisonment for less than 1 year, except as provided in paragraph (b), the person convicted under this section shall be imprisoned for not more than 1 year nor fined more than $1,000.00, or both such fine and imprisonment. (d) Any person convicted of conspiring to commit a legal act in an illegal manner shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than $10,000.00, or both such fine and imprisonment in the discretion of the court. History:Add. 1966, Act 296, Eff. Mar. 10, 1967Constitutionality:A mandatory life sentence imposed for conspiracy to commit first-degree murder, even if nonparolable, is not so excessive as to constitute cruel and unusual punishment; nor does it violate the Equal Protection Clauses of the Michigan and United States Constitutions. People v Fernandez, 427 Mich 321; 398 NW2d 311 (1986).

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIV - Chapter XXIV Conspiracy (750.151...750.157c)Section 750.157b - Solicitation to Commit Murder or Felony; Penalty; Affirmative Defense.

Sec. 157b. (1) For purposes of this section, "solicit" means to offer to give, promise to give, or give any money, services, or anything of value, or to forgive or promise to forgive a debt or obligation. (2) A person who solicits another person to commit murder, or who solicits another person to do or omit to do an act which if completed would constitute murder, is guilty of a felony punishable by imprisonment for life or any term of years. (3) Except as provided in subsection (2), a person who solicits another person to commit a felony, or who solicits another person to do or omit to do an act which if completed would constitute a felony, is punishable as follows: (a) If the offense solicited is a felony punishable by imprisonment for life, or for 5 years or more, the person is guilty of a felony punishable by imprisonment for not more than 5 years or by a fine not to exceed $5,000.00, or both. (b) If the offense solicited is a felony punishable by imprisonment for a term less than 5 years or by a fine, the person is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or by a fine not to exceed $1,000.00, or both, except that a term of imprisonment shall not exceed 1/2 of the maximum imprisonment which can be imposed if the offense solicited is committed. (4) It is an affirmative defense to a prosecution under this section that, under circumstances manifesting a voluntary and complete renunciation of his or her criminal purpose, the actor notified the person solicited of his or her renunciation and either gave timely warning and cooperation to appropriate law enforcement authorities or otherwise made a substantial effort to prevent the performance of the criminal conduct commanded or solicited, provided that conduct does not occur. The defendant shall establish by a preponderance of the evidence the affirmative defense under this subsection. History:Add. 1968, Act 308, Eff. July 1, 1968 ;-- Am. 1986, Act 124, Eff. July 1, 1986Constitutionality:Successive prosecutions for obstruction of justice under federal law, and inducing murder under MCL 750.157b, arising out of the same criminal act do not violate the guarantee against double jeopardy in the Michigan Constitution. People v Formicola, 407 Mich 293; 284 NW2d 334 (1979).

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIV - Chapter XXIV Conspiracy (750.151...750.157c)Section 750.157c - Recruiting, Inducing, Soliciting, or Coercing Minor to Commit Felony.

Sec. 157c. A person 17 years of age or older who recruits, induces, solicits, or coerces a minor less than 17 years of age to commit or attempt to commit an act that would be a felony if committed by an adult is guilty of a felony and shall be punished by imprisonment for not more than the maximum term of imprisonment authorized by law for that act. The person may also be punished by a fine of not more than 3 times the amount of the fine authorized by law for that act. History:Add. 1988, Act 27, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIVA - Chapter Xxiva Credit Cards (750.157m...750.157w)Section 750.157m - Definitions.

Sec. 157m. As used in this chapter: (a) "Credit account" means the account through which a business organization or financial institution allows a person or organization to obtain goods, property, services, or any other thing of value on credit. (b) "Credit card" means either of the following: (i) Any instrument or device which is sold, issued, or otherwise distributed by a business organization or financial institution for the use of the person or organization identified on the instrument or device for obtaining goods, property, services, or anything of value on credit. (ii) An instrument or device which is issued or otherwise distributed by an organization for the use of the person identified on the instrument or device for obtaining health care services or goods or reimbursement or payment for health care services or goods. As used in this subparagraph, "organization" means any of the following: (A) A dental care corporation incorporated under 1963 PA 125, MCL 550.351 to 550.373. (B) A health care corporation incorporated under the nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1101 to 550.1704. (C) A health maintenance organization licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260. (D) An insurer as defined in section 106 of the insurance code of 1956, 1956 PA 218, MCL 500.106. (E) A third party administrator operating under a certificate of authority issued by the commissioner pursuant to the third party administrator act, 1984 PA 218, MCL 550.901 to 550.960. (c) "Cryptocurrency" means digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, and that operates independently of a central bank. (d) "Deposit account" includes share, deposit, member, and savings accounts of financial institutions. (e) "Deviceholder" means either of the following: (i) The person or organization who requests a financial transaction device and to whom or for whose benefit a financial transaction device is subsequently issued. (ii) The person or organization to whom a financial transaction device was issued and who used or accepted a financial transaction device, whether the issuance of the financial transaction device was requested or not. (f) "Distributed ledger technology" means any distributed ledger protocol and supporting infrastructure, including blockchain, that uses a distributed, decentralized, shared, and replicated ledger, whether use of the ledger is public or private, permissioned or permissionless, and that may include the use of electronic currencies or electronic tokens as a medium of electronic exchange. (g) "Financial institution" means a bank, savings and loan association, or credit union, and includes a corporation wholly owned by a financial institution or by the holding company parent of a financial institution. (h) "Financial transaction device" means any of the following: (i) An electronic funds transfer card. (ii) A credit card. (iii) A debit card. (iv) A point-of-sale card. (v) Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account including through the use of cryptocurrency or distributed ledger technology, or a driver license or state identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes: (A) Obtaining money, cash refund or credit account, credit, goods, services, or any other thing of value. (B) Certifying or guaranteeing to a person or business the availability to the deviceholder of funds on deposit to honor a draft or check payable to the order of that person or business. (C) Providing the deviceholder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account, or making an electronic funds transfer as defined in section 3(4) of 1978 PA 322, MCL 488.3. (i) "Proprietary account" means the account which is maintained by a business organization in the name of an individual person or organization and through which the business organization allows the person or organization to obtain goods, property, services, or any other thing of value on credit. History:Add. 1967, Act 255, Eff. Nov. 2, 1967 ;-- Am. 1987, Act 276, Eff. Mar. 30, 1988 ;-- Am. 1988, Act 335, Eff. Mar. 30, 1989 ;-- Am. 2019, Act 175, Eff. Mar. 19, 2020

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIVA - Chapter Xxiva Credit Cards (750.157m...750.157w)Section 750.157n - Stealing, Taking, or Removing Financial Transaction Device; Possession of Fraudulent or Altered Financial Transaction Device.

Sec. 157n. (1) A person who steals knowingly takes, or knowingly removes a financial transaction device from the person or possession of a deviceholder, or who knowingly retains, knowingly possesses, knowingly secretes, or knowingly uses a financial transaction device without the consent of the deviceholder, is guilty of a felony. (2) A person who knowingly possesses a fraudulent or altered financial transaction device is guilty of a felony. History:Add. 1967, Act 255, Eff. Nov. 2, 1967 ;-- Am. 1987, Act 276, Eff. Mar. 30, 1988

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIVA - Chapter Xxiva Credit Cards (750.157m...750.157w)Section 750.157p - Possession or Control of Another's Financial Transaction Device With Intent to Use, Deliver, Circulate, or Sell.

Sec. 157p. A person who has in his or her possession, or under his or her control, or who receives from another person a financial transaction device with the intent to use, deliver, circulate, or sell the financial transaction device, or to permit, cause, or procure the financial transaction device to be used, delivered, circulated, or sold, knowing the possession, control, receipt, use, delivery, circulation, or sale to be without the consent of the deviceholder, is guilty of a felony. History:Add. 1967, Act 255, Eff. Nov. 2, 1967 ;-- Am. 1987, Act 276, Eff. Mar. 30, 1988

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)328-1931-XXIVA - Chapter Xxiva Credit Cards (750.157m...750.157w)Section 750.157q - Delivery, Circulation, or Sale of Financial Transaction Device Obtained or Held Under Proscribed Circumstances.

Sec. 157q. A person who delivers, circulates, or sells a financial transaction device which was obtained or held by that person under circumstances proscribed under section 157n, 157p, or 157v, or uses, permits, causes, or procures the financial transaction device to be used, delivered, circulated, or sold, knowing the device to have been obtained or held under circumstances proscribed under section 157n, 157p, or 157v is guilty of a felony. History:Add. 1967, Act 255, Eff. Nov. 2, 1967 ;-- Am. 1987, Act 276, Eff. Mar. 30, 1988

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIVA - Chapter Xxiva Credit Cards (750.157m...750.157w)Section 750.157r - Forgery, Alteration, Simulation, or Counterfeiting of Financial Transaction Device.

Sec. 157r. A person who, with intent to defraud, forges, materially alters, simulates, or counterfeits a financial transaction device is guilty of a felony. History:Add. 1967, Act 255, Eff. Nov. 2, 1967 ;-- Am. 1987, Act 276, Eff. Mar. 30, 1988

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIVA - Chapter Xxiva Credit Cards (750.157m...750.157w)Section 750.157s - Use of Revoked or Cancelled Financial Transaction Device With Intent to Defraud.

Sec. 157s. (1) A person who, for the purpose of obtaining goods, property, services, or anything of value, knowingly and with intent to defraud uses 1 or more financial transaction devices that have been revoked or canceled by the issuer of the device or devices, as distinguished from expired, and has received notice of the revocation or cancellation is guilty of a crime as follows: (a) If the value of the goods, property, services, or anything of value is less than $100.00, as follows: (i) For a first offense, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (ii) For an offense following 1 or more prior convictions under this section or a local ordinance substantially corresponding to this section, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (b) If the value of the goods, property, services, or anything of value is $100.00 or more but less than $500.00, as follows: (i) For a first or second offense, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00 or 3 times the aggregate value of the goods, property, services, or anything of value, whichever is greater, or both imprisonment and a fine. (ii) For an offense following 2 or more prior convictions under this section, a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a). (c) If the value of the goods, property, services, or anything of value is $500.00 or more, a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00 or 3 times the aggregate value of the goods, property, services, or anything of value, whichever is greater, or both imprisonment and a fine. (2) The values of goods, property, services, or things of value obtained in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of goods, property, services, or things of value obtained. (3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (4) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:Add. 1967, Act 255, Eff. Nov. 2, 1967 ;-- Am. 1968, Act 183, Eff. Nov. 15, 1968 ;-- Am. 1987, Act 276, Eff. Mar. 30, 1988 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIVA - Chapter Xxiva Credit Cards (750.157m...750.157w)Section 750.157t - Sales to or Services Performed for Violators.

Sec. 157t. Any person who sells or delivers goods or property or anything of value, or renders any service to any other person knowing that such other person has committed or is committing any act prohibited by this chapter shall be guilty of a felony. History:Add. 1967, Act 255, Eff. Nov. 2, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIVA - Chapter Xxiva Credit Cards (750.157m...750.157w)Section 750.157u - Causing Deviceholder to Be Charged or Overcharged.

Sec. 157u. A person to whom a deviceholder presents a financial transaction device for the purpose of obtaining goods, property, services, or anything of value on credit, or for any purpose for which the device may be used, who, by using the financial transaction device, by forging or aiding in the forgery of the deviceholder's signature, or by filling out or completing an application or form to

be furnished to the issuer of the financial transaction device, causes the deviceholder to be charged for a purchase or other transaction that was not authorized by the deviceholder, to be overcharged for a purchase or other transaction that was authorized by the deviceholder, or to otherwise incur a financial loss, is guilty of a felony. History:Add. 1967, Act 255, Eff. Nov. 2, 1967 ;-- Am. 1987, Act 276, Eff. Mar. 30, 1988

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIVA - Chapter Xxiva Credit Cards (750.157m...750.157w)Section 750.157v - False Statement of Identity for Purpose of Procuring Issuance of Financial Transaction Device.

Sec. 157v. A person who, knowingly and with intent to defraud, makes or causes to be made, directly or indirectly, a false statement in writing regarding his or her identity or that of any other person for the purpose of procuring the issuance of a financial transaction device, is guilty of a felony. History:Add. 1987, Act 276, Eff. Mar. 30, 1988

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIVA - Chapter Xxiva Credit Cards (750.157m...750.157w)Section 750.157w - Fraudulent Use of Financial Transaction Device to Withdraw or Transfer Funds in Violation of Contractual Limitations.

Sec. 157w. (1) A person who knowingly and with intent to defraud uses a financial transaction device to withdraw or transfer funds from a deposit account in violation of the contractual limitations imposed on the amount or frequency of withdrawals or transfers or in an amount exceeding the funds then on deposit in the account is guilty of a crime as follows: (a) A misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the amount of funds withdrawn or transferred, whichever is greater, or both imprisonment and a fine, if the amount of the funds withdrawn or transferred is less than $200.00. (b) A misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the amount of funds withdrawn or transferred, whichever is greater, or both imprisonment and a fine, if any of the following apply: (i) The amount of the funds withdrawn or transferred is $200.00 or more but less than $1,000.00. (ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (c) A felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the amount of funds withdrawn or transferred, whichever is greater, or both imprisonment and a fine, if any of the following apply: (i) The amount of the funds withdrawn or transferred is $1,000.00 or more but less than $20,000.00. (ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (d) A felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the amount of funds withdrawn or transferred, whichever is greater, or both imprisonment and a fine, if any of the following apply: (i) The amount of funds withdrawn or transferred is $20,000.00 or more. (ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (2) The amounts of funds withdrawn or transferred in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total amount of funds withdrawn or transferred. (3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (4) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:Add. 1987, Act 276, Eff. Mar. 30, 1988 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIX - Chapter XXIX Disturbing Meetings (750.169...750.170)Section 750.169 - Disruption of Religious Meeting; Violation as Misdemeanor; Penalty.

Sec. 169. (1) A person shall not do any of the following: (a) Enter or attempt to enter any private property where the person knows people are meeting or are intending to meet in the pursuit of their free exercise of religion with the intent to disrupt that meeting. (b) After being instructed to leave, remain on or attempt to remain on any private property where the person knows people are meeting or are intending to meet in the pursuit of their free exercise of religion with the intent to disrupt that meeting. (c) Intentionally obstruct or attempt to obstruct the entrance to or exit from any private property where the person knows people are meeting or are intending to meet in the pursuit of their free exercise of religion with the intent to disrupt or prevent that meeting. (2) A person who violates this section is guilty of a misdemeanor punishable as follows: (a) Except as provided in subdivision (b), by 1 or more of the following: (i) Imprisonment for not more than 93 days. (ii) A fine of not more than $1,000.00. (iii) Not more than 100 hours of community service. (b) If the person has previously been convicted of violating this section, by 1 or more of the following: (i) Imprisonment for not more than 93 days. (ii) A fine of not more than $5,000.00. (iii) Not more than 200 hours of community

service. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.169 ;-- Am. 2012, Act 202, Eff. Sept. 1, 2012Former Law:See section 19 of Ch. 158 of R.S. 1846, being CL 1857, § 5874; CL 1871, § 7709; How., § 9295; CL 1897, § 11708; CL 1915, § 15482; and CL 1929, § 16834.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXIX - Chapter XXIX Disturbing Meetings (750.169...750.170)Section 750.170 - Disturbance of Lawful Meetings.

Sec. 170. Disturbance of lawful meetings—Any person who shall make or excite any disturbance or contention in any tavern, store or grocery, manufacturing establishment or any other business place or in any street, lane, alley, highway, public building, grounds or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.170Former Law:See section 20 of Ch. 158 of R.S. 1846, being CL 1857, § 5875; CL 1871, § 7710; How., § 9296; CL 1897, § 11709; CL 1915, § 15483; CL 1929, § 16835; Act 191 of 1887; and Act 211 of 1909.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXV - Chapter XXV Crime Against Nature or Sodomy (750.158...750.159)Section 750.158 - Crime Against Nature or Sodomy; Penalty.

Sec. 158. Any person who shall commit the abominable and detestable crime against nature either with mankind or with any animal shall be guilty of a felony, punishable by imprisonment in the state prison not more than 15 years, or if such person was at the time of the said offense a sexually delinquent person, may be punishable by imprisonment in the state prison for an indeterminate term, the minimum of which shall be 1 day and the maximum of which shall be life. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.158 ;-- Am. 1952, Act 73, Eff. Sept. 18, 1952Former Law:See section 16 of Ch. 158 of R.S. 1846, being CL 1857, § 5871; CL 1871, § 7706; How., § 9292; CL 1897, § 11705; CL 1915, § 15479; CL 1929, § 16831; and Act 57 of 1923.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXV - Chapter XXV Crime Against Nature or Sodomy (750.158...750.159)Section 750.159 - Emission Need Not Be Proved.

Sec. 159. In any prosecution for sodomy, it shall not be necessary to prove emission, and any sexual penetration, however slight, shall be deemed sufficient to complete the crime specified in the next preceding section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.159 ;-- Am. 1952, Act 73, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159f - Definitions Generally.

Sec. 159f. As used in this chapter: (a) "Enterprise" includes an individual, sole proprietorship, partnership, corporation, limited liability company, trust, union, association, governmental unit, or other legal entity or a group of persons associated in fact although not a legal entity. Enterprise includes illicit as well as licit enterprises. (b) "Instrumentality" means an interest, real or personal property, or other thing of value, the use of which contributes directly and materially to the commission of an offense included in the definition of racketeering. (c) "Pattern of racketeering activity" means not less than 2 incidents of racketeering to which all of the following characteristics apply: (i) The incidents have the same or a substantially similar purpose, result, participant, victim, or method of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated acts. (ii) The incidents amount to or pose a threat of continued criminal activity. (iii) At least 1 of the incidents occurred within this state on or after the effective date of the amendatory act that added this section, and the last of the incidents occurred within 10 years after the commission of any prior incident, excluding any period of imprisonment served by a person engaging in the racketeering activity. (d) "Person" means an individual, sole proprietorship, partnership, cooperative, association, corporation, limited liability company, personal representative, receiver, trustee, assignee, or other legal or illegal entity. (e) "Proceeds" means any real, personal, or intangible property obtained through the commission of an offense included in the definition of racketeering, including any appreciation in the value of the property. (f) "Prosecuting agency" means the attorney general of this state, or his or her designee, or the prosecuting attorney of a county, or his or her designee. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159g - "Racketeering" Defined.

Sec. 159g. As used in this chapter, "racketeering" means committing, attempting to commit, conspiring to commit, or aiding or abetting, soliciting, coercing, or intimidating a person to commit an offense for financial gain by obtaining money, property, or any other thing of value, involving any of the following: (a) A felony violation of section 8 of the tobacco products tax act, 1993 PA 327, MCL 205.428, concerning tobacco product taxes, or section 9 of former 1947 PA 265, concerning cigarette taxes. (b) A violation of section 11151(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11151, or section 48(3) of former 1979 PA 64, concerning felonious disposal of hazardous waste. (c) A felony violation of part 74 of the public health

code, 1978 PA 368, MCL 333.7401 to 333.7461, concerning controlled substances. (d) A felony violation of section 7340, 7340c, or 17766c of the public health code, 1978 PA 368, MCL 333.7340, 333.7340c, and 333.17766c, concerning ephedrine or pseudoephedrine. (e) A felony violation of section 60 of the social welfare act, 1939 PA 280, MCL 400.60, concerning welfare fraud. (f) A violation of section 4, 5, or 7 of the medicaid false claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607, concerning Medicaid fraud. (g) A felony violation of section 18 of the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.218, concerning the business of gaming. (h) A felony violation of section 909(4) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1909, concerning the illegal sale, delivery, or importation of spirits. (i) A violation of section 508 of the uniform securities act (2002), 2008 PA 551, MCL 451.2508, concerning fraud. (j) A violation of section 5 or 7 of 1978 PA 33, MCL 722.675 and 722.677, concerning the display or dissemination of obscene matter to minors. (k) A violation of section 49, concerning animal fighting. (l) A felony violation of section 72, 73, 74, 75, or 77, concerning arson. (m) A violation of section 93, 94, 95, or 96, concerning bank bonds, bills, notes, and property. (n) A violation of section 110 or 110a, concerning breaking and entering or home invasion. (o) A violation of section 117, 118, 119, 120, 121, or 124, concerning bribery. (p) A violation of section 120a, concerning jury tampering. (q) A violation of section 145c, concerning child sexually abusive activity or material. (r) A violation of section 145d, concerning internet or computer crimes. (s) A felony violation of section 157n, 157p, 157q, 157r, 157s, 157t, or 157u, concerning credit cards or financial transaction devices. (t) A felony violation of section 174, 175, 176, 180, 181, or 182, concerning embezzlement. (u) A felony violation of chapter XXXIII, concerning explosives and bombs. (v) A violation of section 213, concerning extortion. (w) A felony violation of section 218, concerning false pretenses. (x) A felony violation of section 223(2), 224(1)(a), (b), or (c), 224b, 224c, 224e(1), 226, 227, 234a, 234b, or 237a, concerning firearms or dangerous weapons. (y) A felony violation of chapter XLI, concerning forgery and counterfeiting. (z) A violation of section 271, 272, 273, or 274, concerning securities fraud. (aa) A violation of section 300a, concerning food stamps or coupons or access devices. (bb) A violation of section 301, 302, 303, 304, 305, 305a, or 313, concerning gambling. (cc) A violation of section 316 or 317, concerning murder. (dd) A violation of section 330, 331, or 332, concerning horse racing. (ee) A violation of section 349, 349a, or 350, concerning kidnapping. (ff) A felony violation of chapter LII, concerning larceny. (gg) A violation of section 411k, concerning money laundering. (hh) A violation of section 422, 423, 424, or 425, concerning perjury or subornation of perjury. (ii) A violation of section 452, 455, 457, 458, or 459, concerning prostitution. (jj) A violation of chapter LXVIIA, concerning human trafficking. (kk) A violation of section 529, 529a, 530, or 531, concerning robbery. (ll) A felony violation of section 535 or 535a, concerning stolen, embezzled, or converted property. (mm) A violation of chapter LXXXIII-A, concerning terrorism. (nn) A violation of section 5 of 1984 PA 343, MCL 752.365, concerning obscenity. (oo) A felony violation of the identity theft protection act, 2004 PA 452, MCL 445.61 to 445.79d. (pp) A violation of section 4 of the organized retail crime act, 2012 PA 455, MCL 752.1084. (qq) An offense committed within this state or another state that constitutes racketeering activity as defined in 18 USC 1961(1). (rr) An offense committed within this state or another state in violation of a law of the United States that is substantially similar to a violation listed in subdivisions (a) through (qq). (ss) An offense committed in another state in violation of a statute of that state that is substantially similar to a violation listed in subdivisions (a) through (qq). History:Add. 1995, Act 187, Eff. Apr. 1, 1996 ;-- Am. 1997, Act 75, Imd. Eff. July 17, 1997 ;-- Am. 2002, Act 124, Eff. Apr. 22, 2002 ;-- Am. 2009, Act 82, Imd. Eff. Aug. 31, 2009 ;-- Am. 2010, Act 176, Imd. Eff. Sept. 30, 2010 ;-- Am. 2010, Act 362, Eff. Apr. 1, 2011 ;-- Am. 2012, Act 172, Imd. Eff. June 19, 2012 ;-- Am. 2012, Act 351, Imd. Eff. Dec. 13, 2012 ;-- Am. 2014, Act 300, Eff. Jan. 1, 2015 ;-- Am. 2019, Act 174, Eff. Mar. 19, 2020 ;-- Am. 2022, Act 174, Eff. Oct. 19, 2022

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159h - “Records” or “Documenting Materials” and “Substituted Proceeds” Defined.

Sec. 159h. As used in this chapter: (a) "Records" or "documentary materials" means a book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic tape, computer program or printout, any other data compilation from which information can be obtained or translated into usable form, or any other functionally similar tangible item. (b) "Substituted proceeds" means any real, personal, or intangible property obtained or any gain realized by the sale or exchange of proceeds. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159i - Prohibited Conduct.

Sec. 159i. (1) A person employed by, or associated with, an enterprise shall not knowingly conduct or participate in the affairs of the enterprise directly or indirectly through a pattern of racketeering activity. (2) A person shall not knowingly acquire or maintain an interest in or control of an enterprise or real or personal property used or intended for use in the operation of an enterprise, directly or indirectly, through a pattern of racketeering activity. (3) A person who has knowingly received any proceeds derived directly or indirectly from a pattern of racketeering activity shall not directly or indirectly use or invest any part of those proceeds, or any proceeds derived from the use or investment of any of those proceeds, in the establishment or operation of an enterprise, or the acquisition of any title to, or a right, interest, or equity in, real or personal property used or intended for use in the operation of an enterprise. (4) A person shall not conspire or attempt to violate subsection (1), (2), or (3). History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159j - Violation as Felony; Penalties; Imposition of Costs; Order to Criminally Forfeit Property; Additional Authority of Court; Conditions for Entering Order of Criminal Forfeiture; Attorney Fees; Determination of Extent of Property; Property Not Reachable; Retention of Property by Law Enforcement Agency; Disposition of Money Seized; Seizure; Other Criminal or Civil Remedies Not Precluded.

Sec. 159j. (1) A person who violates section 159i is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $100,000.00, or both. (2) In addition to any penalty imposed under subsection (1), the court may do 1 or more of the following with respect to a person convicted under section 159i: (a) Order the person to pay court costs. (b) Order the person to pay to the state or local law enforcement agency that handled the investigation and prosecution the costs of the investigation and prosecution that are reasonably incurred. (3) The court shall hold a hearing to determine the amount of court costs and other costs to be imposed under subsection (2). (4) The court shall order a person convicted of a violation of section 159i to criminally forfeit to the state any real, personal, or intangible property in which he or she has an interest and that was used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of section 159i, including any property constituting an interest in, means of control over, or influence over the enterprise involved in the violation and any property constituting proceeds derived from the violation. The court's authority under this subsection also includes, but is not limited to, the authority to do any of the following: (a) Order the convicted person to divest himself or herself of any interest, direct or indirect, in the enterprise. (b) Impose reasonable restrictions on the future activities or investments of the convicted person, including prohibiting the convicted person from engaging in the same type of endeavor as the enterprise engaged in. (c) Order the dissolution or reorganization of an enterprise upon finding that, for the prevention of future criminal activity, the public interest requires the dissolution or reorganization. This subdivision does not apply to the extent that an order of dissolution or reorganization is preempted by chapter 7 of the national labor relations act, 29 USC 141 to 187. (d) Order the suspension or revocation of a license, permit, or prior approval granted to an enterprise by any agency of the state, county, or other political subdivision upon finding that, for the prevention of future criminal activity, the public interest requires the suspension or revocation. (e) Order the surrender of the charter of a corporation organized under the laws of this state or the revocation of a certificate authorizing a foreign corporation to conduct business within this state upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, authorized or engaged in racketeering and, for the prevention of future criminal activity, that the public interest requires that the charter or certificate of the corporation be surrendered or revoked. (5) A sentence ordering criminal forfeiture under this section shall not be entered unless the indictment or information alleges the extent of the property subject to forfeiture, or unless the sentence requires the forfeiture of property that was not reasonably foreseen to be subject to forfeiture at the time of the indictment or information, if the prosecuting agency gave prompt notice to the defendant of the property not reasonably foreseen to be subject to forfeiture when it was discovered to be forfeitable. (6) Reasonable attorney fees for representation in an action under this chapter are not subject to criminal forfeiture under this chapter. (7) At sentencing and following a hearing, the court shall determine the extent of the property subject to forfeiture, if any, and shall enter an order of forfeiture. The court may base its determination on evidence in the trial record. (8) If any property included in the order of forfeiture under this section cannot be located or has been sold to a bona fide purchaser for value, placed beyond the jurisdiction of the court, substantially diminished in value by the conduct of the defendant, or commingled with other property that cannot be divided without difficulty or undue injury to innocent persons, the court shall order forfeiture of any other reachable property of the defendant up to the value of the property that is unreachable. (9) All property ordered forfeited under this section shall be retained by the law enforcement agency that seized it for disposal pursuant to section 159r. (10) The seizing agency may deposit money seized under this section into an interest-bearing account in a financial institution. As used in this subsection, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States. (11) An attorney for a person who is charged with a violation of section 159i involving or related to money seized by a law enforcement agency that is subject to criminal forfeiture under this section shall be afforded a period of 60 days within which to examine that money. This 60-day period shall begin to run after notice of forfeiture is given but before the money is deposited into a financial institution under subsection (10). If the prosecuting agency fails to sustain its burden of proof in criminal proceedings under section 159i, the court shall order the return of the money, including any interest earned on money deposited into a financial institution under subsection (10). (12) An order of criminal forfeiture entered under this section shall authorize an appropriate law enforcement agency to seize the property declared criminally forfeited under this section upon those terms and conditions relating to the time and manner of seizure the court determines proper. (13) Criminal penalties under this section are not mutually exclusive and do not preclude the application of any other criminal or civil remedy under this section or any other provision of law. History:Add. 1995, Act 187, Eff. Apr. 1, 1996 ;-- Am. 2006, Act 129, Imd. Eff. May 5, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159k - Order of Criminal Forfeiture; Notice; Hearing to Determine Validity of Claim of Property Interest; Petition; Consolidation of Hearings; Testimony and Evidence; Amendment of Order.

Sec. 159k. (1) Upon the entry of the order of criminal forfeiture pursuant to section 159j, the court shall cause notice of the order to be sent by certified mail to all persons known to have, or appearing to have, an interest in the property to be forfeited. To assist the court in determining whom to notify, the prosecuting agency shall conduct a search of county, state, and federal public records where notice of liens and security interests are normally recorded. If the name and address of the person are not reasonably ascertainable or delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the prosecution occurred for 10 successive publishing days. Proof of written notice or publication shall be filed with the court entering the order of criminal forfeiture. (2) Within 21 days after receipt of the notice or after the date of the completion of the publication under subsection (1), a person, other than the defendant, who claims an interest in the property subject to criminal forfeiture may petition the court for a hearing to determine the validity of the claim. The petition shall be signed and sworn to by the petitioner and shall set forth the nature and extent of the petitioner's interest in the property, the date and circumstances of the petitioner's acquisition of the interest, any additional allegations supporting the claim, and the relief sought. The petitioner shall furnish the prosecuting agency with a copy of the petition. (3) To the extent practicable and consistent with the interests of justice, the court shall hold the hearing within 28 days after the filing of the petition. The court may consolidate the hearings on all petitions filed by third party claimants under this section. At the hearing, the petitioner may testify and present evidence on his or her own behalf and may cross-examine witnesses. The prosecuting agency may present evidence and witnesses in rebuttal and in defense of the claim of the state to the property and may cross-examine witnesses. The court, in making its determination, shall consider the testimony and evidence presented at the hearing and the relevant portions of the record of the criminal proceeding that resulted in the order of criminal forfeiture. (4) If the court determines 1 or more of the following, by a preponderance of the evidence, the court shall amend the order of criminal forfeiture in accordance with its determination to protect the rights of innocent persons: (a) The petitioner has a legal right, title, or interest in the property that, at the time of the commission of the acts giving rise to the forfeiture of the property, was vested in the petitioner and not in the defendant or was superior to the right, title, or interest of the defendant, and the petitioner did not have prior actual knowledge of the racketeering activity. (b) The petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of the purchase reasonably without cause to believe that the property was subject to forfeiture under section 159j. (c) The property is encumbered by a security interest and the holder of the security interest did not have prior actual knowledge of the racketeering activity. (d) The property is encumbered by an unpaid balance on a land contract and the land contract vendor did not have prior actual knowledge of the racketeering activity. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159l - Jurisdiction of Court; Notification of Persons With Property Interest.

Sec. 159l. (1) In a prosecution under section 159i, the court has jurisdiction to enter such restraining orders or injunctions or to take other action by order, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property subject to criminal forfeiture under section 159j, as the court considers proper. (2) Within 14 days after the entry of an order described in subsection (1), the prosecuting agency shall notify all persons known to have or appearing to have an interest in the property of the order, by certified mail. In determining whom to notify under this subsection, the prosecuting agency shall conduct a search of county, state, and federal public records where notices of liens and security interests are normally recorded. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159m - Property Subject to Civil in Rem Forfeiture; Exceptions; Encumbrances; Attorney Fees.

Sec. 159m. (1) Except as otherwise provided in this section, all real, personal, or intangible property of a person convicted of a violation of section 159i that is the proceeds of racketeering, the substituted proceeds of racketeering, or an instrumentality of racketeering, is subject to civil in rem forfeiture to a local unit of government or the state under this section and sections 159n to 159q. (2) Real property that is the primary residence of the spouse of the owner is not subject to civil in rem forfeiture under this section and sections 159n to 159q, unless that spouse had prior actual knowledge of, and consented to and participated in the commission of, the racketeering activity. Real property that is the primary residence of a dependent minor child of the owner is not subject to civil in rem forfeiture under this section and sections 159n to 159q. (3) Property is not subject to civil in rem forfeiture if either of the following circumstances exists: (a) The owner of the property did not have prior actual knowledge of the commission of the racketeering activity. (b) The owner of the property served notice of the commission of the crime upon an appropriate law enforcement agency. (4) The civil in rem forfeiture of property encumbered by a security interest is subject to the interest of the holder of the security interest who did not have prior actual knowledge of the racketeering activity. (5) The civil in rem forfeiture of property encumbered by an unpaid balance on a land contract is subject to the interest of the land contract vendor who did not have prior actual knowledge of the racketeering activity. (6) Reasonable attorney fees for representation in an action under this chapter are not subject to civil in rem forfeiture under this chapter. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159n - Seizure of Property

Subject to Civil in Rem Forfeiture; Petition; Filing; Personal or Intangible Property; Determination by Court; Seizure Without Process; Circumstances; Lien Notice Against Real Property; Notice and Hearing Required; Return of Property to Crime Victim; Exceptions; Custody of Property by Seizing Agency.

Sec. 159n. (1) A civil in rem forfeiture proceeding under this chapter is a proceeding against property subject to forfeiture under section 159m instituted by the filing of a petition by the prosecuting agency. (2) Personal or intangible property subject to civil in rem forfeiture under section 159m may be seized pursuant to an order of seizure issued by the court having jurisdiction over the property. (3) Upon an ex parte application by the prosecuting agency, before or after the initiation of a civil in rem forfeiture proceeding, the court may determine ex parte whether there is probable cause to believe that personal or intangible property is subject to civil in rem forfeiture under section 159m and that notice to those persons having or claiming an interest in the property before seizure would cause the loss or destruction of the property. In making this determination, the court shall, as a matter of law, make a determination that the property constituted an interest in, means of control over, or influence over an enterprise involved in a violation of section 159i. If the court finds that probable cause does not exist to believe the property is subject to forfeiture under this act, the court shall dismiss the plaintiff prosecuting agency's application and, if a civil in rem forfeiture proceeding has been initiated, shall dismiss the petition. If the court finds that probable cause does exist to believe the property is subject to forfeiture but there is not probable cause to believe that prior notice would result in loss or destruction of the property, the court shall order service on all persons known to have or claim an interest in the property before a further hearing on whether an order of seizure should issue. If the court finds that there is probable cause to believe that the property is subject to forfeiture and to believe that prior notice would cause loss or destruction of the property, the court shall issue an order of seizure directing the sheriff or other law enforcement officer in the county where the property is found to seize it. (4) Personal or intangible property subject to civil in rem forfeiture under this chapter may be seized without process under any of the following circumstances: (a) The seizure is incident to a lawful arrest. (b) The seizure is pursuant to a valid search warrant. (c) The seizure is pursuant to an inspection under a valid administrative inspection warrant. (d) There is probable cause to believe that the property is directly or indirectly dangerous to health or safety. (e) Exigent circumstances exist that preclude the obtaining of a court order, and there is probable cause to believe that the property is subject to civil in rem forfeiture under section 159m. (f) The property is the subject of a prior judgment in favor of this state in a forfeiture proceeding. (5) The prosecuting agency may apply ex parte for an order authorizing the filing of a lien notice against real property subject to civil in rem forfeiture under section 159m. The application shall be supported by a sworn affidavit setting forth probable cause for a civil in rem forfeiture action pursuant to sections 159m to 159q. An order authorizing the filing of a lien notice may be issued upon a showing of probable cause to believe that the property is subject to civil in rem forfeiture under section 159m. (6) Real property shall not be seized without notice and a hearing. (7) Property that belongs to the victim of a crime shall promptly be returned to the victim, except in the following circumstances: (a) The property is contraband. (b) If the ownership of the property is disputed, until the dispute is resolved. (c) The property is required to be retained as evidence pursuant to section 4(4) of the crime victim's rights act, Act No. 87 of the Public Acts of 1985, being section 780.754 of the Michigan Compiled Laws. (8) Personal or intangible property seized under this section is not subject to any other action to recover personal property, but is considered to be in the custody of the seizing agency subject only to this chapter, or to an order and judgment of the court having jurisdiction over the civil in rem forfeiture proceedings. When property is seized under this section, the seizing agency may do 1 or more of the following: (a) Place the property under seal. (b) Remove the property to a place designated by the court. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159o - Notice Requirements.

Sec. 159o. (1) Within 14 days after personal or intangible property is seized or a lien notice is filed against real property under section 159n, the prosecuting agency shall give notice pursuant to this section of the seizure of the property and the intent to forfeit and dispose of the property according to this chapter. This 14-day notice period is not jurisdictional. The prosecuting agency may move for an extension of the notice period for good cause shown. The prosecuting agency shall give the notice to each of the following persons: (a) If charges have been filed against a person for a crime, the person charged. (b) Each person known to have or appearing to have an ownership interest in the property. (c) Each mortgagee, person holding a security interest, or person having a lien that appears on the certificate of title or is on file with the secretary of state or appropriate register of deeds, if the property is real property, a mobile home, motor vehicle, watercraft, or other personal property. (d) Each holder of a preferred ship mortgage of record in the appropriate public office pursuant to chapter 313 of subtitle III of title 46 of the United States Code, if the property is a watercraft more than 28 feet long or a watercraft that has a capacity of 5 net tons or more. (e) Each person whose security interest is recorded with the appropriate public office pursuant to the federal aviation act of 1958, Public Law 85-726, 72 Stat. 731, if the property is an aircraft, aircraft engine, or aircraft propeller, or a part of an aircraft, aircraft engine, or aircraft propeller. (f) Each person known to have or appearing to have a security interest in the property. (g) Each victim of the crime. (2) The notice required under subsection (1) shall be a written notice delivered to the person or sent to the person by certified mail. If the name and address of the person are not reasonably ascertainable or delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the personal or intangible property was seized or the real property is located for 10 successive publishing days. Proof of written notice or publication shall be filed with the court having jurisdiction over the seizure or forfeiture. (3) If personal or intangible property is seized, the seizing agency shall immediately notify

the prosecuting agency of the seizure of the property and the intent to forfeit and dispose of the property according to this chapter. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159p - Verified Claim Stating Interest in Property or Proceeds.

Sec. 159p. (1) At any time within 28 days after the date of the completion of the publication pursuant to section 159o or within 21 days after receipt of actual notice pursuant to section 159o, a person claiming an interest in property or proceeds subject to forfeiture may file with the prosecuting agency a verified claim stating his or her interest in the property or proceeds. (2) If no claim is filed within the period specified in subsection (1), the prosecuting agency shall declare the property forfeited and shall dispose of the property according to section 159r. (3) If a claim is filed within the period specified in subsection (1), the prosecuting agency shall institute a civil in rem forfeiture action within 7 days after the expiration of the period specified in subsection (1). History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159q - Burden of Proof; Evidence; Return or Disposal of Property; Notice; Estoppel From Denial of Allegations in Civil Trial; Admissibility of Testimony.

Sec. 159q. (1) At the civil in rem forfeiture proceeding, the court shall act as trier of fact. The prosecuting agency has the burden of proving both of the following by clear and convincing evidence: (a) The property is subject to civil in rem forfeiture under section 159m. (b) The person claiming an ownership interest in the property had prior actual knowledge of the commission of an offense listed in the definition of racketeering. (2) At the civil in rem forfeiture proceeding, the person claiming an ownership interest in the property has the burden of proving, by a preponderance of the evidence, that he or she served notice of the commission of the crime upon an appropriate law enforcement agency. (3) At the civil in rem forfeiture proceeding, the prosecuting agency has the burden of proving, by a preponderance of the evidence, that a person claiming a security interest in the property or a person claiming an interest as a land contract vendor had prior actual knowledge of the commission of the racketeering activity. (4) If the prosecuting agency fails to meet the burden of proof under subsection (1), or if the person claiming an ownership interest in the property meets his or her burden of proof under subsection (2), the property shall be returned to the owner within 28 days after a written order is entered to return the property, unless an appellate court stays the order. In addition, the prosecuting agency shall reimburse the owner for reasonable attorney fees and damages related to towing costs, storage fees and expenses, foreclosure costs, and other similar expenses. (5) If the prosecuting agency meets the burden of proof under subsection (1) and the person claiming an ownership interest in the property does not meet the burden of proof under subsection (2), the property shall be disposed of pursuant to section 159r. (6) Within 7 days after personal property is returned to the owner, or a lien filed against real property or a motor vehicle is discharged, the prosecuting agency that gave notice of the seizure of the property and the intent to forfeit and dispose of the property pursuant to section 159o shall give notice to the persons who received notice pursuant to section 159o that the property has been returned to the owner or that the lien has been discharged. (7) The notice required under subsection (6) shall be a written notice delivered to the person or sent to the person by certified mail. If the name and address of the person are not reasonably ascertainable or delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the personal property was seized or the real property is located for 10 successive publishing days. (8) A defendant convicted in a criminal proceeding is estopped from subsequently denying in a civil action the essential allegations of the criminal offense of which he or she was convicted. (9) The testimony of a person at a civil in rem forfeiture proceeding held under this chapter is not admissible against him or her, except for the purpose of impeachment, in a criminal proceeding other than a criminal prosecution for perjury. The testimony of a person at a civil in rem forfeiture proceeding held under this chapter does not waive the person's constitutional right against self-incrimination. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159r - Sale of Seized Property by Unit of Government; Disposal of Received Money; Order of Priority; Appointment, Compensation, and Duties of Receiver.

Sec. 159r. (1) If property is criminally or civilly forfeited under this chapter, the unit of government that seized or filed a lien against the property may sell the property that is not required to be destroyed by law and that is not harmful to the public and may dispose of the money received from the sale of the property and any money, negotiable instrument, security, or other thing of value that is forfeited pursuant to this chapter in the following order of priority: (a) Pay any outstanding security interest or unpaid land contract balance of a secured party or land contract vendor who did not have prior actual knowledge of, or consent to the commission of, the crime. (b) Satisfy any order of restitution in the prosecution for the crime. (c) Pay the claim of each person who shows that he or she is a victim of the crime to the extent that the claim is not covered by an order of restitution. (d) Pay any valid outstanding lien against the property that has been imposed by a governmental unit. (e) Pay the proper expenses of the proceedings for forfeiture and sale, including, but not limited to, expenses incurred during the seizure process and expenses for maintaining custody of the property, advertising, and court costs. (f) The balance remaining after the payment of restitution, the claims of victims, outstanding

liens, and expenses shall be distributed by the court having jurisdiction over the forfeiture proceedings to the unit or units of government substantially involved in effecting the forfeiture. The money received by a unit of government under this subdivision shall be used to enhance enforcement of the criminal laws. (2) In the course of selling real property pursuant to subsection (1), the court that enters an order or sentence of forfeiture, on motion of the unit of government to which the property is forfeited, may appoint a receiver to dispose of the real property forfeited. The receiver is entitled to reasonable compensation. The receiver may do all of the following: (a) List the forfeited real property for sale. (b) Make whatever arrangements are necessary for maintaining and preserving the forfeited real property. (c) Accept offers to purchase the forfeited real property. (d) Execute instruments transferring title to the forfeited real property. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159s - Commencement of Action.

Sec. 159s. A civil in rem forfeiture action under this chapter related to an offense included in the definition of racketeering or a violation of section 159i shall be commenced within 6 years after the activity terminates or the cause of action accrues, whichever is later. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159t - Seizure of Constitutionally Protected Materials.

Sec. 159t. Notwithstanding any provision in this chapter, the prosecuting agency shall not seize materials presumptively protected by the first amendment to the constitution of the United States in a manner that violates that constitutional provision. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159u - Civil Cause of Action Not Created by Chapter.

Sec. 159u. Except as expressly provided, this chapter does not create a civil cause of action between 2 or more persons. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159v - Forfeiture Proceeding Under Other Law Not Precluded.

Sec. 159v. This chapter does not preclude a prosecuting agency from pursuing a forfeiture proceeding under any other law of this state. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159w - Activities Unrelated to Prohibited Activities of Enterprise.

Sec. 159w. This chapter shall not be construed to permit the termination, suspension, or interruption of the legitimate activities of an enterprise that are unrelated to any felonious or racketeering activity forming the object of the criminal case or civil in rem forfeiture action and that may cause harm to innocent employees or members of the enterprise. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVA - Chapter Xxva Criminal Enterprises (750.159f...750.159x)Section 750.159x - Notice of Proposed Investigation to Attorney General.

Sec. 159x. Before conducting an investigation of activity suspected to constitute a violation of section 159i, a prosecuting agency who is the prosecuting attorney of a county or his or her designee shall notify the department of the attorney general of the proposed investigation. History:Add. 1995, Act 187, Eff. Apr. 1, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVI - Chapter XXVI Dead Human Bodies (750.160...750.160d)Section 750.160 - Disinterment, Mutilation, Defacement, or Carrying Away of Human Body; Exception.

Sec. 160. A person, not being lawfully authorized so to do, who shall wilfully dig up, disinter, remove, or convey away a human body, or the remains thereof, from the place where the body may be interred or deposited, or who shall knowingly aid in such disinterment, removal, or conveying away, or who shall mutilate, deface, remove, or carry away a portion of the dead body of a person, whether in his charge for burial or otherwise, whenever the mutilation, defacement, removal, or carrying away is not necessary in any proper operation in embalming the body or for the purpose of a postmortem examination, and every person accessory thereto, either before or after the fact, shall be guilty of a felony, punishable by imprisonment for not more than 10 years,

or by fine of not more than $5,000.00. This section shall not be construed to prohibit the digging up, disinterment, removal or carrying away for scientific purposes of the remains of prehistoric persons by representatives of established scientific institutions or societies, having the consent in writing of the owner of the land from which the remains may be disinterred, removed or carried away. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.160 ;-- Am. 1974, Act 168, Imd. Eff. June 23, 1974Former Law:See section 21 of Ch. 158 of R.S. 1846, being CL 1857, § 5876; CL 1871, § 7711; How., § 9297; CL 1897, § 11710; CL 1915, § 15484; CL 1929, § 16836; Act 158 of 1879; Act 251 of 1919; and Act 256 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVI - Chapter XXVI Dead Human Bodies (750.160...750.160d)Section 750.160a - Photograph of Decedent Located in Human Grave Prohibited; Exceptions; Definitions.

Sec. 160a. (1) Subject to subsection (2), a person shall not knowingly photograph or publicly display a photograph of all or a portion of a decedent located in a human grave. (2) Subsection (1) does not apply to a person acting pursuant to a court order, to a person who has obtained the written consent of the decedent's next of kin if the decedent's death occurred less than 100 years before the photographing or public displaying, or to a person who photographs or publicly displays a photograph described in subsection (1) for law enforcement, medical, archaeological, or scientific purposes. (3) As used in this section: (a) "Bottomlands of the Great Lakes" means bottomlands as that term is defined in section 76101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.76101. (b) "Decedent" means a dead human being. (c) "Human grave" means any of the following: (i) A site in this state intended for the permanent interment of all or a portion of a decedent. (ii) A location in this state, including the bottomlands of the Great Lakes, that contains all or a portion of a decedent who died in an accident or disaster and from which it is impracticable or not intended to remove all or a portion of the decedent. A location under this subparagraph includes a shipwreck and a site in the immediate vicinity of a shipwreck in which all or a portion of a decedent is located, and a mine or other underground location within which all or a portion of a decedent is located. (d) "Photograph" includes an image on videotape, motion picture or other film, or an image captured by digital means. History:Add. 1997, Act 62, Eff. Oct. 1, 1997

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVI - Chapter XXVI Dead Human Bodies (750.160...750.160d)Section 750.160b - Violation of MCL 750.160a as Felony; Penalty.

Sec. 160b. A person who violates section 160a is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $5,000.00, or both. History:Add. 1997, Act 63, Eff. Oct. 1, 1997

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVI - Chapter XXVI Dead Human Bodies (750.160...750.160d)Section 750.160c - Prohibited Acts; Violation; Exceptions; “Final Disposition of a Dead Body” Defined.

Sec. 160c. (1) A person shall not do any of the following: (a) After agreeing to provide the services of a funeral director, fail or refuse to properly supervise the final disposition of that dead human body. (b) After agreeing to provide for the final disposition of a dead human body, fail or refuse to properly dispose of that dead human body. (2) A person who violates this section is guilty of a crime as follows: (a) If the failure or refusal to properly supervise the final disposition of a dead human body or the failure or refusal to properly dispose of the dead human body occurs more than 60 days but not more than 180 days after the date the person takes possession of the dead human body, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $10,000.00, or both. (b) If the failure or refusal to properly supervise the final disposition of a dead human body or the failure or refusal to properly dispose of the dead human body occurs more than 180 days after the date the person takes possession of the dead human body, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $50,000.00, or both. (3) It is not a violation of this section if the failure or refusal is due to 1 or more of the following factors: (a) Delays due to seasonal factors relating to the method of final disposition of the dead human body. (b) Delays due to the availability of services required to complete the final disposition of the dead human body. (c) The directives of the person having lawful authority over final disposition of the dead human body to postpone that disposition pending funeral services, the presence of certain family members, or other activities. (d) Delays due to the inability to obtain the necessary authorizations regarding the method of final disposition of the dead human body or due to the inability to locate individuals essential to making a decision regarding the final disposition of the dead human body. (e) Delays due to an autopsy, investigation of the cause of death, the gathering of evidence, or other activity or procedure required by a governmental or law enforcement agency. (f) Delays pursuant to an order issued by a court of competent jurisdiction upon petition and showing of good cause for a delay in the final disposition of a dead human body. (4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that is committed by that person while violating this section. (5) As used in this section, "final disposition of a dead human body" means cremation, burial, entombment, or other method of final disposition of a dead human body allowable under law. History:Add. 2003, Act 267, Eff. Apr. 1, 2004

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVI - Chapter XXVI Dead Human Bodies (750.160...750.160d)Section 750.160d - Sexual Contact With Dead Human Body; Misdemeanor; Sexual Penetration With Dead Human Body; Felony; Definitions.

Sec. 160d. (1) An individual who engages in sexual contact with a dead human body is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $500.00, or both. (2) An individual who engages in sexual penetration with a dead human body is guilty of a felony punishable by imprisonment for not more than 15 years. (3) A term of imprisonment imposed for a violation of this section may run consecutively to any term of imprisonment imposed for another violation arising from the same transaction. (4) As used in this section: (a) "Sexual contact" includes intentionally touching the genital area, groin, inner thigh, buttock, or breast, or the clothing covering that area, of a dead human body, or the actor intentionally causing the dead human body to touch the actor's genital area, groin, inner thigh, buttock, or breast, or the clothing covering that area if the intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for the following purposes: (i) Revenge. (ii) To inflict humiliation. (iii) Out of anger. (b) "Sexual penetration" means entry into the dead human body's genital opening, anal opening, or mouth by the actor's penis, finger, tongue, or other object, or the touching of the dead human body's genital opening or organs by the actor's mouth or tongue. Sexual penetration may also be entry by any part of the actor's body or some object into the genital or anal opening of the dead human body. Any entry, no matter how slight, is sexual penetration. Sexual penetration occurs whether or not the sexual act was completed or whether or not semen was ejaculated. History:Add. 2024, Act 79, Eff. Oct. 6, 2024Compiler's Notes:Enacting section 2 of Act 79 of 2024 provides:"Enacting section 2. This act may be cited as "Melody's Law"."

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVII - Chapter XXVII Desertion and Non-Support (750.161...750.166)Section 750.161 - Desertion, Abandonment, or Refusal or Neglect to Provide Shelter, Food, Care, and Clothing; Felony; Penalty; Bond; Probation; Failure to Comply With Conditions in Bond; Forfeiture of Bond; Disposition of Sums Received; Continuing Offense; Proof.

Sec. 161. (1) A person who deserts and abandons his or her spouse or deserts and abandons his or her children under 17 years of age, without providing necessary and proper shelter, food, care, and clothing for them, and a person who being of sufficient ability fails, neglects, or refuses to provide necessary and proper shelter, food, care, and clothing for his or her spouse or his or her children under 17 years of age, is guilty of a felony, punishable by imprisonment in a state correctional facility for not less than 1 year and not more than 3 years, or by imprisonment in the county jail for not less than 3 months and not more than 1 year. (2) If at any time before sentence the defendant enters into bond to the people of the state of Michigan in such penal sum for such term and with such surety or sureties as may be fixed by the court, conditioned that he or she will furnish his or her spouse and children with necessary and proper shelter, food, care, and clothing, or will pay to the clerk of the court, or other designated person, such sums of money at such times as the court shall order to be used to provide food, shelter, and clothing for his or her spouse and children, or either of them, then the court may make an order placing the defendant in charge of a probation officer. The court may require that the defendant shall from time to time report to the probation officer as provided by law. The court may extend the period of probation from time to time or the court may defer sentence in the cause, but no term of any bond or any probation period shall exceed the maximum term of imprisonment as provided for in this section. (3) Upon failure of the defendant to comply with any of the conditions contained in the bond, the defendant may be ordered to appear before the court and show cause why sentence should not be imposed, whereupon the court may pass sentence, or for good cause shown may modify the order and further defer sentence as may be just and proper. Whenever the whereabouts of the defendant is unknown, the court may summarily issue a bench warrant for the arrest of the defendant. (4) The court, upon default by the defendant to comply with the conditions of the bond and the orders of the court, shall notify the prosecuting attorney, who shall immediately file a petition in the court in which the cause is pending to declare the bond forfeited. A copy of the petition and a notice of hearing on the petition shall be served upon the surety or sureties, if any, named in the bond at least 4 days before the hearing of the petition. Upon holding a hearing on the petition, the court may declare the bond forfeited. When so ordered, the prosecuting attorney shall immediately institute the necessary action to collect the principal sum of the bond. If a cash bond has been filed, the cash bond shall be declared forfeited by the court. (5) All sums received from bonds being forfeited shall be paid to the clerk of the court, who shall hold and disburse the money for the use of those entitled to the money in accordance with the orders of the court for their necessary food, care, shelter, and clothing. (6) Desertion, abandonment, or refusal or neglect to provide necessary and proper shelter, food, care, and clothing as provided in this section shall be considered to be a continuing offense and may be so set out in any complaint or information. Proof of the offense charged at any time during the period alleged in the complaint or information shall be considered proof of a violation of this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1947, Act 142, Eff. Oct. 11, 1947 ;-- CL 1948, 750.161 ;-- Am. 1984, Act 277, Eff. Mar. 29, 1985Former Law:See section 1 of Act 144 of 1907, being CL 1915, § 7789; CL 1929, § 12788; Act 114 of 1921; and Act 239 of 1923.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVII - Chapter XXVII Desertion and Non-Support (750.161...750.166)Section 750.161a - Failure or Refusal to Pay Child Support; Amnesty.

Sec. 161a. Prosecution shall not be initiated against an individual under section 161, 165, 167(1)(a), or 167(2) for failure or refusal to pay child support while the individual has amnesty for that child support arrearage under section 3b of the office of child support act, 1971 PA 174, MCL 400.233b. History:Add. 2004, Act 568, Eff. June 1, 2005

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)328-1931-XXVII - Chapter XXVII Desertion and Non-Support (750.161...750.166)Section 750.162 - Payments for Care and Support of Wife or Children; Sworn Statement.

Sec. 162. When any person is convicted under section 161 and sentenced to serve a term of imprisonment either in 1 of the state prisons or other penal institution, the warden of the prison or superintendent of said penal institution in which said person shall be confined shall, in case funds are available for such purpose, at the end of each and every week during the period of said term of imprisonment, pay over to any of the superintendents of the poor of the city or county in which the wife or children of such person resides, the sum of 2 dollars and 50 cents per week, if there be only a wife, and 75 cents per week additional for each minor child under the age of 17 years; if there be no wife and there are children under the age of 17 years, the sum of 2 dollars and 50 cents per week for the oldest child, and an additional sum of 1 dollar per week for each of the other children under said age in lieu of any earnings of such person while an inmate therein, said sums to be expended by said superintendent of the poor for the care and support of the wife or children of said person, as the case may be; and it shall be the duty of the superintendent of the poor of the city or county from which such person shall be committed to furnish the warden of the prison or superintendent of the penal institution in which said person is confined with a sworn statement, showing the names of the wife and children who are left dependent upon the city or county for support, their ages and the relation they bear to such convicted person. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.162 ;-- Am. 1985, Act 52, Imd. Eff. June 14, 1985Former Law:See section 2 of Act 144 of 1907, being CL 1915, § 7790; CL 1929, § 12789; Act 175 of 1913; and Act 239 of 1923.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVII - Chapter XXVII Desertion and Non-Support (750.161...750.166)Section 750.163 - Complaints.

Sec. 163. Complainants—Any of the superintendents of the poor of the city or county or the county agent of the state welfare commission for the county wherein the wife or minor children of the person complained of reside, may make the complaint under the first section of this chapter. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.163Former Law:See section 4 of Act 144 of 1907, being CL 1915, § 7792; and CL 1929, § 12791.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVII - Chapter XXVII Desertion and Non-Support (750.161...750.166)Section 750.164 - Desertion Following Marriage to Escape Prosecution.

Sec. 164. Desertion following marriage to escape prosecution for rape, etc.—Any man or boy, who being the father of a child born out of wedlock, shall marry any woman or girl for the purpose of escaping prosecution therefor, and any man or boy who shall marry any woman or girl for the purpose of escaping prosecution for rape or seduction, and shall afterwards desert her without good cause, shall be guilty of a felony: Provided, That no prosecution shall be brought under this section after 5 years from the date of the marriage. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.164Former Law:See section 1 of Act 284 of 1907, being CL 1915, § 7794; CL 1929, § 12793; and Act 310 of 1913.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVII - Chapter XXVII Desertion and Non-Support (750.161...750.166)Section 750.165 - Failure to Support Spouse or Child as Required by Court Order; Violation as Felony; Penalty; Applicability; Cash Bond; Suspension of Sentence; Bond; Order of Restitution; "State Disbursement Unit" or "Sdu" Defined.

Sec. 165. (1) If the court orders an individual to pay support for the individual's former or current spouse, or for a child of the individual, and the individual does not pay the support in the amount or at the time stated in the order, the individual is guilty of a felony punishable by imprisonment for not more than 4 years or by a fine of not more than $2,000.00, or both. (2) This section does not apply unless the court in which the support order was issued had personal jurisdiction over the individual ordered to pay support. (3) Unless the individual deposits a cash bond of not less than $500.00 or 25% of the arrearage, whichever is greater, upon arrest for a violation of this section, the individual shall remain in custody until the arraignment. If the individual remains in custody, the court shall address the amount of the cash bond at the arraignment and at the preliminary examination and, except for good cause shown on the record, shall order the bond to be continued at not less than $500.00 or 25% of the arrearage, whichever is greater. At the court's discretion, the court may set the cash bond at an amount not more than 100% of the arrearage and add to that amount the amount of the costs that the court may require under section 31(3) of the support and parenting time enforcement act, 1982 PA 295, MCL 552.631. The court shall specify that the cash bond amount be entered into the law enforcement information network. If a bench warrant under section 31 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.631, is outstanding for an individual when the individual is arrested for a violation of this section, the court shall notify the court handling the civil support case under the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, that the bench warrant may be recalled. (4) The court may suspend the sentence of an individual convicted under this section if the individual files with the court a bond in the amount and with the sureties the court requires. At a minimum, the bond must be conditioned on the individual's compliance with the support order. If the court suspends a sentence under this subsection and the individual does not comply with the support order or another condition on the bond, the court may order the individual to appear and show cause why the court should not impose the sentence and enforce the bond. After the hearing, the court may enforce the bond or impose the sentence, or both, or may permit the filing of a new bond and again suspend the sentence. The court shall order a support amount enforced under

this section to be paid to the clerk or friend of the court or to the state disbursement unit. (5) An order for restitution for a violation of this section shall not include a separate award for the unpaid amount in arrearage under the support order. The restitution order shall reference the support order and direct the individual to pay the unpaid amount in arrearage under the support order pursuant to the support order. The court may impose such terms and conditions in the restitution order as are appropriate to ensure compliance with payment of the arrearage due under the support order. The court may order additional restitution as provided under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834. (6) As used in this section, "state disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1939, Act 89, Eff. Sept. 29, 1939 ;-- CL 1948, 750.165 ;-- Am. 1999, Act 152, Imd. Eff. Nov. 3, 1999 ;-- Am. 2004, Act 570, Imd. Eff. Jan. 3, 2005 ;-- Am. 2014, Act 377, Eff. Mar. 17, 2015Former Law:See section 1 of Act 276 of 1917, being CL 1929, § 12781.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVII - Chapter XXVII Desertion and Non-Support (750.161...750.166)Section 750.166 - Wife May Testify Against Husband.

Sec. 166. Wife may testify against husband—In all prosecutions under this chapter, the wife may testify against the husband without his consent. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.166Former Law:See section 1 of Act 284 of 1907, being CL 1915, § 7794; CL 1929, § 12793; Act 310 of 1913; and section 2 of Act 276 of 1917, being CL 1929, § 12782.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVIII - Chapter XXVIII Disorderly Persons (750.167...750.168)Section 750.167 - Disorderly Person; Subsequent Violations by Person Convicted of Refusing or Neglecting to Support Family; Breastfeeding or Expressing Breast Milk Exempt.

Sec. 167. (1) A person is a disorderly person if the person is any of the following: (a) A person of sufficient ability who refuses or neglects to support his or her family. (b) A common prostitute. (c) A window peeper. (d) A person who engages in an illegal occupation or business. (e) A person who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance. (f) A person who is engaged in indecent or obscene conduct in a public place. (g) A vagrant. (h) A person found begging in a public place. (i) A person found loitering in a house of ill fame or prostitution or place where prostitution or lewdness is practiced, encouraged, or allowed. (j) A person who knowingly loiters in or about a place where an illegal occupation or business is being conducted. (k) A person who loiters in or about a police station, police headquarters building, county jail, hospital, court building, or other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizances. (l) A person who is found jostling or roughly crowding people unnecessarily in a public place. (2) If a person who has been convicted of refusing or neglecting to support his or her family under this section is charged with subsequent violations within a period of 2 years, that person shall be prosecuted as a second offender or third and subsequent offender as provided in section 168, if the family of that person is then receiving public relief or support. (3) A mother's breastfeeding of a child or expressing breast milk does not constitute indecent or obscene conduct under subsection (1) regardless of whether or not her areola or nipple is visible during or incidental to the breastfeeding or expressing of breast milk. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1939, Act 84, Eff. Sept. 29, 1939 ;-- CL 1948, 750.167 ;-- Am. 1956, Act 110, Eff. Aug. 11, 1956 ;-- Am. 1964, Act 144, Eff. Aug. 28, 1964 ;-- Am. 1969, Act 328, Eff. Mar. 20, 1970 ;-- Am. 1974, Act 340, Eff. Jan. 1, 1977 ;-- Am. 1977, Act 109, Eff. Jan. 15, 1978 ;-- Am. 2014, Act 199, Imd. Eff. June 24, 2014Former Law:See section 1 of Act 264 of 1889, being How., § 1997a; CL 1897, § 5923; CL 1915, § 7774; CL 1929, § 9090; and Act 35 of 1927.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVIII - Chapter XXVIII Disorderly Persons (750.167...750.168)Section 750.167a - Person Hunting With Firearms While Drunk or Intoxicated; Confiscation and Disposition of Weapons; Application for or Possession of Hunting License for Period of 3 Years Prohibited.

Sec. 167a. Any person who shall be drunk or intoxicated while hunting with a firearm or other weapon under a valid hunting license shall be deemed to be a disorderly person. Upon conviction of such person, the weapon shall be confiscated and shall be delivered to the department of natural resources for disposition in the same manner as weapons confiscated for other violations of the game laws. Upon conviction under this section, the person so convicted, in addition to any punishment imposed pursuant to section 168, and as a part of any sentence imposed, shall be forbidden to apply for or possess a hunting license for a period of 3 years following the date of conviction. A violation of the conditions of such sentence shall be deemed to be a misdemeanor. History:Add. 1952, Act 30, Eff. Sept. 18, 1952 ;-- Am. 1987, Act 148, Imd. Eff. Oct. 26, 1987Compiler's Notes:For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVIII - Chapter XXVIII Disorderly Persons (750.167...750.168)Section 750.167b - Bondsman in

Criminal Cases; Procurement of Attorney; Maximum Charge for Bond; Dismissal of Charge; List of Bondsmen; Posting; Compilation; Record; Violation; Penalty.

Sec. 167b. (1) No person engaged, either as principal or as the clerk, agent or representative of another, in the business of becoming surety upon bonds for compensation in any criminal case, either directly or indirectly, shall give, donate, lend or contribute, or promise to give, donate, lend or contribute, any money or property to any attorney at law, police office, sheriff, jailer, probation officer, clerk or other attache of any criminal court, or public official or employee, for procuring, or assisting in procuring, any person to employ the bondsman to execute as surety any bond for compensation in any criminal case. No attorney at law, police officer, sheriff, jailer, probation officer, clerk or other attache of any criminal court, or public official or employee of any character, shall accept or receive from any person engaged in the bonding business any money or property for procuring, or assisting in procuring, any person to employ any bondsman to execute as surety any bond for compensation in any criminal case. (2) No person engaged, either as principal or as the clerk, agent or representative of another, in the business of becoming surety upon bonds for compensation in any criminal case, either directly or indirectly, shall procure, suggest, aid in the procurement of or cause in any way whatsoever the obtaining or employing of any attorney at law for any person in a criminal case. (3) It shall be lawful to charge for executing any bond in a criminal case, but no person engaged in the bonding business, either as principal or clerk, agent or representative of another, either directly or indirectly, shall charge, accept or receive any sum of money or property, other than the regular prevailing fee for bonding, which shall not exceed 10% of the face value of the bond for a 12 month period or any part thereof, from any person for whom he has executed bond, for any other service whatever performed in connection with any indictment, information or charge upon which the person is bailed or held. No person engaged, either as principal or as the clerk, agent or representative of another, in the bonding business shall settle or attempt to settle, or shall procure or attempt to procure, the dismissal of any indictment, information or charge against any person in custody or held upon bond with any court or with the prosecuting attorney in any court. (4) A typewritten or printed list, alphabetically arranged, of all persons engaged in the business of becoming surety upon bonds for compensation in criminal cases within the county shall be posted in a conspicuous place in each police precinct, jail, prisoner's dock and house of detention and in every other place in which persons in custody of the law are detained, and 1 or more copies thereof shall be kept on hand. The list shall be compiled annually by the judges of the circuit court of each circuit, and the names of persons engaged in the business of becoming surety upon bonds for compensation shall be added to the list by the judges upon proper application. When any person who is detained in custody in any such place of detention requests any person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, the list shall be furnished to the person so requesting, without recommendation, and the person in charge of the place of detention within a reasonable time shall put the person detained in communication with the bondsman selected and, contemporaneously with the transaction, make in the blotter or book of record kept in any place of detention a record showing the name of the person requesting the bondsman, the offense with which the person is charged, the time at which the request was made, the bondsman requested, and the person by whom the bondsman was called, and preserve the same as a permanent record in the book or blotter in which entered. (5) Any person violating any provision of this section shall be punished as provided in section 168. History:Add. 1963, Act 169, Eff. Sept. 6, 1963

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVIII - Chapter XXVIII Disorderly Persons (750.167...750.168)Section 750.167c - Report of Conviction for Hunting While Intoxicated; Circulating List of Convictions; Violation by Licensing Agent.

Sec. 167c. A court imposing a sentence under section 167a shall report the conviction to the department of natural resources upon forms furnished by the department. The department shall circulate a list of the convictions to each of its agents authorized to issue hunting licenses. An agent shall not knowingly issue a hunting license to an applicant whose name is on the departmental list for the period of time prescribed under section 167a. A violation of this section by the licensing agent may be grounds for suspension or revocation of the licensing agency by the department. History:Add. 1972, Act 91, Imd. Eff. Mar. 20, 1972Compiler's Notes:For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVIII - Chapter XXVIII Disorderly Persons (750.167...750.168)Section 750.167d - Funeral, Memorial Service, or Viewing; Funeral Procession; Burial; Prohibited Conduct; Violation; Penalty.

Sec. 167d. (1) A person shall not do any of the following within 500 feet of a building or other location where a funeral, memorial service, or viewing of a deceased person is being conducted or within 500 feet of a funeral procession or burial: (a) Make any statement or gesture or engage in any conduct that would make a reasonable person attending that funeral, memorial service, viewing, procession, or burial under the circumstances feel intimidated, threatened, or harassed. (b) Make any statement or gesture or engage in any conduct intended to incite or produce a breach of the peace among those attending that funeral, memorial service, viewing, or burial or traveling in that procession and that causes a breach of the peace among those attending that funeral, memorial service, viewing, or burial or traveling in that procession. (c) Make any statement or gesture or engage in any conduct intended to

disrupt the funeral, memorial service, viewing, procession, or burial and that disrupts the funeral, memorial service, viewing, procession, or burial. (2) A person who violates this section is a disorderly person and is guilty of a felony punishable as provided under section 168. History:Add. 2006, Act 148, Eff. Aug. 22, 2006 ;-- Am. 2012, Act 5, Imd. Eff. Feb. 14, 2012

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXVIII - Chapter XXVIII Disorderly Persons (750.167...750.168)Section 750.168 - Disorderly Person; Penalty.

Sec. 168. (1) Except as provided in subsection (2), a person convicted of being a disorderly person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. (2) A person convicted of being a disorderly person under section 167d is guilty of a felony punishable as follows: (a) Except as provided in subdivision (b), by imprisonment for not more than 2 years or a fine of not more than $5,000.00, or both. (b) If the person was previously convicted of violating section 167d, by imprisonment for not more than 4 years or a fine of not more than $10,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.168 ;-- Am. 1965, Act 320, Eff. Mar. 31, 1966 ;-- Am. 2006, Act 150, Eff. Aug. 22, 2006Former Law:See section 2 of Act 264 of 1889, being How., § 1997a-1; CL 1897, § 5924; CL 1915, § 7775; CL 1929, § 9091; Act 190 of 1895; Act 82 of 1909; and Act 35 of 1927.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXI - Chapter XXXI Embezzlement (750.174...750.182a)Section 750.174 - Embezzlement by Agent, Servant, or Employee, or Trustee, Bailee, or Custodian; Penalty; Prima Facie Proof of Intent; Enhanced Sentence Based on Prior Convictions; Consecutive Sentence; Conditions; Definitions.

Sec. 174. (1) A person who as the agent, servant, or employee of another person, governmental entity within this state, or other legal entity or who as the trustee, bailee, or custodian of the property of another person, governmental entity within this state, or other legal entity fraudulently disposes of or converts to his or her own use, or takes or secretes with the intent to convert to his or her own use without the consent of his or her principal, any money or other personal property of his or her principal that has come to that person's possession or that is under his or her charge or control by virtue of his or her being an agent, servant, employee, trustee, bailee, or custodian, is guilty of embezzlement. (2) If the money or other personal property embezzled has a value of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the money or property embezzled, whichever is greater, or both imprisonment and a fine. (3) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the money or other property embezzled, whichever is greater, or both imprisonment and a fine: (a) The money or other personal property embezzled has a value of $200.00 or more but less than $1,000.00. (b) The person violates subsection (2) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (c) The person violates subsection (2) and the victim is a nonprofit corporation or charitable organization under federal law or the laws of this state. (4) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the money or other property embezzled, whichever is greater, or both imprisonment and a fine: (a) The money or other personal property embezzled has a value of $1,000.00 or more but less than $20,000.00. (b) The person violates subsection (3)(a) or (c) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (c) The person violates subsection (3)(a) and the victim is a nonprofit corporation or charitable organization under federal law or the laws of this state. (5) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the money or other property embezzled, whichever is greater, or both imprisonment and a fine: (a) The money or other personal property embezzled has a value of $20,000.00 or more but less than $50,000.00. (b) The person violates subsection (4)(a) or (c) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (c) The person violates subsection (4)(a) and the victim is a nonprofit corporation or charitable organization under federal law or the laws of this state. (6) If the money or other personal property embezzled has a value of $50,000.00 or more but less than $100,000.00, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $25,000.00 or 3 times the value of the money or property embezzled, whichever is greater, or both imprisonment and a fine. (7) If the money or other personal property embezzled has a value of $100,000.00 or more, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $50,000.00 or 3 times the value of the money or property embezzled, whichever is greater, or both imprisonment and a fine. (8) Except as otherwise provided in this subsection, the values of money or other personal property embezzled in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of money or personal property embezzled. If the scheme or course of conduct is directed against only 1 person, governmental entity within this state, or other legal entity, no time limit applies to aggregation under this subsection. (9) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before

sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (10) In a prosecution under this section, the failure, neglect, or refusal of the agent, servant, employee, trustee, bailee, or custodian to pay, deliver, or refund to his or her principal the money or property entrusted to his or her care upon demand is prima facie proof of intent to embezzle. (11) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions must not be used to further enhance the sentence for the conviction under section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. (12) The court may order a term of imprisonment imposed for a felony violation of this section to be served consecutively to any term of imprisonment imposed for any other criminal offense if the victim of the violation of this section was any of the following: (a) A nonprofit corporation or charitable organization under federal law or the laws of this state. (b) A person 60 years of age or older. (c) A vulnerable adult as defined in section 174a. (13) As used in this section: (a) "Cryptocurrency" means digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, and that operates independently of a central bank. (b) "Money or other personal property" includes cryptocurrency. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.174 ;-- Am. 1957, Act 69, Eff. Sept. 27, 1957 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999 ;-- Am. 2006, Act 573, Eff. Mar. 30, 2007 ;-- Am. 2019, Act 173, Eff. Mar. 19, 2020Former Law:See sections 1 and 2 of Act 48 of 1927, being CL 1929, §§ 16980 and 16981.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXI - Chapter XXXI Embezzlement (750.174...750.182a)Section 750.174a - Vulnerable Adult; Prohibited Conduct; Violation; Penalty; Enhanced Sentence; Exceptions; Consecutive Sentence; Definitions; Report by Office of Services to the Aging to Department of Human Services.

Sec. 174a. (1) A person shall not through fraud, deceit, misrepresentation, coercion, or unjust enrichment obtain or use or attempt to obtain or use a vulnerable adult's money or property to directly or indirectly benefit that person knowing or having reason to know the vulnerable adult is a vulnerable adult. (2) If the money or property used or obtained, or attempted to be used or obtained, has a value of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine. (3) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine: (a) The money or property used or obtained, or attempted to be used or obtained, has a value of $200.00 or more but less than $1,000.00. (b) The person violates subsection (2) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. (4) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine: (a) The money or property used or obtained, or attempted to be used or obtained, has a value of $1,000.00 or more but less than $20,000.00. (b) The person violates subsection (3)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (5) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine: (a) The money or property used or obtained, or attempted to be used or obtained, has a value of $20,000.00 or more but less than $50,000.00. (b) The person violates subsection (4)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (6) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $15,000.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine: (a) The money or property used or obtained, or attempted to be used or obtained, has a value of $50,000.00 or more but less than $100,000.00. (b) The person violates subsection (5)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (7) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $50,000.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine: (a) The money or property used or obtained, or attempted to be used or obtained, has a value of $100,000.00 or more. (b) The person violates subsection (6)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (8) Except as otherwise provided in this subsection, the values of money or property used or obtained or attempted to be used or obtained in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of money or personal property used or obtained or attempted to be used or obtained. If the scheme or course of conduct is directed against only 1 person, no time limit applies to aggregation under this subsection. (9) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the

prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (10) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction under section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. (11) A financial institution or a broker or a director, officer, employee, or agent of a financial institution or broker is not in violation of this section while performing duties in the normal course of business of a financial institution or broker or a director, officer, employee, or agent of a financial institution or broker. (13) The court may order a sentence imposed for a violation of subsection (4), (5), (6), or (7) to be served consecutively to any other sentence imposed for a violation of this section. (14) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law the person commits while violating this section. (15) As used in this section: (a) "Broker" means that term as defined in section 8102 of the uniform commercial code, 1962 PA 174, MCL 440.8102. (b) "Financial institution" means a bank, credit union, saving bank, or a savings and loan chartered under state or federal law or an affiliate of a bank, credit union, saving bank, or savings and loan chartered under state or federal law. (c) "Vulnerable adult" means that term as defined in section 145m, whether or not the individual has been determined by the court to be incapacitated. (16) If the office of services to the aging becomes aware of a violation of this section, the office of services to the aging shall promptly report the violation to the department of human services. History:Add. 2000, Act 222, Eff. Sept. 25, 2000 ;-- Am. 2004, Act 255, Eff. Sept. 1, 2004 ;-- Am. 2012, Act 172, Imd. Eff. June 19, 2012 ;-- Am. 2013, Act 34, Imd. Eff. May 21, 2013

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXI - Chapter XXXI Embezzlement (750.174...750.182a)Section 750.175 - Embezzlement by Public Officer, Agent or Servant; Penalty.

Sec. 175. Embezzlement by public officer, his agent, etc.—Any person holding any public office in this state, or the agent or servant of any such person, who knowingly and unlawfully appropriates to his own use, or to the use of any other person, the money or property received by him in his official capacity or employment, of the value of 50 dollars or upwards, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years or by fine of not more than 5,000 dollars. In any prosecution under this section the failure, neglect or refusal of any public officer to pay over and deliver to his successor all moneys and property which should be in his hands as such officer, shall be prima facie evidence of an offense against the provisions of this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.175Former Law:See section 1 of Act 186 of 1929, being CL 1929, § 16985.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXI - Chapter XXXI Embezzlement (750.174...750.182a)Section 750.176 - Embezzlement by Administrator, Executor or Guardian; Penalty.

Sec. 176. Embezzlement by administrator, executor or guardian—Any general or special administrator or any executor or guardian, who has been appointed by a judge of probate and who has collected any goods, chattels, money or effects of the deceased or ward, and who has wilfully appropriated the same to his own use and who has been ordered by the judge of probate forthwith to deliver to his successor in trust, ward or any person lawfully entitled thereto, all the goods, chattels, money or effects of the deceased or ward in his hands, and who shall wilfully omit, neglect or refuse for 60 days to obey said orders, shall be deemed to have committed the crime of embezzlement, and shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 10 years, or by fine not more than 5,000 dollars: Provided, That in case such order shall be appealed from, said period of 60 days shall be reckoned from the affirmance of the order in the circuit or supreme court. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.176Former Law:See section 1 of Act 208 of 1889, being How., § 9191a; CL 1897, § 11610; CL 1915, § 15375; CL 1929, § 16983; and Act 51 of 1895.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXI - Chapter XXXI Embezzlement (750.174...750.182a)Section 750.177 - Embezzlement by Chattel Mortgagor, Vendee or Lessee; Penalty; Enhanced Sentence Based on Prior Convictions.

Sec. 177. (1) A person shall not embezzle or fraudulently remove, conceal, or dispose of any personal property held by him or her subject to a chattel mortgage or written instrument intended to operate as a chattel mortgage, a lease or written instrument intended to operate as a lease, or a contract to purchase not yet fulfilled with intent to injure or defraud the mortgagee, lessor, or vendor under the contract or any assignee of the mortgagee, lessor, or vendor. (2) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the property embezzled, removed, concealed, or disposed of, whichever is greater, or both imprisonment and a fine: (a) The property embezzled, removed, concealed, or disposed of has a value of $20,000.00 or more. (b) The person violates subsection (3)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (3) If any of the

following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the property embezzled, removed, concealed, or disposed of, whichever is greater, or both imprisonment and a fine: (a) The property embezzled, removed, concealed, or disposed of has a value of $1,000.00 or more but less than $20,000.00. (b) The person violates subsection (4)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (4) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the property embezzled, removed, concealed, or disposed of, whichever is greater, or both imprisonment and a fine: (a) The property embezzled, removed, concealed, or disposed of has a value of $200.00 or more but less than $1,000.00. (b) The person violates subsection (5) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (5) If the property embezzled, removed, concealed, or disposed of has a value of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the property embezzled, removed, concealed, or disposed of, whichever is greater, or both imprisonment and a fine. (6) Except as otherwise provided in this subsection, the values of property embezzled, removed, concealed, or disposed of in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of property embezzled, removed, concealed, or disposed of. If the scheme or course of conduct is directed against only 1 mortgagee, lessor, or vendor, no time limit applies to aggregation under this subsection. (7) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (8) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.177 ;-- Am. 1959, Act 119, Eff. Mar. 19, 1960 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999Former Law:See section 1 of Act 179 of 1927, being CL 1929, § 16977.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXI - Chapter XXXI Embezzlement (750.174...750.182a)Section 750.178 - Embezzlement of Chattel Mortgage, Lease, or Contract Property by Others; Violation; Penalty; Enhanced Sentence Based on Prior Convictions.

Sec. 178. (1) A person shall not embezzle or fraudulently remove, conceal, or dispose of any personal property that has been mortgaged, leased, or purchased under a contract to purchase not yet fulfilled by another person knowing the personal property has been mortgaged, leased, or purchased and with the intent to injure or defraud the mortgagee, lessor, or vendor under the contract, or any assignee of the mortgagee, lessor, or vendor. (2) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the property embezzled, removed, concealed, or disposed of, whichever is greater, or both imprisonment and a fine: (a) The property embezzled, removed, concealed, or disposed of has a value of $20,000.00 or more. (b) The person violates subsection (3)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (3) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the property embezzled, removed, concealed, or disposed of, whichever is greater, or both imprisonment and a fine: (a) The property embezzled, removed, concealed, or disposed of has a value of $1,000.00 or more but less than $20,000.00. (b) The person violates subsection (4)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5). (4) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the property embezzled, removed, concealed, or disposed of, whichever is greater, or both imprisonment and a fine: (a) The property embezzled, removed, concealed, or disposed of has a value of $200.00 or more but less than $1,000.00. (b) The person violates subsection (5) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (5) If the property embezzled, removed, concealed, or disposed of has a value of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the property embezzled, removed, concealed, or disposed of, whichever is greater, or both imprisonment and a fine. (6) Except as otherwise provided in this subsection, the values of property embezzled, removed, concealed, or disposed of in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of property embezzled, removed, concealed, or disposed of. If the scheme or course of conduct is directed against only 1 mortgagee, lessor, or vendor, no time limit applies to aggregation under this subsection. (7) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior

conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (8) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.178 ;-- Am. 1959, Act 119, Eff. Mar. 19, 1960 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999Former Law:See section 2 of Act 179 of 1927, being CL 1929, § 16978.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXI - Chapter XXXI Embezzlement (750.174...750.182a)Section 750.180 - Embezzlement in Bank, Deposit, Trust Company, or Credit Union; Penalty.

Sec. 180. Any president, director, secretary, cashier, treasurer or other officer, teller, clerk, agent, receiver or conservator, or agent or employee of such receiver or conservator of any bank, trust company, credit union or safe or safety and collateral deposit company, who embezzles, abstracts or wilfully misapplies any of the moneys, funds, credits or property of the bank, trust company, credit union or safe or safety and collateral deposit company, whether owned by it or held in trust, or who, without authority of the directors or proper officers, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of the bank, trust company, credit union or safe or safety and collateral deposit company with intent in either case to injure or defraud the bank, trust company, credit union or safe or safety and collateral deposit company or any company, corporation or person or to deceive any officer of the bank, trust company, credit union or safe or safety and collateral deposit company, or any agent, receiver or conservator, or agent or employee of such receiver or conservator appointed to examine the affairs of such bank, trust company, credit union or safe or safety and collateral deposit company; and any person who with like intent aids or abets any officer, clerk, agent, receiver or conservator, or agent or employee of such receiver or conservator, in violation of this section or who shall issue or cause to be issued or put in circulation, any bill, note or other evidence of debt to circulate as money, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 20 years. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 164, Imd. Eff. July 9, 1937 ;-- CL 1948, 750.180 ;-- Am. 1960, Act 31, Eff. Aug. 17, 1960Former Law:See section 66 of Act 66 of 1929, being CL 1929, § 11963; and section 41 of Act 67 of 1929, being CL 1929, § 12037.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXI - Chapter XXXI Embezzlement (750.174...750.182a)Section 750.181 - Embezzlement of Property Belonging to Person and Part Owner; Violation; Penalty; Enhanced Sentence Based on Prior Convictions.

Sec. 181. (1) An agent, servant, employee, trustee, bailee, custodian, attorney-at-law, collector, or other person who receives or collects in any manner money or other personal property that is partly the property of another person, governmental entity within this state, or other legal entity and partly the property of the agent, servant, employee, trustee, bailee, custodian, attorney-at-law, collector, or other person shall not embezzle, fraudulently dispose of, convert to his or her own use, or take or secrete with intent to embezzle or convert to his or her own use the money or personal property without the consent of the part owner of the money or personal property. (2) If the money or personal property embezzled, disposed of, converted, taken, or secreted has a value of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value of the money or property embezzled, disposed of, converted, taken, or secreted, whichever is greater, or both imprisonment and a fine. (3) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value of the money or property embezzled, disposed of, converted, taken, or secreted, whichever is greater, or both imprisonment and a fine: (a) The money or personal property embezzled, disposed of, converted, taken, or secreted has a value of $200.00 or more but less than $1,000.00. (b) The person violates subsection (2) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (4) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value of the money or property embezzled, disposed of, converted, taken, or secreted, whichever is greater, or both imprisonment and a fine: (a) The money or personal property embezzled, disposed of, converted, taken, or secreted has a value of $1,000.00 or more but less than $20,000.00. (b) The person violates subsection (3)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (5) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the money or property embezzled, disposed of, converted, taken, or secreted, whichever is greater, or both imprisonment and a fine: (a) The money or personal property embezzled, disposed of, converted, taken, or secreted has a value of $20,000.00 or more. (b) The person violates subsection (4)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (6) Except as otherwise provided in this subsection, the values of money or property embezzled, disposed

of, converted, taken, or secreted in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of money or personal property embezzled, disposed of, converted, taken, or secreted. If the scheme or course of conduct is directed against only 1 person, governmental entity within this state, or other legal entity, no time limit applies to aggregation under this subsection. (7) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (8) In a prosecution under this section, it is not a defense that the agent, servant, employee, trustee, bailee, custodian, attorney-at-law, collector, or other person was entitled to a compensation out of the money or personal property as compensation for collecting or receiving it for its owner, but it is not embezzlement by the agent, servant, employee, trustee, bailee, custodian, attorney-at-law, collector, or other person to retain his or her reasonable collection fee on the collection or any other valid interest he or she has in the money or personal property. (9) In a prosecution under this section, the failure, neglect, or refusal of the agent, servant, employee, trustee, bailee, custodian, attorney-at-law, collector, or other person to pay, deliver, or refund to the proper person the money or personal property entrusted to his or her care, upon demand, is prima facie proof of intent to embezzle. (10) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.181 ;-- Am. 1959, Act 119, Eff. Mar. 19, 1960 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999Former Law:See section 55 of Ch. 154 of R.S. 1846, being How., § 9176a; CL 1897, § 11591; CL 1915, § 15336; CL 1929, § 16932; Act 110 of 1885; and Act 114 of 1897.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXI - Chapter XXXI Embezzlement (750.174...750.182a)Section 750.182 - Embezzlement by Warehouseman or Forwarder of Property Receipted For.

Sec. 182. Embezzlement or conversion by warehouseman or forwarder of property receipted for—Any warehouseman or forwarder, or other person who shall have issued a receipt or certificate for flour, wheat, pot or pearl ashes, or any grain, produce or thing of value, or shall receive property on deposit or for sale on a specific contract or understanding, and shall, after issuing said receipt or certificate or receiving such property, embezzle, dispose of or convert to his own use, such property or the moneys received on the sale of such property, contrary to such receipt or certificate, or to the previous contract or understanding, shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.182Former Law:See section 37 of Ch. 154 of R.S. 1846, being CL 1857, § 5781; CL 1871, § 7588; How., § 9159; CL 1897, § 11573; CL 1915, § 15318; CL 1929, § 16914; and Act 270 of 1881.

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Sec. 182a. Any officer or employee of a school district who shall wilfully falsify any record required to be kept under the provisions of Act No. 26 of the Public Acts of the First Extra Session of 1948, as amended, being sections 388.1 to 388.41, inclusive, of the Compiled Laws of 1948, or any other school law of this state, having a bearing on school aid, shall be guilty of a misdemeanor, punishable by a fine of not more than $2,500.00 or imprisonment in state prison for not more than 2 years, or both, in the discretion of the court. The teacher's certificate of any person who shall be convicted of wilfully falsifying any such record shall be suspended for a period of 5 years and for such additional period as the superintendent of public instruction may determine. History:Add. 1953, Act 90, Imd. Eff. May 19, 1953

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Sec. 183. Any person who conveys into any jail, prison, or other like place of confinement, any disguise or any instrument, tool, weapon, or other thing, adapted or useful to aid any prisoner in making his or her escape, with intent to facilitate the escape of any prisoner there lawfully committed or detained, or shall by any means whatever, aid or assist any prisoner in his or her endeavor to escape therefrom, whether such escape be effected or attempted, or not, and every person who shall forcibly rescue any prisoner, held in custody upon any conviction or charge of an offense, is guilty of a felony punishable by imprisonment in the state prison not more than 7 years; or, if the person whose escape or rescue was effected or intended, was charged with an offense not capital, nor punishable by imprisonment in the state prison, then the offense mentioned in this section shall be a misdemeanor and shall be punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.183 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 11 of Ch. 156 of R.S. 1846, being CL 1857, § 5830; CL 1871, § 7663; How., § 9245; CL 1897, § 11315; CL 1915, § 14982; and CL 1929, § 16573.

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Sec. 184. Any person who shall aid or assist any prisoner in escaping or attempting to escape from any officer or person who shall have the lawful custody of such prisoner is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.184 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 12 of Ch. 156 of R.S. 1846, being CL 1857, § 5831; CL 1871, § 7664; How., § 9246; CL 1897, § 11316; CL 1915, § 14983; and CL 1929, § 16574.

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Sec. 186. Any person, not an inmate, who shall knowingly aid or assist any boy who is an inmate of boys' vocational school, to escape therefrom, or who shall knowingly aid, assist or entice any boy who has been committed to said school, and who is a subject thereof, to escape from a home in which said boy has been placed by officers of said school, or shall knowingly aid any such ward to leave the state, without the consent of the superintendent of said school, shall be guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment for not more than 1 year in the county jail, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.186 ;-- Am. 1953, Act 114, Eff. Oct. 2, 1953Former Law:See section 18 of Act 143 of 1903, being CL 1915, § 1522; CL 1929, § 7954; and Act 47 of 1909.

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Sec. 186a. (1) An individual who is placed in a juvenile facility and who escapes or attempts to escape from that juvenile facility or from the custody of an employee of that juvenile facility is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (2) As used in this section: (a) "Escape" means to leave without lawful authority or to fail to return to custody when required. (b) "Juvenile facility" means a county facility, an institution operated as an agency of the county or the family division of circuit court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which the individual has been committed under section 18(1)(e) of chapter XIIA of 1939 PA 288, MCL 712A.18, after coming within the court's jurisdiction under section 2(a)(1) of chapter XIIA of 1939 PA 288, MCL 712A.2, for an offense that if committed by an adult would be a felony or a misdemeanor or to which the individual has been committed under section 27a of chapter IV or section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 764.27a and 769.1. History:Add. 1996, Act 256, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 526, Imd. Eff. Jan. 12, 1999

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Sec. 188. Voluntarily suffering prisoner to escape—Any jailor, or other officer who shall voluntarily suffer any prisoner in his custody, upon conviction, or upon any criminal charge, to escape, shall suffer the like punishment and penalties as the prisoner so suffered to escape was sentenced to, or would be liable to suffer upon conviction, for the crime or offense wherewith he stood charged. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.188Former Law:See section 13 of Ch. 156 of R.S. 1846, being CL 1857, § 5832; CL 1871, § 7665; How., § 9247; CL 1897, § 11317; CL 1915, § 14984; and CL 1929, § 16575.

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Sec. 189. Negligently suffering escape and refusing to receive a prisoner—Any jailor or other officer who shall through negligence, suffer any prisoner in his custody upon conviction or upon any criminal charge, to escape, or who shall wilfully refuse to receive into his custody any prisoner lawfully committed thereto, on any criminal charge or conviction, or any lawful process whatever, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than 2 years, or by fine of not more than 1,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.189Former Law:See section 14 of Ch. 156 of R.S. 1846, being CL 1857, § 5833; CL 1871, § 7666; How., § 9248; CL 1897, § 11318; CL 1915, § 14985; and CL 1929, § 16576.

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Sec. 190. Receiving reward for assisting an escape—Any sheriff or other officer, who shall demand or receive any reward, gratuity or valuable thing, to procure, assist, connive at or permit any escape of any prisoner in his custody, shall be guilty of a misdemeanor,

punishable by imprisonment in the county jail not more than 2 years, or by fine of not more than 1,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.190Former Law:See section 47 of Ch. XXV of Act 314 of 1915, being CL 1915, § 13025; and CL 1929, § 14754.

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Sec. 191. Any officer authorized to serve process, who willfully and corruptly refuses to execute any lawful process to him or her directed, and requiring him or her to apprehend or confine any person convicted or charged with an offense, or who willfully and corruptly omits or delays to execute such process, whereby such person shall escape and go at large, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.191 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 15 of Ch. 156 of R.S. 1846, being CL 1857, § 5834; CL 1871, § 7667; How., § 9249; CL 1897, § 11319; CL 1915, § 14986; and CL 1929, § 16577.

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Sec. 192. It shall be lawful for any sheriff, coroner, constable, or other officer of the state of Wisconsin or other person lawfully authorized under the laws of the state of Wisconsin to act as any such officer, having in his or her lawful custody any person or persons, arrested in the state of Wisconsin, under a criminal warrant or process, or under any writ, order, or process in a civil action or proceeding, issued out of or by any court of said state of Wisconsin, or by any officer of said state of Wisconsin, authorized to issue such warrant, writ, process, or order, to convey or transport the prisoner through any portion of the state of Michigan, whenever it shall be necessary or convenient so to do in order to bring the prisoner before any such court or officer of the state of Wisconsin, or to deliver the prisoner to any jailor, or commit the prisoner to any prison of said state of Wisconsin, for any lawful purpose whatsoever. Any such officer of the state of Wisconsin, while in the state of Michigan with any prisoner or prisoners in the officer's custody for the purposes aforesaid, has all the rights and powers in relation to such prisoner or prisoners as would a sheriff of this state. An officer of this state shall not discharge any such prisoner from custody under writ of habeas corpus or other proceeding brought for that purpose, when it shall be made to appear that the prisoner is in custody as in the preceding paragraph stated. And it shall be a sufficient answer to said writ of habeas corpus or other proceeding, by the officer or person having such custody, that he or she holds the prisoner by virtue of a lawful warrant, writ, process, or order as in the preceding paragraph stated, and he or she shall annex to the answer a copy of the warrant, writ, process, or order under which he or she claims custody of the prisoner. Any person who shall in any manner aid or assist a prisoner so being conveyed or transported through this state to escape from the officer or person having the prisoner so in lawful custody, or who resists the officer or person while engaged in conveying or transporting the prisoner through this state, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.192 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 to 3 of Act 8 of 1881, being How., §§ 9364 to 9366; CL 1897, §§ 11393 to 11395; CL 1915, §§ 15111 to 15113; and CL 1929, §§ 16591 to 16593.

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Sec. 193. (1) A person imprisoned in a prison of this state who breaks prison and escapes, breaks prison though an escape is not actually made, escapes, leaves the prison without being discharged by due process of law, attempts to break prison, or attempts to escape from prison, is guilty of a felony, punishable by further imprisonment for not more than 5 years. The term of the further imprisonment shall be served after the termination, pursuant to law, of the sentence or sentences then being served. A prisoner who breaks prison, escapes, attempts to break prison, or attempts to escape, shall be charged with that offense and tried in the courts of the county in which the prison or penal facility to which the prisoner was committed or transferred is located at the time of the breaking, escape, or attempt to break or escape. (2) As used in this section, "prison" means a facility that houses prisoners committed to the jurisdiction of the department of corrections and includes the grounds, farm, shop, road camp, or place of employment operated by the facility or under control of the officers of the facility, the department of corrections, a police officer of this state, or any other person authorized by the department of corrections to have a prisoner under care, custody, or supervision, either in a facility or outside a facility, whether for the purpose of work, medical care, or any other reason. (3) A person who escapes from the lawful custody of a guard, prison official, or an employee while outside the confines of a prison is guilty of a violation of this section. A person, admitted to a facility of the department of mental health from a prison pursuant to sections 1001 to 1006 of the mental health code, 1974 PA 258, MCL 330.2001 to 330.2006, who escapes from the mental health facility is guilty of a violation of this section. A person released from prison under a work pass program who violates the terms of the release or fails to return to the place of imprisonment within the time provided is guilty of a violation of this section. A person violating the conditions

of a parole is not an escapee under this act. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1943, Act 56, Eff. July 30, 1943 ;-- CL 1948, 750.193 ;-- Am. 1955, Act 264, Eff. Oct. 14, 1955 ;-- Am. 1956, Act 6, Imd. Eff. Mar. 9, 1956 ;-- Am. 1958, Act 215, Eff. Sept. 13, 1958 ;-- Am. 1967, Act 103, Eff. Nov. 2, 1967 ;-- Am. 1978, Act 631, Imd. Eff. Jan. 8, 1979 ;-- Am. 1988, Act 167, Eff. July 1, 1988 ;-- Am. 1998, Act 510, Imd. Eff. Jan. 8, 1999Former Law:See section 24 of Ch. 156 of R.S. 1846, being CL 1857, § 5843; CL 1871, § 7676; How., § 9258; CL 1897, § 11328; CL 1915, § 14995; CL 1929, § 16586; Act 100 of 1925; and Act 7 of 1927.

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Sec. 195. (1) A person lawfully imprisoned in a jail for a term imposed for a misdemeanor who breaks jail and escapes, breaks jail though an escape is not actually made, escapes, leaves the jail without being discharged from the jail by due process of law, or attempts to escape from the jail, is guilty of a felony, punishable by imprisonment for not more than 2 years, or by a fine of not more than $1,000.00, or both. (2) A person lawfully imprisoned in a jail for a term imposed for a felony who breaks jail and escapes, breaks jail though an escape is not actually made, escapes, leaves the jail without being discharged from the jail by due process of law, or attempts to escape from the jail, is guilty of a felony. A person who violates this subsection shall be imprisoned for the unexpired portion of the term of imprisonment the person was serving at the time of the violation, and any term of imprisonment imposed for the violation of this subsection shall begin to run at the expiration of that prior term of imprisonment. (3) This section does not apply to a person who left the jail pursuant to a day parole granted for any purpose under section 1 of Act No. 60 of the Public Acts of 1962, being section 801.251 of the Michigan Compiled Laws, and who is absent from the jail after the time he or she was required to return to the jail unless the person has the intent to escape from imprisonment. (4) As used in this section, "jail" means a facility that is operated by a local unit of government for the detention of persons charged with, or convicted of, criminal offenses or ordinance violations, or persons found guilty of civil or criminal contempt. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.195 ;-- Am. 1987, Act 212, Eff. Mar. 30, 1988Former Law:See sections 28 to 30 of Ch. 171 of R.S. 1846, being CL 1857, §§ 6156 to 6158; CL 1871, §§ 8045 to 8047; How., §§ 9661 to 9663; CL 1897, §§ 2677 to 2679; CL 1915, §§ 2548 to 2550; CL 1929, §§ 17694 to 17696; and Act 146 of 1875.

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Sec. 196. Breaking, escaping or attempting to break or escape from county work farms, etc.—Any person lawfully committed to any work farm, factory or shop established and provided by law by the various counties of this state for the confinement, punishment and reformation of persons sentenced thereto, who shall escape from or break away therefrom with intent to escape therefrom, or who shall attempt by any force or violence or in any other manner to break or escape from said work farm, factory or shop, whether such escape be effected or not, shall be guilty of a misdemeanor, punishable by imprisonment at said work farm, factory or shop or in the county jail of such county at the discretion of the court, for a term of not more than double the term for which he was so sentenced, to commence from and after the expiration of his former sentence. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.196Former Law:See section 13 of Act 78 of 1917, being CL 1929, § 17732.

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Sec. 197. (1) A person lawfully imprisoned in a jail or place of confinement established by law, awaiting examination, trial, arraignment, or sentence for a misdemeanor, who breaks the jail or place of confinement and escapes; who breaks the jail, although no escape is actually made; who escapes; who leaves the jail or place of confinement without being discharged from the jail or place of confinement by due process of law; who breaks or escapes while in or being transferred to or from a courtroom or courthouse, or a place where court is being held; or who attempts to break or escape from the jail or place of confinement is guilty of a felony, punishable by imprisonment for not more than 2 years, or by a fine of not more than $1,000.00, or both. (2) A person lawfully imprisoned in a jail or place of confinement established by law, awaiting examination, trial, arraignment, or sentence for a felony; or after sentence for a felony awaiting or during transfer to or from a prison, who breaks the jail or place of confinement and escapes; who breaks the jail, although no escape is actually made; who escapes; who leaves the jail or place of confinement without being discharged from the jail or place of confinement by due process of law; who breaks or escapes while in or being transferred to or from a courtroom or courthouse, or a place where court is being held; or who attempts to break or escape from the jail or place of confinement is guilty of a felony. A term of imprisonment imposed for a violation of this subsection shall begin to run at the expiration of any term of imprisonment imposed for the offense for which the person was imprisoned at the time of the violation of this subsection. (3) This section does not apply to a person who left the jail pursuant to a day parole granted for any purpose under

section 1 of Act No. 60 of the Public Acts of 1962, being section 801.251 of the Michigan Compiled Laws, and who is absent from the jail after the time he or she was required to return to the jail unless the person has the intent to escape from imprisonment. (4) As used in this section, "jail" means a facility that is operated by a local unit of government for the detention of persons charged with, or convicted of, criminal offenses or ordinance violations, or persons found guilty of civil or criminal contempt. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.197 ;-- Am. 1949, Act 240, Eff. Sept. 23, 1949 ;-- Am. 1955, Act 264, Eff. Oct. 14, 1955 ;-- Am. 1987, Act 212, Eff. Mar. 30, 1988Former Law:See section 28 of Ch. 171 of R.S. 1846, being CL 1857, § 6156; CL 1871, § 8045; How., § 9661; CL 1897, § 2677; CL 1915, § 2548; CL 1929, § 17694; and Act 146 of 1875.

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Sec. 197a. A person who breaks or escapes from lawful custody under any criminal process, including periods while at large on bail, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:Add. 1955, Act 264, Eff. Oct. 14, 1955 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

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Sec. 197c. (1) A person lawfully imprisoned in a jail, other place of confinement established by law for any term, or lawfully imprisoned for any purpose at any other place, including, but not limited to, hospitals and other health care facilities or awaiting examination, trial, arraignment, sentence, or after sentence awaiting or during transfer to or from a prison, for a crime or offense, or charged with a crime or offense who, without being discharged from the place of confinement, or other lawful imprisonment by due process of law, through the use of violence, threats of violence or dangerous weapons, assaults an employee of the place of confinement or other custodian knowing the person to be an employee or custodian or breaks the place of confinement and escapes, or breaks the place of confinement although an escape is not actually made, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $2,500.00, or both. (2) As used in this section: (a) "Place of confinement" includes a correctional facility operated by the department of corrections, a local unit of government, or a private vendor under section 20i of 1953 PA 232, MCL 791.220i. (b) "Employee" includes persons who are employed by the place of confinement as independent contractors. History:Add. 1967, Act 59, Eff. Nov. 2, 1967 ;-- Am. 1976, Act 188, Eff. Jan. 1, 1977 ;-- Am. 1998, Act 510, Imd. Eff. Jan. 8, 1999 ;-- Am. 2006, Act 535, Imd. Eff. Dec. 29, 2006

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Sec. 197d. (1) A person who does any of the following is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both: (a) Sells, gives, or furnishes, either directly or indirectly, poison, a controlled substance, or a weapon to a medically frail parolee knowing that person is a medically frail parolee. This subdivision does not apply to a person who provides a controlled substance to a medically frail parolee if that controlled substance has been prescribed by a physician for use by a medically frail parolee. (b) With the intent to assist a medically frail parolee in violating his or her parole, assist a medically frail parolee in absconding or attempting to abscond from supervision by leaving a medical facility in which the medically frail parolee has agreed to reside as a condition of his or her medically frail parole without the permission of the parolee's supervising agent. (c) Knowingly cause a medically frail parolee to have contact with a person with whom the medically frail parolee is prohibited from having contact as a condition of his or her medically frail parole or a valid personal protection order. (2) This section does not apply to skilled nursing facility staff performing duties required of skilled nursing facilities under state and federal laws, rules, and regulations, including, but not limited to, section 20201(2) of the public health code, 1978 PA 368, MCL 333.20201, 42 CFR 483.10, and 42 CFR 483.12, that guarantee the rights of skilled nursing facility residents. (3) This section does not apply to a person who aids or assists a medically frail parolee in leaving or attempting to leave a medical facility in which the medically frail parolee has been placed as a condition of his or her medically frail parole because of any of the following: (a) The medically frail parolee requires a medical service that must be performed at a different medical facility. (b) The medically frail parolee has a medical emergency that requires medical service at a different medical facility. (c) There is a natural disaster, fire, or infrastructural failure at the medical facility in which the medically frail parolee has been placed that necessitates evacuating the medically frail parolee. (4) As used in this section: (a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104. (b) "Medical facility" means a hospital, hospice, nursing home, or other housing accommodation providing medical treatment suitable to the condition or conditions rendering the parolee medically frail. (c) "Medically frail parole" means a parole granted under section 35(10) of the corrections code of 1953, 1953 PA 232, MCL 791.235. (d) "Medically frail parolee" means an individual granted parole under section 35(10) of the corrections code of 1953, 1953 PA 232, MCL 791.235. History:Add. 2019, Act 15, Eff. Aug. 21, 2019

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Sec. 199. (1) A person who knowingly or willfully conceals or harbors for the purpose of concealment from a peace officer a person who has escaped or is escaping from lawful custody in violation of this chapter is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (2) A person who knowingly or willfully conceals or harbors for the purpose of concealment from a peace officer a person who is the subject of 1 or more of the following is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both: (a) An arrest warrant for a misdemeanor. (b) A bench warrant in a civil case other than a civil infraction under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. (c) A bench warrant in a criminal case if the underlying crime charged is a misdemeanor. (3) A person who knowingly or willfully conceals or harbors for the purpose of concealment from a peace officer a person who is the subject of 1 or more of the following is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both: (a) An arrest warrant for a felony. (b) A bench warrant in a criminal case if the underlying crime charged is a felony. (4) As used in this section, "peace officer" means that term as defined in section 215. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.199 ;-- Am. 2006, Act 242, Eff. Sept. 28, 2006

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Sec. 199a. Any person who shall abscond on or forfeit a bond given in any criminal proceedings wherein a felony is charged shall be deemed guilty of a felony. Any person who shall abscond on or forfeit a recognizance or cash deposit made in lieu thereof in paternity proceedings pursuant to the provisions of Act No. 205 of the Public Acts of 1956, as amended, being sections 722.711 to 722.730 of the Compiled Laws of 1948, shall be guilty of a felony. History:Add. 1949, Act 94, Eff. Sept. 23, 1949 ;-- Am. 1962, Act 79, Eff. Mar. 28, 1963

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXIII - Chapter XXXIII Explosives and Bombs, and Harmful Devices (750.200...750.212a)Section 750.200 - Explosives; Common Carriers for Passengers; Transportation.

Sec. 200. (1) A person shall not transport, carry, or convey dynamite, gunpowder, or any other explosive between any places within this state on any vessel, car, or vehicle of any description that is operated by a common carrier and that is carrying passengers for hire. A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $3,000.00, or both. (2) This section does not prohibit the transportation of any of the following: (a) Small arms ammunition in any quantity. (b) Fuses, torpedoes, rockets, or other signal devices essential to promote safety in operation. (c) Properly packed and marked samples for laboratory examination that do not exceed a net weight of 1/2 pound each and that do not exceed 20 samples at 1 time in a single vessel, car, or vehicle if the samples are not carried in that part of a vessel, car, or vehicle that is intended for transporting passengers for hire. (3) This section does not prohibit the transportation of military or naval forces with their accompanying munitions of war on passenger equipment vessels, cars, or vehicles. (4) This section does not apply to the transportation of benzine, naphtha, gasoline, or kerosene. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.200 ;-- Am. 1998, Act 206, Eff. Oct. 1, 1998Former Law:See section 1 of Act 182 of 1909, being CL 1915, § 15251; and CL 1929, § 16795.

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Sec. 200h. As used in this chapter: (a) "Chemical irritant" means solid, liquid, or gas that through its chemical or physical properties, alone or in combination with 1 or more other substances, can be used to produce an irritant effect in humans, animals, or plants. (b) "Chemical irritant device" means a device designed or intended to release a chemical irritant. (c) "Computer", "computer network", and "computer system" mean those terms as defined in section 145d. (d) "Deliver" means that actual or constructive transfer of a substance or device from 1 person to another regardless of any agency relationship. (e) "For an unlawful purpose" includes, but is not limited to, having the intent to do any of the following: (i) Frighten, terrorize, intimidate, threaten, harass, injure, or kill any person. (ii) Damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over the property. (f) "Harmful biological device" means a device designed or intended to release a harmful biological substance. (g) "Harmful biological substance" means a bacteria, virus, or other microorganism or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants. (h) "Harmful chemical device" means a device that is designed or intended to release a harmful chemical substance. (i) "Harmful chemical substance" means a solid, liquid, or gas that through its chemical or physical properties, alone or in combination with 1 or more other chemical substances, can be used to cause death, injury, or disease in humans, animals, or plants. (j) "Harmful radioactive material" means material that is radioactive and that can be used to cause death, injury, or disease in humans, animals, or growing plants by its radioactivity. (k) "Harmful electronic or electromagnetic

device" means a device designed to emit or radiate or that, as a result of its design, emits or radiates an electronic or electromagnetic pulse, current, beam, signal, or microwave that is intended to cause harm to others or cause damage to, destroy, or disrupt any electronic or telecommunications system or device, including, but not limited to, a computer, computer network, or computer system. (l) "Harmful radioactive device" means a device that is designed or intended to release a harmful radioactive material. (m) "Imitation harmful substance or device" means a substance or device that is designed or intended to represent 1 or more of the following or that is alleged to be 1 of the following but that is not any of the following: (i) A harmful biological device. (ii) A harmful biological substance. (iii) A harmful chemical device. (iv) A harmful chemical substance. (v) A harmful radioactive material. (vi) A radioactive device. (vii) A harmful electronic or electromagnetic device. (n) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. (o) "Telecommunications system" means that term as defined in section 219a. History:Add. 1998, Act 207, Eff. Oct. 1, 1998 ;-- Am. 2001, Act 135, Imd. Eff. Oct. 23, 2001 ;-- Am. 2003, Act 256, Eff. Jan. 1, 2004

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Sec. 200i. (1) A person shall not manufacture, deliver, possess, transport, place, use, or release any of the following for an unlawful purpose: (a) A harmful biological substance or a harmful biological device. (b) A harmful chemical substance or a harmful chemical device. (c) A harmful radioactive material or a harmful radioactive device. (d) A harmful electronic or electromagnetic device. (2) A person who violates subsection (1) is guilty of a crime as follows: (a) Except as provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (b) If the violation directly or indirectly results in property damage, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $15,000.00, or both. (c) If the violation directly or indirectly results in personal injury to another individual other than serious impairment of a body function or death, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than $20,000.00, or both. (d) If the violation directly or indirectly results in serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than $25,000.00, or both. (e) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a , if the violation directly or indirectly results in the death of another individual, the person is guilty of a felony and shall be punished by imprisonment for life without eligibility for parole and may be fined not more than $40,000.00, or both. History:Add. 1998, Act 207, Eff. Oct. 1, 1998 ;-- Am. 2003, Act 257, Eff. Jan. 1, 2004 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014

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Sec. 200j. (1) A person shall not manufacture, deliver, possess, transport, place, use, or release for an unlawful purpose any of the following: (a) A chemical irritant or a chemical irritant device. (b) A smoke device. (c) An imitation harmful substance or device. (2) A person who violates subsection (1) is guilty of a crime as follows: (a) Except as provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. (b) If the violation results in property damage, the person is guilty of a felony punishable by imprisonment for not more than 7 years or a fine of not more than $10,000.00, or both. (c) If the violation results in personal injury to another individual other than serious impairment of a body function or death, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00, or both. (d) If the violation results in serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than $25,000.00, or both. (e) If the violation results in the death of another individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than $40,000.00, or both. History:Add. 1998, Act 207, Eff. Oct. 1, 1998 ;-- Am. 2001, Act 135, Imd. Eff. Oct. 23, 2001

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Sec. 200k. (1) Sections 200h to 200j do not apply to any of the following: (a) A member of the military forces of the United States or of this state acting under a lawful order or while engaged in a lawful military activity. (b) A law enforcement officer enforcing the laws of the United States or of this state or while engaged in a lawful law enforcement activity. (c) A person engaged in self-defense or the lawful defense of another person. (d) Unless acting with an unlawful purpose, a person acting within the scope of his or her employment under a rule or a permit or license of the United States or of this state. (2) Unless acting with an unlawful purpose, a person who within the scope of his or her employment violates a rule or a provision of a permit or license issued by the United States or this state to manufacture, deliver, possess, transport, place, classify, label, use, or release a substance or device shall not be prosecuted under this chapter. (3) This chapter does not prohibit the possession and use of a device that uses electro-muscular disruption technology as permitted under section 224a. History:Add. 1998, Act 207, Eff. Oct. 1, 1998 ;-- Am. 2003, Act 257, Eff.

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Sec. 200l. (1) A person shall not commit an act with the intent to cause an individual to falsely believe that the individual has been exposed to a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, or harmful electronic or electromagnetic device. (2) A person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. History:Add. 2001, Act 135, Imd. Eff. Oct. 23, 2001 ;-- Am. 2003, Act 257, Eff. Jan. 1, 2004

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Sec. 200m. A charge under or a conviction or punishment for a violation of this chapter does not prevent a person from being charged with, convicted of, or punished for any other violation of law arising from the same transaction. History:Add. 2003, Act 257, Eff. Jan. 1, 2004

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Sec. 201. (1) A person shall not order, send, take, transport, convey, or carry or attempt to order, send, take, transport, convey, or carry dynamite, nitroglycerine, fulminate in bulk in dry condition, or any other explosive substance that explodes by concussion or friction, that is concealed as freight or baggage, on a passenger boat or vessel, a railroad car or train of cars, a street car, motor bus, stage, or other vehicle used wholly or partly for carrying passengers or articles of commerce by land or water. (2) A person who violates this section and any consignee to whom the dynamite, nitroglycerine, fulminate in bulk in dry condition, or other explosive substance has been consigned by procurement in violation of this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $3,000.00, or both. (3) A violation of this section may be prosecuted in any county through which the person procures or attempts to procure the transportation of the dynamite, nitroglycerine, fulminate in bulk in dry condition, or other explosive substance. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.201 ;-- Am. 1998, Act 206, Eff. Oct. 1, 1998Former Law:See sections 1 to 3 of Act 91 of 1889, being How., §§ 9117a to 9117c; CL 1897, §§ 11519 to 11521; CL 1915, §§ 15257 to 15259; and CL 1929, §§ 16792 to 16794.

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Sec. 202. Marking of explosives intended for shipment—Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof, and it shall be unlawful for any person, partnership or corporation to deliver for transportation to any common carrier engaged in commerce by land or water, or to cause to be delivered or to carry any explosive or other dangerous article, under any false or deceptive marking, description, invoice, shipping order or other declaration, or without informing the agent of such carrier of the true character thereof, at or before the time such delivery or carriage is made. Any person violating any provision of this section shall be guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.202Former Law:See sections 4 and 5 of Act 182 of 1909, being CL 1915, §§ 15254 and 15255; and CL 1929, §§ 16798 and 16799.

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Sec. 204. (1) A person shall not send or deliver to another person or cause to be taken or received by any person any kind of explosive substance or any other dangerous thing with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over that property. (2) A person who violates this section is guilty of a crime as follows: (a) Except as otherwise provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (b) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $15,000.00, or both. (c) If the violation causes physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a

fine of not more than $20,000.00, or both. (d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than $25,000.00, or both. (e) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than $40,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.204 ;-- Am. 1998, Act 206, Eff. Oct. 1, 1998 ;-- Am. 2003, Act 257, Eff. Jan. 1, 2004 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014Former Law:See section 1 of Act 202 of 1879, being How., § 9118; CL 1897, § 11508; CL 1915, § 15231; and CL 1929, § 16791.

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Sec. 204a. (1) A person who, with the intent to terrorize, frighten, intimidate, threaten, harass, or annoy any other person, possesses, delivers, sends, transports, or places a device that is constructed to represent an explosive, incendiary device, or bomb, or that is presented as an explosive, incendiary device, or bomb, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $3,000.00, or both. (2) An offense is committed under this section if the device is delivered or sent from this state or is possessed, transported, received, or placed in this state and may be prosecuted in the jurisdiction from which it was delivered or sent or in which it was possessed, transported, received, or placed. History:Add. 1973, Act 202, Eff. Mar. 29, 1974 ;-- Am. 1998, Act 208, Eff. Oct. 1, 1998 ;-- Am. 2002, Act 134, Eff. Apr. 22, 2002

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Sec. 204b. (1) A person shall not import, manufacture, distribute, or store explosive materials in this state, unless the importation, manufacture, distribution, or storage of the explosive materials complies with 18 USC 841 to 848 and 27 CFR 555. (2) A person that violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $10,000.00, or both. (3) A conviction or sentence imposed for a violation of this section does not preclude a conviction or sentence for a violation of any other applicable law. As used in this section, "explosive materials" means that term as defined in 18 USC 841. History:Add. 2018, Act 29, Eff. May 22, 2018

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Sec. 204c. (1) A person shall not handle any explosive materials while under the influence of an alcoholic liquor or controlled substance. (2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both. (3) As used in this section: (a) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d. (b) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104. (c) "Explosive materials" means that term as defined in 18 USC 841. History:Add. 2018, Act 29, Eff. May 22, 2018

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Sec. 207. (1) A person shall not place an explosive substance in or near any real or personal property with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over that property. (2) A person who violates this section is guilty of a crime as follows: (a) Except as otherwise provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (b) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $15,000.00, or both. (c) If the violation causes physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than $20,000.00, or both. (d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or for any term of years or a fine of not more than $25,000.00, or both. (e) Except as provided in sections 25 and 25a of chapter IX of

the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than $40,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.207 ;-- Am. 1998, Act 208, Eff. Oct. 1, 1998 ;-- Am. 2003, Act 257, Eff. Jan. 1, 2004 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014Former Law:See section 3 of Act 119 of 1927, being CL 1929, § 17106.

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Sec. 209. (1) A person who places an offensive or injurious substance or compound in or near to any real or personal property with intent to wrongfully injure or coerce another person or to injure the property or business of another person, or to interfere with another person's use, management, conduct, or control of his or her business or property is guilty of a crime as follows: (a) Except as otherwise provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (b) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $15,000.00, or both. (c) If the violation causes physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than $20,000.00, or both. (d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or for any term of years or a fine of not more than $25,000.00, or both. (e) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than $40,000.00, or both. (2) A person who places an offensive or injurious substance or compound in or near to any real or personal property with the intent to annoy or alarm any person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $3,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 41, Eff. Oct. 29, 1937 ;-- CL 1948, 750.209 ;-- Am. 1967, Act 177, Eff. Nov. 2, 1967 ;-- Am. 1998, Act 208, Eff. Oct. 1, 1998 ;-- Am. 2003, Act 257, Eff. Jan. 1, 2004 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014Former Law:See section 4 of Act 119 of 1927, being CL 1929, § 17107.

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Sec. 209a. A person who, with the intent to terrorize, frighten, intimidate, threaten, harass, or annoy any other person, possesses an explosive substance or device in a public place is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $10,000.00, or both. History:Add. 1998, Act 206, Eff. Oct. 1, 1998

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Sec. 210. (1) A person shall not carry or possess an explosive or combustible substance or a substance or compound that when combined with another substance or compound will become explosive or combustible or an article containing an explosive or combustible substance or a substance or compound that when combined with another substance or compound will become explosive or combustible, with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over that property. (2) A person who violates subsection (1) is guilty of a crime as follows: (a) Except as provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (b) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $15,000.00, or both. (c) If the violation causes physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than $20,000.00, or both. (d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or for any term of years or a fine of not more than $25,000.00, or both. (e) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than $40,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.210 ;-- Am. 1998, Act 208, Eff. Oct. 1, 1998 ;-- Am. 2003, Act 257, Eff. Jan. 1, 2004 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014Former Law:See section 6 of Act 119 of 1927, being CL 1929, § 17109.

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750.569)328-1931-XXXIII - Chapter XXXIII Explosives and Bombs, and Harmful Devices (750.200...750.212a)Section 750.210a - Valerium; Unlawful Acts.

Sec. 210a. Sale, etc., of valerium, etc.—It shall be unlawful for any person, firm, partnership, association or corporation to sell, offer for sale, barter, or otherwise dispose of, purchase, receive, or otherwise acquire, have in possession, carry or transport any oil, tincture, elixir or fluid of valerium, valeric acid or crystals of ammonium valeriate, except under the following conditions: (a) Drug manufacturers and wholesale drug dealers may possess, sell, offer for sale, or otherwise dispose of, oil, tincture, elixir or fluid of valerium, valeric acid or crystals of ammonium valeriate to licensed physicians and surgeons, druggists, pharmacists or hospitals: Provided, however, That a record of all such sales shall be kept by such drug manufacturers and wholesale dealers, which record shall be open to inspection by any law enforcing officer, and that a report of any such sales shall be made out and forwarded within 48 hours to the commissioner of the Michigan state police. (b) Retail druggists or pharmacists may possess and sell, offer for sale, or otherwise dispose of, oil, tincture, elixir or fluid of valerium, valeric acid or crystals of ammonium valeriate upon prescription of a licensed physician or surgeon. Such retail druggists or pharmacists shall keep a record of all such sales and prescriptions, which shall be open to inspection by any law enforcing officer and shall also make and forward a report containing the names and addresses of such persons, together with the amount of such drugs prescribed or sold, within 48 hours after sale thereof to the commissioner of the Michigan state police. Any person, excepting licensed physicians and surgeons, hospitals, and persons who have received such drugs on prescription in accordance with the provisions of this section, who shall violate any of the provisions of this section shall be guilty of a felony, punishable by imprisonment in the state prison for not less than 2 nor more than 5 years. History:Add. 1941, Act 140, Eff. Jan. 10, 1942 ;-- CL 1948, 750.210a

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXIII - Chapter XXXIII Explosives and Bombs, and Harmful Devices (750.200...750.212a)Section 750.211a - Device Designed to Explode Upon Impact, Upon Application of Heat, or Device Highly Incendiary; Possession With Intent to Use Unlawfully; Violation; Penalties; "Molotov Cocktail" Defined.

Sec. 211a. (1) A person shall not do either of the following: (a) Except as provided in subdivision (b), manufacture, buy, sell, furnish, or possess a Molotov cocktail or any similar device. (b) Manufacture, buy, sell, furnish, or possess any device that is designed to explode or that will explode upon impact or with the application of heat or a flame or that is highly incendiary, with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over that property. (2) A person who violates subsection (1) is guilty of a crime as follows: (a) For a violation of subsection (1)(a), the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (b) For a violation of subsection (1)(b) and except as provided in subdivisions (c) to (f), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. (c) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $15,000.00, or both. (d) If the violation causes physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than $20,000.00, or both. (e) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than $25,000.00, or both. (f) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than $40,000.00, or both. (3) As used in this section, "Molotov cocktail" means an improvised incendiary device that is constructed from a bottle or other container filled with a flammable or combustible material or substance and that has a wick, fuse, or other device designed or intended to ignite the contents of the device when it is thrown or placed near a target. History:Add. 1966, Act 69, Eff. Mar. 10, 1967 ;-- Am. 1968, Act 280, Eff. July 1, 1968 ;-- Am. 1998, Act 206, Eff. Oct. 1, 1998 ;-- Am. 2003, Act 257, Eff. Jan. 1, 2004 ;-- Am. 2004, Act 523, Eff. Apr. 1, 2005 ;-- Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXIII - Chapter XXXIII Explosives and Bombs, and Harmful Devices (750.200...750.212a)Section 750.212 - High Explosives; Marking.

Sec. 212. Marking of high explosives—No person shall within this state manufacture, sell, keep or offer for sale any high explosive, which is not marked, branded or stamped as in this section provided. Every manufacturer of dynamite, or other high explosive, shall put a brand or mark on each case distinctly showing the percentage of disruptive force contained in each cartridge in said case, and the name or trade mark, and the address of said manufacturer. No person by himself, agents or servants shall sell, keep or offer for sale, any dynamite or other high explosive not branded or marked as provided in this section. Any person, who shall falsely brand, mark, or stamp any such explosive, or who shall sell, keep or offer for sale, any high explosive bearing any false brand or mark, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.212Former Law:See sections 1 to 4 of Act 101 of 1897, being CL 1897, §§ 5483 to 5486; CL 1915, §§ 7187 and 7203 to 7205; and CL 1929, §§ 8944 to 8947.

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750.569)328-1931-XXXIII - Chapter XXXIII Explosives and Bombs, and Harmful Devices (750.200...750.212a)Section 750.212a - Violation as Felony; Term of Imprisonment; Definitions.

Sec. 212a. (1) If a person violates this chapter and the violation is committed in or is directed at a vulnerable target, the person is guilty of a felony punishable by imprisonment for not more than 20 years. The court may order a term of imprisonment imposed under this section to be served consecutively to the term of imprisonment for the underlying violation. (2) As used in this section, "vulnerable target" means any of the following: (a) A child care center or day care center as defined in section 1 of 1973 PA 116, MCL 722.111. (b) A health care facility or agency as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106. (c) A building or structure open to the general public. (d) A church, synagogue, mosque, or other place of religious worship. (e) A public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade 1 through 12. (f) An institution of higher education. (g) A stadium. (h) A transportation structure or facility open to the public, including, but not limited to, a bridge, a tunnel, a public highway, or a railroad. (i) An airport. As used in this subdivision, "airport" means that term as defined in section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2. (j) Port facilities. As used in this subdivision, "port facilities" means that term as defined in section 2 of the Hertel-Law-T. Stopczynski port authority act, 1978 PA 639, MCL 120.102. (k) A public services facility. As used in this subdivision, "public services facility" means any of the following facilities whether publicly or privately owned: (i) A natural gas refinery, natural gas storage facility, or natural gas pipeline. (ii) An electric, steam, gas, telephone, power, water, or pipeline facility. (iii) A nuclear power plant, nuclear reactor facility, or nuclear waste storage facility. (l) A petroleum refinery, petroleum storage facility, or petroleum pipeline. (m) A vehicle, locomotive or railroad car, aircraft, or watercraft used to provide transportation services to the public or to provide for the movement of goods in commerce. (n) A building, structure, or other facility owned or operated by the federal government, by this state, or by a political subdivision or any other instrumentality of this state or of a local unit of government. History:Add. 1998, Act 207, Eff. Oct. 1, 1998 ;-- Am. 2002, Act 116, Eff. Apr. 22, 2002 ;-- Am. 2002, Act 140, Eff. Apr. 22, 2002 ;-- Am. 2003, Act 257, Eff. Jan. 1, 2004

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXIV - Chapter XXXIV Extortion (750.213...750.214)Section 750.213 - Malicious Threats to Extort Money.

Sec. 213. Malicious threats to extort money—Any person who shall, either orally or by a written or printed communication, maliciously threaten to accuse another of any crime or offense, or shall orally or by any written or printed communication maliciously threaten any injury to the person or property or mother, father, husband, wife or child of another with intent thereby to extort money or any pecuniary advantage whatever, or with intent to compel the person so threatened to do or refrain from doing any act against his will, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 20 years or by a fine of not more than 10,000 dollars. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.213Former Law:See section 19 of Ch. 153 of R.S. 1846, being CL 1857, § 5729; CL 1871, § 7528; How., § 9093; CL 1897, § 11488; CL 1915, § 15210; CL 1929, § 16726; Act 188 of 1897; and Act 83 of 1925.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXIV - Chapter XXXIV Extortion (750.213...750.214)Section 750.213a - Coercion to Have Abortion; Prohibition; Violation; Penalty; Other Violations; Definitions.

Sec. 213a. (1) A person having actual knowledge that a female individual is pregnant shall not do any of the following with the intent to coerce her to have an abortion against her will: (a) Commit, attempt to commit, or threaten to commit any of the following violations against her or any other person: (i) A violation of section 411h or section 411i. (ii) An assaultive crime. As used in this subparagraph, "assaultive crime" means that term as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a. (b) After being informed by a pregnant female that she does not want to obtain an abortion, engage in coercion as that term is defined in section 462a. (2) For purposes of subsection (1)(b), information that a pregnant female does not want to obtain an abortion includes any fact that would clearly demonstrate to a reasonable person that she is unwilling to comply with a request or demand to have an abortion. (3) A person who violates this section is guilty of a crime as follows: (a) For a violation of subsection (1)(a), the person is guilty of a crime punishable in the same manner as for the underlying offense committed, attempted, or threatened. (b) Except as provided in subdivision (c), for a violation of subsection (1)(b), the person is guilty of a misdemeanor punishable by a fine of not more than $5,000.00. (c) If the person is the father or putative father of the unborn child, the pregnant individual is less than 18 years of age at the time of the violation, and the person is 18 years of age or older at the time of the violation, the person is guilty of a misdemeanor punishable by a fine of not more than $10,000.00. (4) This section does not prohibit the person from being charged with, convicted of, or punished for any other violation of law committed while violating this section. (5) As used in this section: (a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose. (b) "Threaten" means to make 2 or more statements or to engage in a course of conduct that would cause a reasonable person to believe that the individual is likely to act in accordance with the statements or the course of conduct. Threaten does not include constitutionally protected speech or any generalized statement regarding a lawful pregnancy option. (c) "Unborn child" means a live human being in utero regardless of his or her gestational stage of development. History:Add. 2016, Act 149, Eff. Sept. 7, 2016

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750.569)328-1931-XXXIV - Chapter XXXIV Extortion (750.213...750.214)Section 750.214 - Extortion by Public Officers.

Sec. 214. Extortion by public officers—Any person who shall wilfully and corruptly demand and receive from another for performing any service, or any official duty, for which the fee or compensation is established by law, any greater fee or compensation than is allowed or provided for the same, and any public officer, for whom a salary is provided by law in full compensation for all services required to be performed by him, or by his clerks or deputies, who shall wilfully and corruptly demand and receive from any person any sum of money as a fee or compensation for any services required by law to be performed by him in his said office, or by his clerks or deputies, shall be guilty of a misdemeanor; but no prosecution for such offense shall be sustained unless it shall be commenced within 1 year next after the offense was committed. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.214Former Law:See section 22 of Ch. 156 of R.S. 1846, being CL 1857, § 5841; CL 1871, § 7674; How., § 9256; CL 1897, § 11326; CL 1915, § 14993; CL 1929, § 16584; and Act 179 of 1863.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXV - Chapter XXXV False Personation (750.215...750.217h)Section 750.215 - False Representation as Peace Officer or Medical Examiner; Violation; Penalty; “Peace Officer” Defined.

Sec. 215. (1) An individual who is not a peace officer or a medical examiner shall not do any of the following: (a) Perform the duties of a peace officer or a medical examiner. (b) Represent to another person that he or she is a peace officer or a medical examiner for any unlawful purpose. (c) Represent to another person that he or she is a peace officer or a medical examiner with the intent to compel the person to do or refrain from doing any act against his or her will. (2) Except as provided in subsection (3), an individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (3) An individual who, in violation of subsection (1), performs the duties of a peace officer to commit or attempt to commit a crime or represents to another person that he or she is a peace officer to commit or attempt to commit a crime is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (4) A sentence imposed under subsection (3) may be ordered to be served consecutively to any term of imprisonment imposed for another violation arising from the same transaction. (5) As used in this section, "peace officer" means any of the following: (a) A sheriff or deputy sheriff of a county of this state or another state. (b) An officer of the police department of a city, village, or township of this state or another state. (c) A marshall of a city, village, or township. (d) A constable. (e) An officer of the Michigan state police. (f) A conservation officer. (g) A security employee employed by the state pursuant to section 6c of 1935 PA 59, MCL 28.6c. (h) A motor carrier officer appointed pursuant to section 6d of 1935 PA 59, MCL 28.6d. (i) A police officer or public safety officer of a community college, college, or university who is authorized by the governing board of that community college, college, or university to enforce state law and the rules and ordinances of that community college, college, or university. (j) A park and recreation officer commissioned under section 1606 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1606. (k) A state forest officer commissioned under section 83107 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.83107. (l) A federal law enforcement officer. (m) An investigator of the state department of attorney general. (n) A railroad police officer appointed, commissioned, and acting as provided in section 367 of the railroad code of 1993, 1993 PA 354, MCL 462.367. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.215 ;-- Am. 1957, Act 41, Eff. Sept. 27, 1957 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003 ;-- Am. 2003, Act 15, Eff. Sept. 1, 2003 ;-- Am. 2018, Act 448, Eff. Mar. 21, 2019Former Law:See section 18 of Ch. 156 of R.S. 1846, being CL 1857, § 5837; CL 1871, § 7670; How., § 9252; CL 1897, § 11322; CL 1915, § 14989; CL 1929, § 16580; and Act 67 of 1925.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXV - Chapter XXXV False Personation (750.215...750.217h)Section 750.216 - Badge or Uniform of State Police; Unauthorized Wearing, Exhibition, Display, or Use as Misdemeanor; Exception.

Sec. 216. A person who wears, exhibits, displays, or uses, for any purpose, the badge or uniform or a badge or uniform substantially identical to that prescribed by the department of state police for officers of the department, unless he or she is a member of the department, is guilty of a misdemeanor. However, this section shall not be construed to prohibit persons of the theatrical profession from wearing such badge or uniform in any playhouse or theatre while actually engaged in following that profession. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.216 ;-- Am. 1985, Act 78, Eff. Mar. 31, 1986

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXV - Chapter XXXV False Personation (750.215...750.217h)Section 750.216a - Badge, Patch, or Uniform of Law Enforcement Agency or Facsimile; Selling, Furnishing, Possessing, Wearing, Exhibiting, Displaying, or Using; Violation as Misdemeanor; "Facsimile" Defined; Exception.

Sec. 216a. (1) A person shall not sell, furnish, possess, wear, exhibit, display, or use the badge, patch, or uniform, or facsimile of the badge, patch, or uniform, of any law enforcement agency unless any of the following apply: (a) The person receiving or possessing the badge, patch, uniform, or facsimile is authorized to receive or possess the badge, patch, uniform, or facsimile by the chief officer of the law enforcement agency. (b) The person receiving or possessing the badge, patch, uniform, or facsimile is a member of the law enforcement agency. (c) The badge is a retirement badge and is in the possession of the retired law enforcement officer. (d) The badge, patch, or uniform is the badge, patch, or uniform of a deceased law enforcement officer and is in the possession of his or her

spouse, child, or next of kin. (e) The person receiving, possessing, exhibiting, displaying, or using the badge, patch, uniform, or facsimile is a collector of badges, patches, uniforms, or facsimiles. A badge, patch, uniform, or facsimile possessed as part of a collection shall be in a container or display case when being transported. (f) The person is in the theatrical profession and wears the badge, patch, uniform, or facsimile while actually engaged in following that profession. (2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. A charge under or a conviction or punishment for a violation of this section does not prevent a person from being charged with, convicted of, or punished for any other violation of law arising from the same transaction. (3) As used in this section and section 216b, "facsimile" includes both an exact replica of an existing item and a close imitation of an existing item. (4) This section does not apply to a person appointed by a court of this state to serve as a bailiff or court officer under section 8321 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8321, or under MCR 3.106 or MCR 2.103. History:Add. 1985, Act 78, Eff. Mar. 31, 1986 ;-- Am. 2005, Act 314, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXV - Chapter XXXV False Personation (750.215...750.217h)Section 750.216b - Emblem, Insignia, Logo, Service Mark, or Other Identification of Law Enforcement Agency or Facsimile; Violation as Misdemeanor; "Law Enforcement Identification" Defined; Exception.

Sec. 216b. (1) A person, other than a peace officer, shall not wear or display the emblem, insignia, logo, service mark, or other law enforcement identification of any law enforcement agency, or a facsimile of any of those items, if either of the following applies: (a) The person represents himself or herself to another person as being a peace officer. As used in this subdivision, "peace officer" means that term as defined in section 215. (b) The wearing or display occurs in a manner that would lead a reasonable person to falsely believe that the law enforcement agency whose emblem, insignia, logo, service mark, or other law enforcement identification or facsimile is being worn or displayed is promoting or endorsing a commercial service or product or a charitable endeavor. (2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. A charge under or a conviction or punishment for a violation of this section does not prevent a person from being charged with, convicted of, or punished for any other violation of law arising from the same transaction. (3) As used in this section, "law enforcement identification" means any identification that contains the words "law enforcement" or similar words, including, but not limited to, "agent", "enforcement agent", "detective", "task force", "fugitive recovery agent", or any other combination of names that gives the impression that the bearer is in any way connected with the federal government, state government, or any political subdivision of a state government. However, law enforcement identification does not include "bail agent" or "bondsman" when used by a bail agent or bondsman operating in accordance with section 167b. (4) This section does not apply to a person appointed by a court of this state to serve as a bailiff or court officer under section 8321 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8321, or under MCR 3.106 or MCR 2.103. History:Add. 2005, Act 314, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXV - Chapter XXXV False Personation (750.215...750.217h)Section 750.217 - Disguising With Intent to Intimidate.

Sec. 217. Any person who in any manner disguises himself or herself with intent to obstruct the due execution of the law, or with intent to intimidate, hinder or interrupt any officer or any other person in the legal performance of his or her duty, or the exercise of his or her rights under the constitution and laws of this state, whether such intent be effected or not, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.217 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 19 of Ch. 156 of R.S. 1846, being CL 1857, § 5838; CL 1871, § 7671; How., § 9253; CL 1897, § 11323; CL 1915, § 14990; and CL 1929, § 16581.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXV - Chapter XXXV False Personation (750.215...750.217h)Section 750.217a - Solicitation of Information as to Employment, Residence, Assets or Earnings by False Personation; Penalty.

Sec. 217a. Any individual who on his own behalf, or as officer, agent, partner, employee, or representative of any entity, solicits or aids or abets another in soliciting information from any person as to his or any other person's place of employment, residence, assets or earnings, by any means whatever with the intent of misleading the person into believing that the information is being sought by or on behalf of, or for the purposes of, any governmental agency or commission is guilty of a misdemeanor. History:Add. 1961, Act 62, Eff. Sept. 8, 1961

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXV - Chapter XXXV False Personation (750.215...750.217h)Section 750.217b - Representation as Public Utility Employee; Felony; “Public Utility” Defined.

Sec. 217b. (1) An individual who is not employed by a public utility shall not inform another individual or represent to another individual by uniform, identification, or any other means that he or she is employed by that public utility with intent to do 1 or more of the following: (a) Gain or attempt to gain entry to a residence, building, structure, facility, or other property. (b) Remain or

attempt to remain in or upon a residence, building, structure, facility, or other property. (c) Commit or attempt to commit a crime. (2) An individual who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00, or both. (3) As used in this section, "public utility" means a utility that provides steam, gas, heat, electricity, water, cable television, telecommunications services, or pipeline services, whether privately, municipally, or cooperatively owned. History:Add. 1997, Act 159, Eff. Jan. 1, 1998

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Sec. 217c. (1) A person shall not impersonate, falsely represent himself or herself as, or falsely act as a public officer or public employee and prepare, issue, serve, execute, or otherwise act to further the operation of any legal process or unauthorized process that affects or purports to affect persons or property. (2) Except as provided in subsection (3) or (4), a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (3) A person who violates subsection (1) after a prior conviction for violating subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $1,500.00, or both. (4) A person who violates subsection (1) after 2 or more prior convictions for violating subsection (1) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (5) This section does not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law that individual commits while violating this section. (6) This section does not prohibit individuals from assembling lawfully or lawful free expression of opinions or designation of group affiliation or association. (7) As used in this section: (a) "Lawful tribunal" means a tribunal created, established, authorized, or sanctioned by law or a tribunal of a private organization, association, or entity to the extent that the organization, association, or entity seeks in a lawful manner to affect only the rights or property of persons who are members or associates of that organization, association, or entity. (b) "Legal process" means a summons, complaint, pleading, writ, warrant, injunction, notice, subpoena, lien, order, or other document issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency that is used as a means of exercising or acquiring jurisdiction over a person or property, to assert or give notice of a legal claim against a person or property, or to direct persons to take or refrain from an action. (c) "Public employee" means an employee of this state, an employee of a city, village, township, or county of this state, or an employee of a department, board, agency, institution, commission, authority, division, council, college, university, court, school district, intermediate school district, special district, or other public entity of this state or of a city, village, township, or county in this state, but does not include a person whose employment results from election or appointment. (d) "Public officer" means a person who is elected or appointed to any of the following: (i) An office established by the state constitution of 1963. (ii) A public office of a city, village, township, or county in this state. (iii) A department, board, agency, institution, commission, court, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of this state or a city, village, township, or county in this state. (e) "Unauthorized process" means either of the following: (i) A document simulating legal process that is prepared or issued by or on behalf of an entity that purports or represents itself to be a lawful tribunal or a court, public officer, or other agency created, established, authorized, or sanctioned by law but that is not a lawful tribunal or a court, public officer, or other agency created, established, authorized, or sanctioned by law. (ii) A document that would otherwise be legal process except that it was not issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency as required by law. History:Add. 1998, Act 360, Eff. Jan. 1, 1999 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

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Sec. 217d. An individual who is not a health professional licensed or registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, and who intentionally and falsely represents himself or herself to be a health professional licensed or registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, and provides a health care treatment, procedure, or service regulated under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, to another individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both. History:Add. 1999, Act 167, Eff. Mar. 10, 2000

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXV - Chapter XXXV False Personation (750.215...750.217h)Section 750.217e - False Identification as Employee of Family Independence Agency; Violation; Penalty.

Sec. 217e. (1) An individual who is not employed by the family independence agency shall not inform another individual or represent to another individual by identification or any other means that he or she is employed by the family independence agency with intent to do 1 or more of the following: (a) Gain or attempt to gain entry to a residence, building, structure, facility, or other property. (b) Remain or attempt to remain in or upon a residence, building, structure, facility, or other property. (c) Gain or attempt to gain access to financial account information. (d) Commit or attempt to commit a crime. (e) Obtain or attempt to obtain information to which the individual is not entitled under section 7 of the child protection law, 1975 PA 238, MCL 722.627. (f) Gain

access or attempt to gain access to a person less than 18 years of age or a vulnerable adult. As used in this subdivision, "vulnerable adult" means an individual age 18 or older who, because of age, developmental disability, mental illness, or disability, whether or not determined by a court to be an incapacitated individual in need of protection, lacks the cognitive skills required to manage his or her property. (2) An individual who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00, or both. History:Add. 2001, Act 21, Eff. Sept. 1, 2001

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXV - Chapter XXXV False Personation (750.215...750.217h)Section 750.217f - Unlawful Representation as Firefighter or Emergency Medical Service Personnel; Definitions; Violation as Felony; Penalty; Consecutive Sentences.

Sec. 217f. (1) An individual who is not employed as a firefighter or emergency medical service personnel shall not inform another individual or represent to another individual by identification or any other means that he or she is employed in 1 of those capacities with intent to do 1 or more of the following: (a) Perform the duties of a firefighter or emergency medical service personnel. (b) Represent to another person that he or she is a firefighter or emergency medical service personnel for any unlawful purpose. (c) Compel a person to do or refrain from doing any act against his or her will. (d) Gain or attempt to gain entry to a residence, building, structure, facility, or other property. (e) Remain or attempt to remain in or upon a residence, building, structure, facility, or other property. (f) Gain or attempt to gain access to financial account information. (g) Commit or attempt to commit a crime. (h) Obtain or attempt to obtain information to which the individual is not entitled. (i) Gain access or attempt to gain access to a person less than 18 years of age or a vulnerable adult. (2) As used in this section: (a) "Emergency medical service personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904. (b) "Vulnerable adult" means that term as defined in section 145m. (3) An individual who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00, or both. (4) A sentence imposed under subsection (3) may be ordered to be served consecutively to any term of imprisonment imposed for another violation arising from the same transaction. History:Add. 2005, Act 170, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXV - Chapter XXXV False Personation (750.215...750.217h)Section 750.217g - Badge, Patch, or Uniform of Fire Department, Life Support Agency, or Medical First Response Service; Selling, Furnishing, Possessing, Wearing, Exhibiting, or Displaying Prohibited; Exceptions; Violation as Misdemeanor; Penalty; Definitions.

Sec. 217g. (1) A person shall not sell, furnish, possess, wear, exhibit, display, or use the badge, patch, or uniform, or facsimile of the badge, patch, or uniform, of any organized fire department, life support agency, or medical first response service unless 1 or more of the following apply: (a) The person receiving or possessing the badge, patch, uniform, or facsimile is authorized to receive or possess the badge, patch, uniform, or facsimile by the chief officer of the organized fire department, life support agency, or medical first response service. (b) The person receiving or possessing the badge, patch, uniform, or facsimile is a member of the organized fire department or an employee of the life support agency or medical first response service. (c) The badge is a retirement badge and is in the possession of the retired member of the organized fire department or retired employee of the life support agency or medical first response service. (d) The badge, patch, or uniform is the badge, patch, or uniform of a deceased member of the organized fire department or deceased employee of the life support agency or medical first response service and is in the possession of his or her spouse, child, or next of kin. (e) The person receiving, possessing, exhibiting, displaying, or using the badge, patch, uniform, or facsimile is a collector of badges, patches, uniforms, or facsimiles. A badge, patch, uniform, or facsimile possessed as part of a collection shall be in a container or display case when being transported. (f) The person is in the theatrical profession and wears the badge, patch, uniform, or facsimile while actually engaged in that profession. (2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (3) As used in this section: (a) "Facsimile" includes both an exact replica of an existing item and a close imitation of an existing item. (b) "Life support agency" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906. (c) "Medical first response service" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906. (d) "Organized fire department" means that term as defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1. History:Add. 2006, Act 405, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXV - Chapter XXXV False Personation (750.215...750.217h)Section 750.217h - Emblem, Insignia, Logo, Service Mark, or Other Identification; Wearing or Displaying Prohibited; Violation as Misdemeanor; Penalty; Definitions.

Sec. 217h. (1) A person, other than a member of an organized fire department or an employee of a life support agency or medical first response service, shall not wear or display the emblem, insignia, logo, service mark, or other identification of any organized fire department, life support agency, or medical first response service, or a facsimile of any of those items, if either of the following applies: (a) The person represents himself or herself to another person as being a member of that organized fire department or an employee of that life support agency or medical first response service. (b) The wearing or display occurs in a manner that would lead a reasonable person to falsely believe that the organized fire department, life support agency, or medical first response service whose emblem, insignia, logo, service mark, or other identification or facsimile is being worn or displayed is promoting or endorsing a commercial service or product or a charitable endeavor. (2) A person who violates this section is guilty of a

misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (3) As used in this section: (a) "Facsimile" includes both an exact replica of an existing item and a close imitation of an existing item. (b) "Life support agency" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906. (c) "Medical first response service" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906. (d) "Organized fire department" means that term as defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1. History:Add. 2006, Act 405, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVI - Chapter XXXVI False Pretenses and False Representation (750.218...750.221)Section 750.218 - False Pretenses With Intent to Defraud; Violation; Penalty; Enhanced Sentence Based on Prior Convictions; "False Pretense" Defined.

Sec. 218. (1) A person who, with the intent to defraud or cheat makes or uses a false pretense to do 1 or more of the following is guilty of a crime punishable as provided in this section: (a) Cause a person to grant, convey, assign, demise, lease, or mortgage land or an interest in land. (b) Obtain a person's signature on a forged written instrument. (c) Obtain from a person any money or personal property or the use of any instrument, facility, article, or other valuable thing or service. (d) By means of a false weight or measure obtain a larger amount or quantity of property than was bargained for. (e) By means of a false weight or measure sell or dispose of a smaller amount or quantity of property than was bargained for. (2) If the land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the value, whichever is greater, or both imprisonment and a fine. (3) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the value, whichever is greater, or both imprisonment and a fine: (a) The land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of $200.00 or more but less than $1,000.00. (b) The person violates subsection (2) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section. (4) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value, whichever is greater, or both imprisonment and a fine: (a) The land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of $1,000.00 or more but less than $20,000.00. (b) The person violates subsection (3)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (5) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $15,000.00 or 3 times the value, whichever is greater, or both imprisonment and a fine: (a) The land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of $20,000.00 or more but less than $50,000.00. (b) The person violates subsection (4)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (6) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $25,000.00 or 3 times the value, whichever is greater, or both imprisonment and a fine: (a) The land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of $50,000.00 or more but less than $100,000.00. (b) The person violates subsection (5)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (7) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $35,000.00 or 3 times the value, whichever is greater, or both imprisonment and a fine: (a) The land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of $100,000.00 or more. (b) The person violates subsection (6)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (2) or (3)(b). (8) The values of land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value involved in the violation of this section. (9) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (10) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the

sentence for the conviction under section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. (11) As used in this section, "false pretense" includes, but is not limited to, a false or fraudulent representation, writing, communication, statement, or message, communicated by any means to another person, that the maker of the representation, writing, communication, statement, or message knows is false or fraudulent. The false pretense may be a representation regarding a past or existing fact or circumstance or a representation regarding the intention to perform a future event or to have a future event performed. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.218 ;-- Am. 1957, Act 69, Eff. Sept. 27, 1957 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999 ;-- Am. 2004, Act 154, Eff. Sept. 1, 2004 ;-- Am. 2011, Act 201, Eff. Jan. 1, 2012Former Law:See section 39 of Ch. 154 of R.S. 1846, being CL 1857, § 5783; CL 1871, § 7590; How., § 9161; CL 1897, § 11575; CL 1915, § 15320; CL 1929, § 16916; Act 164 of 1867; Act 218 of 1879; and Act 234 of 1895.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVI - Chapter XXXVI False Pretenses and False Representation (750.218...750.221)Section 750.219 - Financial Condition; False Statements.

Sec. 219. Any person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, who, either individually or in a representative capacity, does 1 or more of the following: (a) Knowingly makes a false statement in writing to any person, firm or corporation engaged in banking or other business respecting his or her own financial condition or the financial condition of any firm or corporation with which he or she is connected as a member, director, officer, employee, or agent, for the purpose of procuring a loan or credit in any form or an extension of credit from the person, firm or corporation to whom the false statement is made, either for his or her own use or for the use of the firm or corporation with which he or she is connected as aforesaid. (b) Having previously made, or having knowledge that another has previously made a statement in writing to any person, firm, or corporation engaged in banking or other business respecting his or her own financial condition or the financial condition of any firm or corporation with which he or she is connected as aforesaid, shall afterwards procure on faith of such statement from the person, firm, or corporation to whom the previous statement has been made, either for his or her own use or for the use of the firm or corporation with which he or she is so connected, a loan or credit in any form, or an extension of credit, knowing at the time of the procuring that the previously made statement is in any material particular false with respect to the present financial condition of himself or herself or of the firm or corporation with which he or she is so connected. (c) Delivers to any note broker or other agent for the sale or negotiation of commercial paper, any statement in writing, knowing it to be false, respecting his or her own financial condition or the financial condition of any firm or corporation with which he or she is connected as aforesaid, for the purpose of having the statement used in furtherance of the sale, pledge, or negotiation of any note, bill, or other instrument for the payment of money made or endorsed or accepted or owned in whole or in part by him or her individually or by the firm or corporation with which he or she is so connected. (d) Having previously delivered or having knowledge that another has previously delivered to any note broker or other agent for the sale or negotiation of commercial paper a statement in writing respecting his or her own financial condition or the financial condition of any firm or corporation with which he or she is connected as aforesaid, shall afterwards deliver to the note broker or other agent for the purpose of sale, pledge, or negotiation on faith of the statement, any note, bill, or other instrument for the payment of money made or endorsed or accepted or owned in whole or in part by himself or herself individually or by the firm or corporation with which he or she is so connected, knowing at the time that such previously delivered statement is in any material particular false as to the present financial condition of himself or herself or of such firm or corporation. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.219 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 25 of 1909, being CL 1915, § 15342; and CL 1929, § 16992.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVI - Chapter XXXVI False Pretenses and False Representation (750.218...750.221)Section 750.219a - Obtaining Telecommunications Services With Intent to Avoid Charge; Violation; Separate Incidents Pursuant to Scheme or Course of Conduct; Enhanced Sentence Based on Prior Convictions; Definitions.

Sec. 219a. (1) A person shall not knowingly obtain or attempt to obtain telecommunications service with intent to avoid, attempt to avoid, or cause another person to avoid or attempt to avoid any lawful charge for that telecommunications service by using any of the following: (a) A telecommunications access device. (b) An unlawful telecommunications access device. (c) A fraudulent or deceptive scheme, pretense, method, or conspiracy, or any device or other means, including, but not limited to, any of the following: (i) Using a false, altered, or stolen identification. (ii) The use of a telecommunications access device to violate this section by a person other than the subscriber or lawful holder of the telecommunications access device under an exchange of anything of value to the subscriber or lawful holder to allow that unlawful use of the telecommunications access device. (2) A person who violates subsection (1) is guilty of a crime as follows: (a) If the total value of the telecommunications service obtained or attempted to be obtained is less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine. (b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine: (i) The total value of the telecommunications service obtained or attempted to be obtained is $200.00 or more but less than $1,000.00. (ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under

this section or former section 219c or a local ordinance substantially corresponding to this section or former section 219c. (c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine: (i) The total value of the telecommunications service obtained or attempted to be obtained is $1,000.00 or more but less than $20,000.00. (ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine: (i) The total value of the telecommunications service obtained or attempted to be obtained is $20,000.00 or more. (ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii). (3) The values of telecommunications service obtained or attempted to be obtained in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of the telecommunications service obtained or attempted to be obtained. (4) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (5) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. (6) As used in this section: (a) "Telecommunications" and "telecommunications service" mean any service lawfully provided for a charge or compensation to facilitate the origination, transmission, retransmission, emission, or reception of signs, data, images, signals, writings, sounds, or other intelligence or equivalence of intelligence of any nature over any telecommunications system by any method, including, but not limited to, electronic, electromagnetic, magnetic, optical, photo-optical, digital, or analog technologies. (b) "Telecommunications access device" means any of the following: (i) Any instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device as defined in section 157m that alone or with another device can acquire, transmit, intercept, provide, receive, use, or otherwise facilitate the use, acquisition, interception, provision, reception, and transmission of any telecommunications service. (ii) Any type of instrument, device, machine, equipment, technology, or software that facilitates telecommunications or which is capable of transmitting, acquiring, intercepting, decrypting, or receiving any telephonic, electronic, data, internet access, audio, video, microwave, or radio transmissions, signals, telecommunications, or services, including the receipt, acquisition, interception, transmission, retransmission, or decryption of all telecommunications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet based or wireless distribution network, system, or facility, or any part, accessory, or component, including any computer circuit, security module, smart card, software, computer chip, pager, cellular telephone, personal communications device, transponder, receiver, modem, electronic mechanism or other component, accessory, or part of any other device that is capable of facilitating the interception, transmission, retransmission, decryption, acquisition, or reception of any telecommunications, transmissions, signals, or services. (c) "Telecommunications service provider" means any of the following: (i) A person or entity providing a telecommunications service, whether directly or indirectly as a reseller, including, but not limited to, a cellular, paging, or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunications service. (ii) A person or entity owning or operating any fiber optic, cable television, satellite, internet based, telephone, wireless, microwave, data transmission or radio distribution system, network, or facility. (iii) A person or entity providing any telecommunications service directly or indirectly by or through any distribution systems, networks, or facilities. (d) "Telecommunications system" means any system, network, or facility owned or operated by a telecommunications service provider, including any radio, telephone, fiber optic, cable television, satellite, microwave, data transmission, wireless, or internet based system, network, or facility. (e) "Unlawful telecommunications access device" means any of the following: (i) A telecommunications access device that is false, fraudulent, unlawful, not issued to a legitimate telecommunications access device subscriber account, or otherwise invalid or that is expired, suspended, revoked, canceled, or otherwise terminated if notice of the expiration, suspension, revocation, cancellation, or termination has been sent to the telecommunications access device subscriber. (ii) Any phones altered to obtain service without the express authority or actual consent of the telecommunications service provider, a clone telephone, clone microchip, tumbler telephone, tumbler microchip, or wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use, acquisition, interception, or receipt of a telecommunications service without the express authority or actual consent of the telecommunications service provider. (iii) Any telecommunications access device that has been manufactured, assembled, altered, designed, modified, programmed, or reprogrammed, alone or in conjunction with another device, so as to be capable of facilitating the disruption, acquisition, interception, receipt, transmission, retransmission, or decryption of a telecommunications service without the actual consent or

express authorization of the telecommunications service provider, including, but not limited to, any device, technology, product, service, equipment, computer software, or component or part, primarily distributed, sold, designed, assembled, manufactured, modified, programmed, reprogrammed, or used for the purpose of providing the unauthorized receipt of, transmission of, interception of, disruption of, decryption of, access to, or acquisition of any telecommunications service provided by any telecommunications service provider. (iv) Any type of instrument, device, machine, equipment, technology, or software that is primarily designed, assembled, developed, manufactured, sold, distributed, possessed, used, or offered, promoted, or advertised, for the purpose of defeating or circumventing any technology, device, or software, or any component or part, used by the provider, owner, or licensee of any telecommunications service or of any data, audio, or video programs or transmissions, to protect any such telecommunications, data, audio, or video services, programs, or transmissions from unauthorized receipt, acquisition, interception, access, decryption, disclosure, communication, transmission, or retransmission. (f) "Value of the telecommunications service obtained or attempted to be obtained" includes, but is not limited to, all of the following: (i) Any lawful charge for telecommunications services avoided or attempted to be avoided. (ii) The value of any other money, property, or telecommunications service lost, stolen, or rendered unrecoverable by the violation. (iii) Any actual expenditure incurred by the victim to verify that a telecommunications device or telecommunications access device or telecommunications service was not altered, acquired, damaged, disrupted, destroyed, or stolen as a result of the violation. (iv) The value of all telecommunications services available to the violator and others as a result of the violation. History:Add. 1961, Act 93, Eff. Sept. 8, 1961 ;-- Am. 1967, Act 255, Eff. Nov. 2, 1967 ;-- Am. 1996, Act 330, Eff. Apr. 1, 1997 ;-- Am. 1998, Act 312, Eff. Jan. 1, 1999 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVI - Chapter XXXVI False Pretenses and False Representation (750.218...750.221)Section 750.219d - Residential Mortgage Fraud; Prohibited Conduct; Venue; Violation as Felony; Penalty; Separate Offenses; Affirmative Defense; Property Subject to Forfeiture; Order; Definitions.

Sec. 219d. (1) A person that knowingly, with the intent to defraud, does any of the following is guilty of the crime of residential mortgage fraud, punishable as provided in this section: (a) Makes a false statement or misrepresentation concerning a material fact or deliberately conceals or fails to disclose a material fact during the mortgage lending process. (b) During the mortgage lending process, makes or uses a false pretense, or uses or facilitates the use of another person's false pretense, concerning the person's intent to perform a future event or to have a future event performed. As used in this subdivision, "false pretense" means that term as defined in section 218. (c) Uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or deliberately uses or facilitates the use of another person's concealment or failure to disclose a material fact during the mortgage lending process. (d) Receives or attempts to receive any proceeds or any other money in connection with the mortgage lending process that the person knows resulted from a violation of subdivision (a) or (b). (e) Files or causes to be filed with the register of deeds of any county of this state any document involved in the mortgage lending process that the person knows to contain a deliberate material misstatement, misrepresentation, or omission. (f) Fails to disburse funds in accordance with the settlement or closing statement for the mortgage loan. (g) Conspires to violate subdivision (a), (b), (c), (d), (e), or (f). (h) Solicits, encourages, or coerces another person to violate subdivision (a), (b), (c), (d), (e), or (f). (2) A crime of residential mortgage fraud under this section shall not be predicated solely upon information lawfully disclosed under federal disclosure laws, regulations, or interpretations related to the mortgage lending process. (3) For the purpose of determining venue of a prosecution under this section, a violation of this section is considered to have been committed in any of the following: (a) In the county in which the residential property for which the mortgage loan is obtained or sought is located. (b) In the county in which an owner of the property for which the mortgage loan was obtained or sought resides. (c) In any county in which a material act was performed in furtherance of the violation. (4) A person who violates this section is guilty of a felony punishable by 1 of the following: (a) Except for a violation described in subdivision (b), imprisonment for not more than 15 years or a fine of not more than $100,000.00, or both. (b) If the violation occurs in connection with the mortgage lending process in which the loan value stated on documents used in the mortgage lending process exceeds $100,000.00, imprisonment for not more than 20 years or a fine of not more than $500,000.00, or both. (5) Each violation of this section constitutes a separate offense. (6) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that is committed by that person while violating this section. (7) It is an affirmative defense to a prosecution of a defendant for a violation of this section committed by an employee or agent of the defendant if the defendant demonstrates all of the following by a preponderance of the evidence: (a) The defendant had in force at the time of the violation and continues to have in force a written policy that includes at least all of the following: (i) A prohibition against conduct that violates this section by employees and agents of the defendant. (ii) Penalties or discipline for violation of the policy. (iii) A process for educating employees and agents concerning the policy and consequences of a violation. (iv) A requirement for a criminal history check before employing an employee or engaging an agent and a requirement that the defendant will not employ or engage an individual whose criminal history check reveals a previous conviction of a crime involving fraud. (b) The defendant demonstrates that it enforces the written policy described in subdivision (a). (c) Before the violation of this section, the defendant communicated the written policy described in subdivision (a) and the consequences for violating the policy to the employee or agent who committed the violation. (8) Property of any kind used or intended for use in the course of, derived from, or received in connection with a violation of this section by the person that violated this section is subject to forfeiture in the same manner as provided in chapter 47 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709. (9) All of the

following apply if a person is convicted of a violation of subsection (1) or of a lesser included offense in connection with a completed residential mortgage loan transaction: (a) Within 6 months of the date of the conviction, the mortgagor who obtained the residential mortgage loan may request an order described in subdivision (b) if the court makes all of the following findings: (i) The mortgagor was a victim of the residential mortgage fraud and was not involved in any criminal activity. (ii) The mortgagor did not knowingly apply for the residential mortgage loan or execute the documents involved in the mortgage lending process. (b) If subdivision (a) is met, the court shall enter an order indicating that the residential mortgage and other documents involved in the mortgage lending process are invalid. The court shall require that the victim of the residential mortgage fraud record a certified copy of the order and a copy of the invalid residential mortgage in the office of the register of deeds of the county where the mortgaged residential property is located, and the register of deeds shall record those documents as provided in section 2935 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2935. The court shall designate in the order the person responsible for paying the fee for recording those documents. (c) If a mortgagor described in subdivision (a) requests an order described in subdivision (b), and the residential mortgage or any other documents involved in the mortgage lending process were previously recorded, the prosecutor in the criminal proceeding shall provide the circuit court with the name of the county in which the document or documents were recorded and the liber and page number or unique identifying reference number of the recorded residential mortgage or other document or documents, and the court shall include that information in the order. (d) If a county register of deeds receives a certified copy of an order and a copy of the invalid residential mortgage for recording, the register of deeds shall make reference to the liber and page number or unique identifying reference number of the invalid residential mortgage in the index of the recorded documents. (e) If the circuit court enters an order described in subdivision (b), before the order is recorded, the victim of the residential mortgage fraud shall provide written notice to the residential mortgage lender, and any successors or assigns of the lender, that the court has entered the order. A lender and any successor or assignee of a lender that receives a notice under this subdivision may request a court hearing to contest the court's order, but that person must request the hearing within 30 days after receiving the notice. (10) As used in this section: (a) "Documents involved in the mortgage lending process" includes, but is not limited to, mortgages; deeds; surveys; inspection reports; uniform residential loan applications or other loan applications; appraisal reports; HUD-1 settlement statements; supporting personal documentation for loan applications such as W-2 forms, verifications of income and employment, bank statements, tax returns, and payroll stubs; and any written disclosures required by law. (b) "Mortgage lending process" means the process through which a person seeks or obtains a residential mortgage loan, including, but not limited to, solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. (c) "Person" means an individual, corporation, limited liability company, partnership, trustee, association, or other legal entity. (d) "Residential mortgage loan" means a loan or agreement to extend credit made to a person that is secured by a mortgage, security interest, or other document representing a security interest or lien on any interest in a 1-family to 4-family dwelling located in this state. The term includes a renewal, extension, or refinancing of a residential mortgage loan. History:Add. 2011, Act 205, Eff. Jan. 1, 2012

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVI - Chapter XXXVI False Pretenses and False Representation (750.218...750.221)Section 750.219e - Prohibited Conduct; Violation as Felony; Penalty; Exception; “Financial Institution” Defined.

Sec. 219e. (1) Except as otherwise provided by law, a person shall not do any of the following: (a) Prepare or submit an application for a loan or other extension of credit in another person's name without authorization from that other person. (b) Receive or possess an application for a loan or other extension of credit knowing or having reason to know the application was prepared or submitted in violation of subsection (1). (c) Receive or possess any instrument or device for accessing the proceeds of a loan or other extension of credit knowing or having reason to know the instrument or device was obtained as a result of a violation of subsection (1). (2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,500.00, or both. (3) Subsection (1) does not apply to a financial institution or an affiliate, licensee, or franchisee of a financial institution or to a director, officer, or employee of a financial institution or an affiliate, licensee, or franchisee of a financial institution who does any of the following: (a) Prepares or submits an application in another person's name without prior actual knowledge that the application is being prepared or was prepared in violation of subsection (1). (b) Submits an application prepared in another person's name to a federal, state, or local law enforcement agency or regulatory agency. (c) Submits an application prepared in another person's name to a credit reporting bureau or other person to determine whether the application was prepared in violation of subsection (1) or any other law or regulation. (d) Receives or possesses an application prepared in another person's name without prior actual knowledge that the application was prepared in violation of subsection (1). (e) Receives or possesses an instrument or device obtained as a result of a violation of subsection (1) without prior actual knowledge that the instrument or device was obtained as a result of a violation of subsection (1). (4) As used in this section, "financial institution" means any of the following: (a) A regulated lender as defined in section 2 of the credit reform act, 1995 PA 162, MCL 445.1852. (b) A person licensed under the Michigan BIDCO act, 1986 PA 89, MCL 487.1101 to 487.2001. (c) A person licensed or registered under the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684. (d) A person licensed or registered under the secondary mortgage loan act, 1981 PA 125, MCL 493.51 to 493.81. (e) A person subject to the retail installment sales act, 1966 PA 224, MCL 445.851 to 445.873. (f) A person subject to the motor vehicle sales finance act, 1950 PA 27, MCL 492.101 to 492.141. (g) A person chartered or regulated by the office of the comptroller of the currency, the federal deposit insurance corporation, the federal reserve, or the office of thrift management. History:Add. 1999, Act 164, Eff. Feb. 3, 2000

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVI - Chapter XXXVI False Pretenses and False Representation (750.218...750.221)Section 750.219f - Forwarding Loan or Accessing Loan Proceeds in Violation of Chapter; Violation as Felony; Penalty; Exception; “Financial Institution” Defined.

Sec. 219f. (1) A person shall not receive with the intent to forward, possess with the intent to forward, or forward an application for a loan or other extension of credit on behalf of a person to another person knowing or having reason to know the application has been prepared or is being submitted in violation of this chapter. (2) A person shall not receive with the intent to forward, possess with the intent to forward, or forward to another person any instrument or device for accessing the proceeds of a loan or other extension of credit knowing or having reason to know the instrument or device was obtained as a result of a violation of this chapter. (3) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $100,000.00, or both. (4) Subsections (1) and (2) do not apply to a financial institution or an affiliate, licensee, or franchisee of a financial institution or to a director, officer, or employee of a financial institution or an affiliate, licensee, or franchisee of a financial institution who does any of the following: (a) Receives with the intent to forward, possesses with the intent to forward, or forwards an application in another person's name without prior actual knowledge that the application was prepared in violation of this chapter. (b) Forwards an application prepared in another person's name to a federal, state, or local law enforcement agency or regulatory agency. (c) Forwards an application prepared in another person's name to a credit reporting bureau or other person to determine whether the application was prepared in violation of subsection (1) or any other law or regulation. (d) Receives with intent to forward, possesses with intent to forward, or forwards an instrument or device without prior actual knowledge that the instrument or device was obtained as a result of a violation of this chapter. (5) As used in this section, "financial institution" means any of the following: (a) A regulated lender as defined in section 2 of the credit reform act, 1995 PA 162, MCL 445.1852. (b) A person licensed under the Michigan BIDCO act, 1986 PA 89, MCL 487.1101 to 487.2001. (c) A person licensed or registered under the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684. (d) A person licensed or registered under the secondary mortgage loan act, 1981 PA 125, MCL 493.51 to 493.81. (e) A person subject to the retail installment sales act, 1966 PA 224, MCL 445.851 to 445.873. (f) A person subject to the motor vehicle sales finance act, 1950 PA 27, MCL 492.101 to 492.141. (g) A person chartered or regulated by the office of the comptroller of the currency, the federal deposit insurance corporation, the federal reserve, or the office of thrift management. History:Add. 1999, Act 166, Eff. Feb. 3, 2000

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVI - Chapter XXXVI False Pretenses and False Representation (750.218...750.221)Section 750.220 - Property Valuation or Indebtedness; False Statements.

Sec. 220. Any person who willfully and knowingly makes any false statement in writing of his or her property valuation, real or personal, or both, or of his or her indebtedness, for the purpose of obtaining credit from any person, company, co-partnership, association, or corporation, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.220 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See section 1 of Act 85 of 1909, being CL 1915, § 15343; and CL 1929, § 16993.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVI - Chapter XXXVI False Pretenses and False Representation (750.218...750.221)Section 750.221 - False Representation as Blind, Deafblind, Hard of Hearing, or Person With Disability; Violation as Misdemeanor; Penalty.

Sec. 221. A person shall not falsely represent himself or herself as blind, deaf, deafblind, or hard of hearing or as a person who has a disability for the purpose of obtaining money or anything of value. A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.221 ;-- Am. 2016, Act 132, Eff. Aug. 24, 2016Former Law:See section 1 of Act 135 of 1917, being CL 1929, § 17102.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.222 - Definitions.

Sec. 222. As used in this chapter: (a) "Alcoholic liquor" means that term as defined in section 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105. (b) "Barrel length" means the internal length of a firearm as measured from the face of the closed breech of the firearm when it is unloaded, to the forward face of the end of the barrel. (c) "Brandish" means to point, wave about, or display in a threatening manner with the intent to induce fear in another person. (d) "Controlled substance" means a controlled substance or controlled substance analogue as those terms are defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104. (e) "Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive. (f) "Pistol" means a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals itself as a firearm. (g) "Pneumatic gun" means that term as defined in section 1 of 1990 PA 319, MCL 123.1101. (h) "Purchaser" means a person who receives a pistol from another person by purchase, gift, or loan. (i) "Rifle" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single

projectile through a rifled bore for each single pull of the trigger. (j) "Seller" means a person who sells, furnishes, loans, or gives a pistol to another person. (k) "Short-barreled rifle" means a rifle having 1 or more barrels less than 16 inches in length or a weapon made from a rifle, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches. (l) "Short-barreled shotgun" means a shotgun having 1 or more barrels less than 18 inches in length or a weapon made from a shotgun, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches. (m) "Shotgun" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single function of the trigger. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.222 ;-- Am. 1964, Act 215, Eff. Aug. 28, 1964 ;-- Am. 1978, Act 564, Imd. Eff. Dec. 29, 1978 ;-- Am. 1992, Act 217, Imd. Eff. Oct. 13, 1992 ;-- Am. 2001, Act 135, Eff. Feb. 1, 2002 ;-- Am. 2012, Act 242, Eff. Jan. 1, 2013 ;-- Am. 2015, Act 26, Eff. July 1, 2015 ;-- Am. 2015, Act 28, Eff. Aug. 10, 2015

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.222a - “Double-Edged, Nonfolding Stabbing Instrument” Defined.

Sec. 222a. (1) As used in this chapter, "doubled-edged, nonfolding stabbing instrument" does not include a knife, tool, implement, arrowhead, or artifact manufactured from stone by means of conchoidal fracturing. (2) Subsection (1) does not apply to an item being transported in a vehicle, unless the item is in a container and inaccessible to the driver. History:Add. 2000, Act 343, Imd. Eff. Dec. 27, 2000

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.223 - Selling Firearms and Ammunition; Violations; Penalties.

Sec. 223. (1) A person who knowingly sells a firearm without complying with section 2 of 1927 PA 372, MCL 28.422, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. (2) A person who knowingly sells a firearm more than 26 inches in length to a person under 18 years of age is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. A second or subsequent violation of this subsection is a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. It is an affirmative defense to a prosecution under this subsection that the person who sold the firearm asked to see and was shown a driver license or identification card issued by a state that identified the purchaser as being 18 years of age or older. (3) A seller shall not sell a firearm or ammunition to a person if the seller knows that either of the following circumstances exists: (a) The person is under indictment for a felony. As used in this subdivision, "felony" means a violation of a law of this state, or of another state, or of the United States that is punishable by imprisonment for 4 years or more. (b) The person is prohibited under section 224f from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm. (4) A person who violates subsection (3) is guilty of a felony punishable by imprisonment for not more than 10 years or by a fine of not more than $5,000.00, or both. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.223 ;-- Am. 1969, Act 210, Eff. Mar. 20, 1970 ;-- Am. 1990, Act 321, Eff. Mar. 28, 1991 ;-- Am. 1992, Act 217, Imd. Eff. Oct. 13, 1992 ;-- Am. 1992, Act 221, Eff. Mar. 31, 1993 ;-- Am. 2012, Act 242, Eff. Jan. 1, 2013 ;-- Am. 2023, Act 18, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.224 - Weapons; Manufacture, Sale, or Possession as Felony; Violation as Felony; Penalty; Exceptions; "Muffler" or "Silencer" Defined.

Sec. 224. (1) A person shall not manufacture, sell, offer for sale, or possess any of the following: (a) A machine gun or firearm that shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger. (b) A muffler or silencer. (c) A bomb or bombshell. (d) A blackjack, slungshot, billy, metallic knuckles, sand club, sand bag, or bludgeon. (e) A device, weapon, cartridge, container, or contrivance designed to render a person temporarily or permanently disabled by the ejection, release, or emission of a gas or other substance. (2) A person who violates subsection (1) is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than $2,500.00, or both. (3) Subsection (1) does not apply to any of the following: (a) A self-defense spray or foam device as defined in section 224d. (b) A person manufacturing firearms, explosives, or munitions of war by virtue of a contract with a department of the government of the United States. (c) A person licensed by the secretary of the treasury of the United States or the secretary's delegate to manufacture, sell, or possess a machine gun, or a device, weapon, cartridge, container, or contrivance described in subsection (1). (4) As used in this chapter, "muffler" or "silencer" means 1 or more of the following: (a) A device for muffling, silencing, or deadening the report of a firearm. (b) A combination of parts, designed or redesigned, and intended for use in assembling or fabricating a muffler or silencer. (c) A part, designed or redesigned, and intended only for use in assembling or fabricating a muffler or silencer. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.224 ;-- Am. 1959, Act 175, Eff. Mar. 19, 1960 ;-- Am. 1978, Act 564, Imd. Eff. Dec. 29, 1978 ;-- Am. 1980, Act 346, Eff. Mar. 31, 1981 ;-- Am. 1990, Act 321, Eff. Mar. 28, 1991 ;-- Am. 1991, Act 33, Imd. Eff. June 10, 1991 ;-- Am. 2006, Act 401, Eff. Dec. 28, 2006Constitutionality:The Michigan supreme court held that the statute was not unconstitutionally vague as applied to the defendant in People v Lynch, 410 Mich 343; 301 NW2d 796 (1981).Former Law:See section 3 of Act 372 of 1927, being CL 1929,

§ 16751; and Act 206 of 1929.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.224a - Portable Device or Weapon Directing Electrical Current, Impulse, Wave, or Beam; Sale or Possession Prohibited; Exceptions; Use of Electro-Muscular Disruption Technology; Violation; Penalty; Verification of Identity and Possession of License; Prohibited Use; Definitions.

Sec. 224a. (1) Except as otherwise provided in this section, a person shall not sell, offer for sale, or possess in this state a portable device or weapon from which an electrical current, impulse, wave, or beam may be directed, which current, impulse, wave, or beam is designed to incapacitate temporarily, injure, or kill. (2) This section does not prohibit any of the following: (a) The possession and reasonable use of a device that uses electro-muscular disruption technology by a peace officer, or by any of the following individuals if the individual has been trained in the use, effects, and risks of the device, and is using the device while performing his or her official duties: (i) An employee of the department of corrections who is authorized in writing by the director of the department of corrections to possess and use the device. (ii) A local corrections officer authorized in writing by the county sheriff to possess and use the device. (iii) An individual employed by a local unit of government that utilizes a jail or lockup facility who has custody of persons detained or incarcerated in the jail or lockup facility and who is authorized in writing by the chief of police, director of public safety, or sheriff to possess and use the device. (iv) A probation officer. (v) A court officer. (vi) A bail agent authorized under section 167b. (vii) A licensed private investigator. (viii) An aircraft pilot or aircraft crew member. (ix) An individual employed as a private security police officer. As used in this subparagraph, "private security police" means that term as defined in section 2 of the private security business and security alarm act, 1968 PA 330, MCL 338.1052. (b) The possession and reasonable use of a device that uses electro-muscular disruption technology by an individual who holds a valid license to carry a concealed pistol under section 5b of 1927 PA 372, MCL 28.425, and who has been trained under subsection (5) in the use, effects, and risks of the device. (c) Possession solely for the purpose of delivering a device described in subsection (1) to any governmental agency or to a laboratory for testing, with the prior written approval of the governmental agency or law enforcement agency and under conditions determined to be appropriate by that agency. (3) A manufacturer, authorized importer, or authorized dealer may demonstrate, offer for sale, hold for sale, sell, give, lend, or deliver a device that uses electro-muscular disruption technology to a person authorized to possess a device that uses electro-muscular disruption technology and may possess a device that uses electro-muscular disruption technology for any of those purposes. (4) A person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (5) An authorized dealer or other person who sells a device that uses electro-muscular disruption technology to an individual described in subsection (2)(b) shall verify the individual's identity and verify that the individual holds a valid concealed pistol license issued under section 5b of 1927 PA 372, MCL 28.425b, and shall provide to the individual purchasing the device, at the time of the sale, training on the use, effects, and risks of the device. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than $500.00, or both. (6) An individual described in subsection (2) shall not use a device that uses electro-muscular disruption technology against another person except under circumstances that would justify the individual's lawful use of physical force. An individual who violates this subdivision is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both. (7) As used in this section: (a) "A device that uses electro-muscular disruption technology" means a device to which both of the following apply: (i) The device is capable of creating an electro-muscular disruption and is used or intended to be used as a defensive device capable of temporarily incapacitating or immobilizing a person by the direction or emission of conducted energy. (ii) The device contains an identification and tracking system that, when the device is initially used, dispenses coded material traceable to the purchaser through records kept by the manufacturer, and the manufacturer of the device has a policy of providing that identification and tracking information to a police agency upon written request by that agency. However, this subdivision does not apply to a launchable device that is used only by law enforcement agencies. (b) "Local corrections officer" means that term as defined in section 2 of the local corrections officers training act, 2003 PA 125, MCL 791.532. (c) "Peace officer" means any of the following: (i) A police officer or public safety officer of this state or a political subdivision of this state, including motor carrier officers appointed under section 6d of 1935 PA 59, MCL 28.6d, and security personnel employed by the state under section 6c of 1935 PA 59, MCL 28.6c. (ii) A sheriff or a sheriff's deputy. (iii) A police officer or public safety officer of a junior college, college, or university who is authorized by the governing board of that junior college, college, or university to enforce state law and the rules and ordinances of that junior college, college, or university. (iv) A township constable. (v) A marshal of a city, village, or township. (vi) A conservation officer of the department of natural resources or the department of environmental quality. (vii) A reserve peace officer, as that term is defined in section 1 of 1927 PA 372, MCL 28.421. (viii) A law enforcement officer of another state or of a political subdivision of another state or a junior college, college, or university in another state, substantially corresponding to a law enforcement officer described in subparagraphs (i) to (vii). (ix) A federal law enforcement officer. History:Add. 1976, Act 106, Eff. July 1, 1976 ;-- Am. 2002, Act 709, Imd. Eff. Dec. 30, 2002 ;-- Am. 2004, Act 338, Imd. Eff. Sept. 23, 2004 ;-- Am. 2006, Act 457, Imd. Eff. Dec. 20, 2006 ;-- Am. 2012, Act 122, Eff. Aug. 6, 2012

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.224b - Short-Barreled Shotgun or Rifle; Making, Manufacturing, Transferring, or Possessing as Felony; Penalty; Exceptions; Short-Barreled Shotgun or Rifle

26 Inches or Less; Short-Barreled Shotgun or Rifle Greater Than 26 Inches; Violation of Subsection (5) as Civil Infraction; Seizure and Forfeiture; Applicability of MCL 776.20 to Subsection (3).

Sec. 224b. (1) A person shall not make, manufacture, transfer, or possess a short-barreled shotgun or a short-barreled rifle. (2) A person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $2,500.00, or both. (3) Subsection (1) does not apply to a short-barreled shotgun or short-barreled rifle that is lawfully made, manufactured, transferred, or possessed under federal law. (4) A person, excluding a manufacturer, lawfully making, transferring, or possessing a short-barreled shotgun or short-barreled rifle that is 26 inches or less in length under this section shall comply with section 2 or 2a of 1927 PA 372, MCL 28.422 and 28.422a. (5) A person who possesses a short-barreled shotgun or short-barreled rifle that is greater than 26 inches in length under this section shall possess a copy of the federal registration of that short-barreled shotgun or short-barreled rifle while transporting or using that short-barreled shotgun or short-barreled rifle and shall present that federal registration to a peace officer upon request by that peace officer. (6) A person who violates subsection (5) is responsible for a state civil infraction and may be fined not more than $100.00. A short-barreled shotgun or short-barreled rifle carried in violation of subsection (5) is subject to immediate seizure by a peace officer. If a peace officer seizes a short-barreled shotgun or short-barreled rifle under this subsection, the person has 45 days in which to display the federal registration to an authorized employee of the law enforcement entity that employs the peace officer. If the person displays the federal registration to an authorized employee of the law enforcement entity that employs the peace officer within the 45-day period, the authorized employee of that law enforcement entity shall return the short-barreled shotgun or short-barreled rifle to the person unless the person is prohibited by law from possessing a firearm. If the person does not display the federal registration within the 45-day period, the short-barreled shotgun or short-barreled rifle is subject to seizure and forfeiture in the same manner that property is subject to seizure and forfeiture under sections 4701 to 4709 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709. (7) Section 20 of chapter XVI of the code of criminal procedure, 1927 PA 175, MCL 776.20, applies to subsection (3). History:Add. 1978, Act 564, Imd. Eff. Dec. 29, 1978 ;-- Am. 2008, Act 196, Eff. Jan. 7, 2009 ;-- Am. 2014, Act 63, Imd. Eff. Mar. 27, 2014

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.224c - Armor Piercing Ammunition; Manufacture, Distribution, Sale, or Use Prohibited; Exceptions; Violation as Felony; Penalty; Definitions; Exemption of Projectile or Projectile Core; Rule.

Sec. 224c. (1) Except as provided in subsection (2), a person shall not manufacture, distribute, sell, or use armor piercing ammunition in this state. A person who willfully violates this section is guilty of a felony, punishable by imprisonment for not more than 4 years, or by a fine of not more than $2,000.00, or both. (2) This section does not apply to either of the following: (a) A person who manufactures, distributes, sells, or uses armor piercing ammunition in this state, if that manufacture, distribution, sale, or use is not in violation of chapter 44 of title 18 of the United States Code. (b) A licensed dealer who sells or distributes armor piercing ammunition in violation of this section if the licensed dealer is subject to license revocation under chapter 44 of title 18 of the United States Code for that sale or distribution. (3) As used in this section: (a) "Armor piercing ammunition" means a projectile or projectile core which may be used in a pistol and which is constructed entirely, excluding the presence of traces of other substances, of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or a combination of tungsten alloys, steel, iron, brass, bronze, or beryllium copper. Armor piercing ammunition does not include any of the following: (i) Shotgun shot that is required by federal law or by a law of this state to be used for hunting purposes. (ii) A frangible projectile designed for target shooting. (iii) A projectile that the director of the department of state police finds is primarily intended to be used for sporting purposes. (iv) A projectile or projectile core that the director of the department of state police finds is intended to be used for industrial purposes. (b) "Licensed dealer" means a person licensed under chapter 44 of title 18 of the United States Code to deal in firearms or ammunition. (4) The director of the department of state police shall exempt a projectile or projectile core under subsection (3)(a)(iii) or (iv) if that projectile or projectile core is exempted under chapter 44 of title 18 of the United States Code. The director of state police shall exempt a projectile or projectile core under subsection (3)(a)(iii) or (iv) only by a rule promulgated in compliance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. History:Add. 1990, Act 318, Eff. Mar. 28, 1991

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.224d - Self-Defense Spray or Foam Device.

Sec. 224d. (1) As used in this section and section 224, "self-defense spray or foam device" means a device to which all of the following apply: (a) The device is capable of carrying, and ejects, releases, or emits 1 of the following: (i) Not more than 35 grams of any combination of orthochlorobenzalmalononitrile and inert ingredients. (ii) A solution containing not more than 18% oleoresin capsicum. (iii) A solution containing an ultraviolet dye and not more than 18% oleoresin capsicum. (b) The device does not eject, release, or emit any gas or substance that will temporarily or permanently disable, incapacitate, injure, or harm a person with whom the gas or substance comes in contact, other than the substance described in subdivision (a)(i), (ii), or (iii). (2) Except as otherwise provided in this section, a person who uses a self-defense spray or foam device to eject, release, or emit orthochlorobenzalmalononitrile or oleoresin capsicum at another person is guilty of a misdemeanor, punishable by imprisonment for

not more than 2 years, or a fine of not more than $2,000.00, or both. (3) If a person uses a self-defense spray or foam device during the commission of a crime to eject, release, or emit orthochlorobenzalmalononitrile or oleoresin capsicum or threatens to use a self-defense spray or foam device during the commission of a crime to temporarily or permanently disable another person, the judge who imposes sentence upon a conviction for that crime shall consider the defendant's use or threatened use of the self-defense spray or foam device as a reason for enhancing the sentence. (4) A person shall not sell a self-defense spray or foam device to a minor. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. (5) Subsection (2) does not prohibit either of the following: (a) The reasonable use of a self-defense spray or foam device containing not more than 18% oleoresin capsicum by a person who is employed by a county sheriff or a chief of police and who is authorized in writing by the county sheriff or chief of police to carry and use a self-defense spray or foam device and has been trained in the use, effects, and risks of the device, while in performance of his or her official duties. (b) The reasonable use of either of the following by a person in the protection of a person or property under circumstances that would justify the person's use of physical force: (i) A self-defense spray or foam device containing not more than 18% oleoresin capsicum. (ii) A self-defense spray or foam device containing an ultraviolet dye and not more than 18% oleoresin capsicum. History:Add. 1980, Act 346, Eff. Mar. 31, 1981 ;-- Am. 1991, Act 33, Imd. Eff. June 10, 1991 ;-- Am. 1992, Act 4, Imd. Eff. Feb. 21, 1992 ;-- Am. 2006, Act 401, Eff. Dec. 28, 2006 ;-- Am. 2010, Act 365, Imd. Eff. Dec. 22, 2010 ;-- Am. 2018, Act 98, Imd. Eff. Apr. 2, 2018

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.224e - Conversion of Semiautomatic Firearm to Fully Automatic Firearm; Prohibited Acts; Penalty; Applicability; “Fully Automatic Firearm”, “Licensed Collector”, and “Semiautomatic Firearm” Defined.

Sec. 224e. (1) A person shall not knowingly do any of the following: (a) Manufacture, sell, distribute, or possess or attempt to manufacture, sell, distribute, or possess a device that is designed or intended to be used to convert a semiautomatic firearm into a fully automatic firearm. (b) Demonstrate to another person or attempt to demonstrate to another person how to manufacture or install a device to convert a semiautomatic firearm into a fully automatic firearm. (2) A person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 4 years, or a fine of not more than $2,000.00, or both. (3) This section does not apply to any of the following: (a) A police agency of this state, or of a local unit of government of this state, or of the United States. (b) An employee of an agency described in subdivision (a), if the manufacture, sale, distribution, or possession or attempted manufacture, sale, distribution, or possession or demonstration or attempted demonstration is in the course of his or her official duties as an employee of that agency. (c) The armed forces. (d) A member or employee of the armed forces, if the manufacture, sale, distribution, or possession or attempted manufacture, sale, distribution, or possession or demonstration or attempted demonstration is in the course of his or her official duties as a member or employee of the armed forces. (e) A licensed collector who possesses a device that is designed or intended to be used to convert a semiautomatic firearm into a fully automatic firearm that was lawfully owned by that licensed collector before the effective date of the amendatory act that added this section. This subdivision does not permit a licensed collector who lawfully owned a device that is designed or intended to be used to convert a semiautomatic firearm into a fully automatic firearm before the effective date of the amendatory act that added this section to sell or distribute or attempt to sell or distribute that device to another person after the effective date of the amendatory act that added this section. (4) As used in this section: (a) "Fully automatic firearm" means a firearm employing gas pressure or force of recoil to mechanically eject an empty cartridge from the firearm after a shot, and to load the next cartridge from the magazine, without renewed pressure on the trigger for each successive shot. (b) "Licensed collector" means a person who is licensed under chapter 44 of title 18 of the United States code to acquire, hold, or dispose of firearms as curios or relics. (c) "Semiautomatic firearm" means a firearm employing gas pressure or force of recoil to mechanically eject an empty cartridge from the firearm after a shot, and to load the next cartridge from the magazine, but requiring renewed pressure on the trigger for each successive shot. History:Add. 1990, Act 321, Eff. Mar. 28, 1991

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.224f - Possession of Firearm or Distribution of Ammunition by Person Convicted of Felony; Circumstances; Penalty; Applicability of Section to Expunged or Set Aside Conviction; Definitions.

Sec. 224f. (1) Except as provided in subsection (2), a person convicted of a felony shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm in this state until the expiration of 3 years after all of the following circumstances exist: (a) The person has paid all fines imposed for the violation. (b) The person has served all terms of imprisonment imposed for the violation. (c) The person has successfully completed all conditions of probation or parole imposed for the violation. (2) A person convicted of a specified felony shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm in this state until all of the following circumstances exist: (a) The expiration of 5 years after all of the following circumstances exist: (i) The person has paid all fines imposed for the violation. (ii) The person has served all terms of imprisonment imposed for the violation. (iii) The person has successfully completed all conditions of probation or parole imposed for the violation. (b) The person's right to possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm has been restored under section 4 of 1927 PA 372, MCL 28.424. (3) Except as provided in subsection (4), a person convicted of a felony shall not possess, use, transport, sell, carry, ship, or distribute ammunition in this state until the expiration of 3 years after all of the following

circumstances exist: (a) The person has paid all fines imposed for the violation. (b) The person has served all terms of imprisonment imposed for the violation. (c) The person has successfully completed all conditions of probation or parole imposed for the violation. (4) A person convicted of a specified felony shall not possess, use, transport, sell, carry, ship, or distribute ammunition in this state until all of the following circumstances exist: (a) The expiration of 5 years after all of the following circumstances exist: (i) The person has paid all fines imposed for the violation. (ii) The person has served all terms of imprisonment imposed for the violation. (iii) The person has successfully completed all conditions of probation or parole imposed for the violation. (b) The person's right to possess, use, transport, sell, purchase, carry, ship, receive, or distribute ammunition has been restored under section 4 of 1927 PA 372, MCL 28.424. (5) A person convicted of a misdemeanor involving domestic violence shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm or ammunition in this state until the expiration of 8 years after all of the following circumstances exist: (a) The person has paid all fines imposed for the violation. (b) The person has served all terms of imprisonment imposed for the violation. (c) The person has successfully completed all conditions of probation imposed for the violation. (6) A person who possesses, uses, transports, sells, purchases, carries, ships, receives, or distributes a firearm in violation of this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. (7) A person who possesses, uses, transports, sells, carries, ships, or distributes ammunition in violation of this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both. (8) Any single criminal transaction where a person possesses, uses, transports, sells, carries, ships, or distributes ammunition in violation of this section, regardless of the amount of ammunition involved, constitutes 1 offense. (9) This section does not apply to a conviction that has been expunged or set aside, or for which the person has been pardoned, unless the expunction, order, or pardon expressly provides that the person shall not possess a firearm or ammunition. (10) As used in this section: (a) "Ammunition" means any projectile that, in its current state, may be expelled from a firearm by an explosive. (b) "Felony" means a violation of a law of this state, or of another state, or of the United States that is punishable by imprisonment for a term exceeding 1 year, or an attempt to violate such a law. (c) "Misdemeanor involving domestic violence" means a violation of any of the following: (i) Section 81(2). (ii) Section 81(4) if both the violation of section 81(4) and the previous conviction were for assaulting or assaulting and battering an individual described in section 81(2). (iii) Section 81a(2). (iv) Section 115(2). (v) Section 145n(5). (vi) Section 377a(1)(d) or (f). (vii) Section 380(5) or (7). (viii)Section 411h(2)(c). (ix) Section 540e(1)(h). (x) An ordinance, a law of another state, or a law of the United States that substantially corresponds to a violation listed in subparagraphs (i) to (ix). (xi) An ordinance, a law of another state, or a law of the United States that is specifically designated as domestic violence. (d) "Specified felony" means a felony in which 1 or more of the following circumstances exist: (i) An element of that felony is the use, attempted use, or threatened use of physical force against the person or property of another, or that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. (ii) An element of that felony is the unlawful manufacture, possession, importation, exportation, distribution, or dispensing of a controlled substance. (iii) An element of that felony is the unlawful possession or distribution of a firearm. (iv) An element of that felony is the unlawful use of an explosive. (v) The felony is burglary of an occupied dwelling, breaking and entering an occupied dwelling, or arson. History:Add. 1992, Act 217, Imd. Eff. Oct. 13, 1992 ;-- Am. 2014, Act 4, Eff. May 12, 2014 ;-- Am. 2023, Act 201, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.226 - Firearm or Dangerous or Deadly Weapon or Instrument; Carrying With Unlawful Intent; Violation as Felony; Penalty.

Sec. 226. (1) A person shall not, with intent to use the same unlawfully against the person of another, go armed with a pistol or other firearm, or a pneumatic gun, dagger, dirk, razor, stiletto, or knife having a blade over 3 inches in length, or any other dangerous or deadly weapon or instrument. (2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $2,500.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.226 ;-- Am. 2015, Act 26, Eff. July 1, 2015Former Law:See section 4 of Act 372 of 1927, being CL 1929, § 16752.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.227 - Concealed Weapons; Carrying; Penalty.

Sec. 227. (1) A person shall not carry a dagger, dirk, stiletto, a double-edged nonfolding stabbing instrument of any length, or any other dangerous weapon, except a hunting knife adapted and carried as such, concealed on or about his or her person, or whether concealed or otherwise in any vehicle operated or occupied by the person, except in his or her dwelling house, place of business or on other land possessed by the person. (2) A person shall not carry a pistol concealed on or about his or her person, or, whether concealed or otherwise, in a vehicle operated or occupied by the person, except in his or her dwelling house, place of business, or on other land possessed by the person, without a license to carry the pistol as provided by law and if licensed, shall not carry the pistol in a place or manner inconsistent with any restrictions upon such license. (3) A person who violates this section is guilty of a felony, punishable by imprisonment for not more than 5 years, or by a fine of not more than $2,500.00. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.227 ;-- Am. 1973, Act 206, Eff. Mar. 29, 1974 ;-- Am. 1986, Act 8, Eff. July 1, 1986Constitutionality:The double jeopardy protection against multiple punishment for the same offense is a restriction on a court's ability to impose punishment in excess of that intended by the Legislature, not a limit on the Legislature's power to define crime and fix punishment. People v Sturgis, 427 Mich 392; 397 NW2d 783 (1986).Former Law:See section 5 of Act 372 of 1927, being CL 1929, § 16753.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.227a - Pistols; Unlawful Possession by Licensee.

Sec. 227a. Any person licensed in accordance with law to carry a pistol because he is engaged in the business of protecting the person or property of another, except peace officers of the United States, the state or any subdivision of the state, railroad policemen appointed and commissioned under the provisions of Act No. 114 of the Public Acts of 1941, being sections 470.51 to 470.61 of the Compiled Laws of 1948 or those in the military service of the United States, who shall have a pistol in his possession while not actually engaged in the business of protecting the person or property of another, except in his dwelling house or on other land possessed by him, is guilty of a felony. This section shall not be construed to prohibit such person from carrying an unloaded pistol to or from his place of employment by the most direct route. History:Add. 1966, Act 100, Eff. Mar. 10, 1967 ;-- Am. 1967, Act 49, Eff. Nov. 2, 1967

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.227b - Carrying or Possessing Firearm When Committing or Attempting to Commit Felony; Carrying or Possessing Pneumatic Gun; Exception; “Law Enforcement Officer” Defined.

Sec. 227b. (1) A person who carries or has in his or her possession a firearm when he or she commits or attempts to commit a felony, except a violation of section 223, 227, 227a, or 230, is guilty of a felony and shall be punished by imprisonment for 2 years. Upon a second conviction under this subsection, the person shall be punished by imprisonment for 5 years. Upon a third or subsequent conviction under this subsection, the person shall be punished by imprisonment for 10 years. (2) A person who carries or has in his or her possession a pneumatic gun and uses that pneumatic gun in furtherance of committing or attempting to commit a felony, except a violation of section 223, 227, 227a, or 230, is guilty of a felony and shall be punished by imprisonment for 2 years. Upon a second conviction under this subsection, the person shall be punished by imprisonment for 5 years. Upon a third or subsequent conviction under this subsection, the person shall be punished by imprisonment for 10 years. (3) A term of imprisonment prescribed by this section is in addition to the sentence imposed for the conviction of the felony or the attempt to commit the felony and shall be served consecutively with and preceding any term of imprisonment imposed for the conviction of the felony or attempt to commit the felony. (4) A term of imprisonment imposed under this section shall not be suspended. The person subject to the sentence mandated by this section is not eligible for parole or probation during the mandatory term imposed under subsection (1) or (2). (5) This section does not apply to a law enforcement officer who is authorized to carry a firearm while in the official performance of his or her duties and who is in the performance of those duties. As used in this subsection, "law enforcement officer" means a person who is regularly employed as a member of a duly authorized police agency or other organization of the United States, this state, or a city, county, township, or village of this state and who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state. History:Add. 1976, Act 6, Eff. Jan. 1, 1977 ;-- Am. 1990, Act 321, Eff. Mar. 28, 1991 ;-- Am. 2015, Act 26, Eff. July 1, 2015Constitutionality:The double jeopardy protection against multiple punishment for the same offense is a restriction on a court's ability to impose punishment in excess of that intended by the Legislature, not a limit on the Legislature's power to define crime and fix punishment. People v Sturgis, 427 Mich 392; 397 NW2d 783 (1986).

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.227c - Transporting or Possessing Loaded Firearm in or Upon Vehicle Propelled by Mechanical Means; Violation as Misdemeanor; Penalty.

Sec. 227c. (1) Except as otherwise permitted by law, a person shall not transport or possess in or upon a sailboat or a motor vehicle, aircraft, motorboat, or any other vehicle propelled by mechanical means either of the following: (a) A firearm, other than a pistol, that is loaded. (b) A pneumatic gun that is loaded and expels a metallic BB or metallic pellet greater than .177 caliber. (2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $2,500.00, or both. History:Add. 1981, Act 103, Eff. Mar. 31, 1982 ;-- Am. 2015, Act 26, Eff. July 1, 2015

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.227d - Transporting or Possessing Firearm in or Upon Motor Vehicle or Self-Propelled Vehicle Designed for Land Travel; Violation as Misdemeanor; Penalty.

Sec. 227d. (1) Except as otherwise permitted by law, a person shall not transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel either of the following: (a) A firearm, other than a pistol, unless the firearm is unloaded and is 1 or more of the following: (i) Taken down. (ii) Enclosed in a case. (iii) Carried in the trunk of the vehicle. (iv) Inaccessible from the interior of the vehicle. (b) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177 caliber unless the pneumatic gun is unloaded and is 1 or more of the following: (i) Taken down. (ii) Enclosed in a case. (iii) Carried in the trunk of the vehicle. (iv) Inaccessible from the interior of the vehicle. (2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. History:Add. 1981, Act 103, Eff. Mar. 31, 1982 ;-- Am. 2015, Act 26, Eff. July 1, 2015

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.227f - Committing or Attempting to Commit Crime Involving Violent Act or Threat of Violent Act Against Another Person While Wearing Body Armor as Felony; Penalty; Consecutive Term of Imprisonment; Exception; Definitions.

Sec. 227f. (1) Except as provided in subsection (2), an individual who commits or attempts to commit a crime that involves a violent act or a threat of a violent act against another person while wearing body armor is guilty of a felony, punishable by imprisonment for not more than 4 years, or a fine of not more than $2,000.00, or both. A term of imprisonment imposed for violating this section may be served consecutively to any term of imprisonment imposed for the crime committed or attempted. (2) Subsection (1) does not apply to either of the following: (a) A peace officer of this state or another state, or of a local unit of government of this state or another state, or of the United States, performing his or her duties as a peace officer while on or off a scheduled work shift as a peace officer. (b) A security officer performing his or her duties as a security officer while on a scheduled work shift as a security officer. (3) As used in this section: (a) "Body armor" means clothing or a device designed or intended to protect an individual's body or a portion of an individual's body from injury caused by a firearm. (b) "Security officer" means an individual lawfully employed to physically protect another individual or to physically protect the property of another person. History:Add. 1990, Act 321, Eff. Mar. 28, 1991 ;-- Am. 1992, Act 218, Imd. Eff. Oct. 13, 1992 ;-- Am. 1996, Act 163, Imd. Eff. Apr. 11, 1996 ;-- Am. 2000, Act 226, Eff. Oct. 1, 2000

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.227g - Body Armor; Purchase, Ownership, Possession, or Use by Convicted Felon; Prohibition; Issuance of Written Permission; Violation as Felony; Definitions.

Sec. 227g. (1) Except as otherwise provided in this section, a person who has been convicted of a violent felony shall not purchase, own, possess, or use body armor. (2) A person who has been convicted of a violent felony whose employment, livelihood, or safety is dependent on his or her ability to purchase, own, possess, or use body armor may petition the chief of police of the local unit of government in which he or she resides or, if he or she does not reside in a local unit of government that has a police department, the county sheriff, for written permission to purchase, own, possess, or use body armor under this section. (3) The chief of police of a local unit of government or the county sheriff may grant a person who properly petitions that chief of police or county sheriff under subsection (2) written permission to purchase, own, possess, or use body armor as provided in this section if the chief of police or county sheriff determines that both of the following circumstances exist: (a) The petitioner is likely to use body armor in a safe and lawful manner. (b) The petitioner has reasonable need for the protection provided by body armor. (4) In making the determination required under subsection (3), the chief of police or county sheriff shall consider all of the following: (a) The petitioner's continued employment. (b) The interests of justice. (c) Other circumstances justifying issuance of written permission to purchase, own, possess, or use body armor. (5) The chief of police or county sheriff may restrict written permission issued to a petitioner under this section in any manner determined appropriate by that chief of police or county sheriff. If permission is restricted, the chief of police or county sheriff shall state the restrictions in the permission document. (6) It is the intent of the legislature that chiefs of police and county sheriffs exercise broad discretion in determining whether to issue written permission to purchase, own, possess, or use body armor under this section. However, nothing in this section requires a chief of police or county sheriff to issue written permission to any particular petitioner. The issuance of written permission to purchase, own, possess, or use body armor under this section does not relieve any person or entity from criminal liability that might otherwise be imposed. (7) A person who receives written permission from a chief of police or county sheriff to purchase, own, possess, or use body armor shall have that written permission in his or her possession when he or she is purchasing, owning, possessing, or using body armor. (8) A law enforcement agency may issue body armor to a person who is in custody or who is a witness to a crime for his or her own protection without a petition being previously filed under subsection (2). If the law enforcement agency issues body armor to the person under this subsection, the law enforcement agency shall document the reasons for issuing body armor and retain a copy of that document as an official record. The law enforcement agency shall also issue written permission to the person to possess and use body armor under this section. (9) A person who violates this section is guilty of a crime as follows: (a) For a violation of subsection (1), the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (b) For a violation of subsection (7), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. (10) As used in this section: (a) "Body armor" means that term as defined in section 227f. (b) "Violent felony" means that term as defined in section 36 of 1953 PA 232, MCL 791.236. History:Add. 2000, Act 224, Eff. Oct. 1, 2000

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.228 - Ownership of Pistol Greater Than 26 Inches in Length; Conditions; Election to Have Firearm Not Considered as Pistol.

Sec. 228. (1) A person may lawfully own, possess, carry, or transport as a pistol a firearm greater than 26 inches in length if all of the following conditions apply: (a) The person registered the firearm as a pistol under section 2 or 2a of 1927 PA 372, MCL 28.422 and 28.422a, before January 1, 2013. (b) The person who registered the firearm as described in subdivision (a) has maintained registration of the firearm since January 1, 2013 without lapse. (c) The person possesses a copy of the license or record issued to him

or her under section 2 or 2a of 1927 PA 372, MCL 28.422 and 28.422a. (2) A person who satisfies all of the conditions listed under subsection (1) nevertheless may elect to have the firearm not be considered to be a pistol. A person who makes the election under this subsection shall notify the department of state police of the election in a manner prescribed by that department. History:Add. 2012, Act 242, Eff. Jan. 1, 2013Compiler's Notes:Former MCL 750.228, which pertained to penalties to have pistol inspected, was repealed by Act 196 of 2008, Eff. Jan. 7, 2009.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.229 - Pistols Accepted in Pawn, by Second-Hand Dealer or Junk Dealer.

Sec. 229. Any pawnbroker who shall accept a pistol in pawn, or any second-hand or junk dealer, as defined in Act No. 350 of the Public Acts of 1917, who shall accept a pistol and offer or display the same for resale, shall be guilty of a misdemeanor. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 236, Eff. Sept. 6, 1945 ;-- CL 1948, 750.229Compiler's Notes:For provisions of Act 350 of 1917, referred to in this section, see MCL 445.401 et seq.Former Law:See section 10 of Act 372 of 1927, being CL 1929, § 16759.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.230 - Firearms; Altering, Removing, or Obliterating Marks of Identity; Presumption.

Sec. 230. A person who shall wilfully alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identity of a pistol or other firearm, shall be guilty of a felony, punishable by imprisonment for not more than 2 years or fine of not more than $1,000.00. Possession of a firearm upon which the number shall have been altered, removed, or obliterated, other than an antique firearm as defined by section 231a(2)(a) or (b), shall be presumptive evidence that the possessor has altered, removed, or obliterated the same. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.230 ;-- Am. 1976, Act 32, Imd. Eff. Mar. 5, 1976Constitutionality:The statutory presumption contained in this section is unconstitutional. People v Moore, 402 Mich 538; 266 NW2d 145 (1978).Former Law:See section 11 of Act 372 of 1927, being CL 1929, § 16760.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.231 - MCL 750.224, 750.224a, 750.224b, 750.224d, 750.227, 750.227c, and 750.227d Inapplicable to Certain Persons and Organizations.

Sec. 231. (1) Except as provided in subsection (2), sections 224, 224a, 224b, 224d, 227, 227c, and 227d do not apply to any of the following: (a) A peace officer of an authorized police agency of the United States, of this state, or of a political subdivision of this state, who is regularly employed and paid by the United States, this state, or a political subdivision of this state. (b) A person who is regularly employed by the state department of corrections and who is authorized in writing by the director of the department of corrections to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties. (c) A person employed by a private vendor that operates a youth correctional facility authorized under section 20g of the corrections code of 1953, 1953 PA 232, MCL 791.220g, who meets the same criteria established by the director of the state department of corrections for departmental employees described in subdivision (b) and who is authorized in writing by the director of the department of corrections to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties. (d) A member of the United States Army, Air Force, Navy, or Marine Corps or the United States Coast Guard while carrying weapons in the line of or incidental to duty. (e) An organization authorized by law to purchase or receive weapons from the United States or from this state. (f) A member of the National Guard, United States Armed Forces Reserve, the United States Coast Guard Reserve, or any other authorized military organization while on duty or drill, or in going to or returning from a place of assembly or practice, while carrying weapons used for a purpose of the National Guard, United States Armed Forces Reserve, United States Coast Guard Reserve, or other duly authorized military organization. (g) A security employee employed by the state and granted limited arrest powers under section 6c of 1935 PA 59, MCL 28.6c. (h) A motor carrier officer appointed under section 6d of 1935 PA 59, MCL 28.6d. (2) As applied to section 224a(1) only, subsection (1) is not applicable to an individual included under subsection (1)(a), (b), or (c) unless he or she has been trained on the use, effects, and risks of using a portable device or weapon described in section 224a(1). History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.231 ;-- Am. 1958, Act 107, Eff. Sept. 13, 1958 ;-- Am. 1964, Act 215, Eff. Aug. 28, 1964 ;-- Am. 1981, Act 103, Eff. Mar. 31, 1982 ;-- Am. 1998, Act 510, Imd. Eff. Jan. 8, 1999 ;-- Am. 2002, Act 536, Imd. Eff. July 26, 2002 ;-- Am. 2006, Act 401, Eff. Dec. 28, 2006 ;-- Am. 2017, Act 96, Eff. Oct. 11, 2017

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.231a - Exceptions to MCL 750.227(2); "Antique Firearm" Defined.

Sec. 231a. (1) Subsection (2) of section 227 does not apply to any of the following: (a) To a person holding a valid license to carry a pistol concealed upon his or her person issued by his or her state of residence except where the pistol is carried in nonconformance with a restriction appearing on the license. (b) To the regular and ordinary transportation of pistols as merchandise by an authorized

agent of a person licensed to manufacture firearms. (c) To a person carrying an antique firearm, completely unloaded in a closed case or container designed for the storage of firearms in the trunk of a vehicle. (d) To a person while transporting a pistol for a lawful purpose that is licensed by the owner or occupant of the motor vehicle in compliance with section 2 of 1927 PA 372, MCL 28.422, and the pistol is unloaded in a closed case designed for the storage of firearms in the trunk of the vehicle. (e) To a person while transporting a pistol for a lawful purpose that is licensed by the owner or occupant of the motor vehicle in compliance with section 2 of 1927 PA 372, MCL 28.422, and the pistol is unloaded in a closed case designed for the storage of firearms in a vehicle that does not have a trunk and is not readily accessible to the occupants of the vehicle. (2) As used in this section, "antique firearm" means either of the following: (i) A firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including a matchlock, flintlock, percussion cap, or similar type of ignition system or replica of such a firearm, whether actually manufactured before or after 1898. (ii) A firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade. History:Add. 1964, Act 215, Eff. Aug. 28, 1964 ;-- Am. 1973, Act 191, Eff. Mar. 29, 1974 ;-- Am. 1974, Act 55, Imd. Eff. Apr. 1, 1974 ;-- Am. 1978, Act 280, Imd. Eff. July 6, 1978 ;-- Am. 2002, Act 82, Imd. Eff. Mar. 26, 2002 ;-- Am. 2008, Act 196, Eff. Jan. 7, 2009 ;-- Am. 2012, Act 427, Imd. Eff. Dec. 21, 2012

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.231b - Sale and Safety Inspection; Persons Exempt.

Sec. 231b. Sections 223 and 228 do not apply to a duly authorized police or correctional agency of the United States or of the state or any subdivision thereof, nor to the army, air force, navy or marine corps of the United States, nor to organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard, armed forces reserves or other duly authorized military organizations, nor to a member of such agencies or organizations for weapons used by him for the purposes of such agencies or organizations, nor to a person holding a license to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise by an authorized agent of a person licensed to manufacture firearms. History:Add. 1964, Act 215, Eff. Aug. 28, 1964

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.231c - “Aircraft,” “Approved Signaling Device,” and “Vessel” Defined; Sections Inapplicable to Approved Signaling Device; Sale, Purchase, Possession, or Use of Approved Signaling Device; Violation as Misdemeanor; Penalties.

Sec. 231c. (1) As used in this section: (a) "Aircraft" means aircraft as defined in section 43. (b) "Approved signaling device" means a pistol which is a signaling device approved by the United States coast guard pursuant to regulations issued under former section 4488 of the Revised Statutes of the United States, 46 U.S.C. Appx. 481, or under former section 5 of the federal boat safety act of 1971, Public Law 92-75, 46 U.S.C. 1454. (c) "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. (2) Sections 223, 227, 228, 232, 232a, and 237 shall not apply to an approved signaling device. (3) A person shall not sell an approved signaling device to a person, nor shall a person purchase an approved signaling device, unless the purchaser is 18 years of age or older and either of the following apply: (a) The purchaser possesses and displays to the seller any of the following: (i) A valid and current certificate of number issued pursuant to section 80124 of part 801 (marine safety) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.80124 of the Michigan Compiled Laws, for a vessel. (ii) If a vessel is considered in compliance with the numbering requirements of this state pursuant to section 80122 of part 801 of Act No. 451 of the Public Acts of 1994, being section 324.80122 of the Michigan Compiled Laws, proof of ownership or proof of the vessel's being numbered in another state. (iii) If a vessel is not required to be numbered or to display a decal under part 801 of Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199 of the Michigan Compiled Laws, proof of ownership of the vessel. (b) The purchaser is the holder of and displays to the seller a valid and effective airman's certificate of competency issued by the United States or a foreign government. (4) A person may possess an approved signaling device only under the following circumstances: (a) The possession occurs in the process of manufacturing, marketing, or sale of the device, including the transportation of the device as merchandise, and the device is unloaded. (b) The device is on a vessel or on an aircraft. (c) The device is at a person's residence. (d) The person is en route from the place of purchase to the person's residence or the person's vessel or aircraft or between the person's residence and the person's vessel or aircraft. (e) The device is in a vehicle other than a vessel or aircraft and all of the following apply: (i) The device is unloaded. (ii) The device is enclosed in a case and either is carried in the trunk of the vehicle which has a trunk or is otherwise not readily accessible to the occupants of the vehicle. (iii) Subdivision (d) applies. (5) A person shall not use an approved signaling device unless he or she reasonably believes that its use is necessary for the safety of the person or of another person on the waters of this state or in an aircraft emergency situation. (6) A person who sells, purchases, or possesses an approved signaling device in violation of this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $200.00, or both. (7) A person who uses an approved signaling device in violation of this section is guilty of a misdemeanor, punishable by a fine of not more than $200.00. History:Add. 1982, Act 185, Eff. July 1, 1982 ;-- Am. 1996, Act 80, Imd. Eff. Feb. 27, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.232a - Obtaining Firearm in Violation of MCL 28.422; Intentionally Making Material False Statement on Application for License to Purchase Firearm; Using or Attempting to Use False Identification or Identification of Another Person to Purchase Firearm; Penalties.

Sec. 232a. (1) Except as provided in subsection (2), a person who obtains a firearm in violation of section 2 of 1927 PA 372, MCL 28.422, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. (2) Subsection (1) does not apply to a person who obtained a pistol in violation of section 2 of 1927 PA 372, MCL 28.422, before March 28, 1991, who has not been convicted of that violation, and who obtains a license as required under section 2 of 1927 PA 372, MCL 28.422, within 90 days after March 28, 1991. (3) A person who intentionally makes a material false statement on an application for a license to purchase a firearm under section 2 of 1927 PA 372, MCL 28.422, is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (4) A person who uses or attempts to use false identification or the identification of another person to purchase a firearm is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. History:Add. 1943, Act 54, Eff. July 30, 1943 ;-- CL 1948, 750.232a ;-- Am. 1990, Act 321, Eff. Mar. 28, 1991 ;-- Am. 2023, Act 18, Eff. Feb. 13, 2024Compiler's Notes:For provisions of section 2, referred to in this section, see MCL 28.422.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.233 - Pointing or Aiming Firearm at Another Person; Misdemeanor; Penalty; Exception; "Peace Officer defined."

Sec. 233. (1) A person who intentionally but without malice points or aims a firearm at or toward another person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (2) This section does not apply to a peace officer of this state or another state, or of a local unit of government of this state or another state, or of the United States, performing his or her duties as a peace officer. As used in this section, "peace officer" means that term as defined in section 215. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.233 ;-- Am. 2005, Act 303, Imd. Eff. Dec. 21, 2005Former Law:See section 1 of Act 68 of 1869, being CL 1871, § 7548; How., § 9110; CL 1897, § 11509; CL 1915, § 15232; and CL 1929, § 16776.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.234 - Firearm; Discharge; Intentionally Aimed Without Malice; Misdemeanor; Penalty; Exception; "Peace Officer" Defined.

Sec. 234. (1) A person who discharges a firearm while it is intentionally but without malice aimed at or toward another person, without injuring another person, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both. (2) This section does not apply to a peace officer of this state or another state, or of a local unit of government of this state or another state, or of the United States, performing his or her duties as a peace officer. As used in this section, "peace officer" means that term as defined in section 215. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.234 ;-- Am. 2005, Act 303, Imd. Eff. Dec. 21, 2005Former Law:See section 2 of Act 68 of 1869, being CL 1871, § 7548; How., § 9111; CL 1897, § 11510; CL 1915, § 15233; and CL 1929, § 16777.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.234a - Intentionally Discharging Firearm From Motor Vehicle, Snowmobile, or Off-Road Vehicle as Crime; Penalty; Exceptions; Other Violation; Consecutive Terms; Self-Defense; "Peace Officer" Defined.

Sec. 234a. (1) An individual who intentionally discharges a firearm from a motor vehicle, a snowmobile, or an off-road vehicle is guilty of a crime as follows: (a) If the violation endangers the safety of another individual, the individual is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $10,000.00, or both. (b) If the violation causes any physical injury to another individual, the individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $15,000.00, or both. (c) If the violation causes the serious impairment of a body function of another individual, the individual is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $25,000.00, or both. (d) If the violation causes the death of another individual, the individual is guilty of a felony punishable by imprisonment for life or any term of years. (2) Subsection (1) does not apply to any of the following: (a) A peace officer of this state or another state, or of a local unit of government of this state or another state, or of the United States, performing his or her duties as a peace officer while on or off a scheduled work shift as a peace officer. (b) An individual who discharges a firearm in self-defense or the defense of another individual. (3) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. (4) A term of imprisonment imposed for a violation of this section may run consecutively to any term of imprisonment imposed for another violation arising from the same transaction. (5) As used in this section: (a) "Peace officer" means that term as defined in section 215. (b) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. History:Add. 1990, Act 321, Eff. Mar. 28, 1991 ;-- Am. 1992, Act 218, Imd. Eff. Oct. 13, 1992 ;-- Am. 1996, Act 163,

Imd. Eff. Apr. 11, 1996 ;-- Am. 2005, Act 303, Imd. Eff. Dec. 21, 2005 ;-- Am. 2014, Act 191, Eff. Sept. 22, 2014

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.234b - Intentionally Discharging Firearm at Dwelling or Potentially Occupied Structure as Felony; Penalty; Exceptions; Other Violation; Consecutive Terms; Definitions.

Sec. 234b. (1) Except as otherwise provided in this section, an individual who intentionally discharges a firearm at a facility that he or she knows or has reason to believe is a dwelling or a potentially occupied structure, whether or not the dwelling or structure is actually occupied at the time the firearm is discharged, is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $10,000.00, or both. (2) An individual who intentionally discharges a firearm in a facility that he or she knows or has reason to believe is a dwelling or a potentially occupied structure, in reckless disregard for the safety of any individual and whether or not the dwelling or structure is actually occupied at the time the firearm is discharged, is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $10,000.00, or both. (3) If an individual violates subsection (1) or (2) and causes any physical injury to another individual, the individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $15,000.00, or both. (4) If an individual violates subsection (1) or (2) and causes the serious impairment of a body function of another individual, the individual is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $25,000.00, or both. (5) If an individual violates subsection (1) or (2) and causes the death of another individual, the individual is guilty of a felony punishable by imprisonment for life or any term of years. (6) Subsections (1) and (2) do not apply to a peace officer of this state or another state, or of a local unit of government of this state or another state, or of the United States, performing his or her duties as a peace officer. (7) Subsections (1) and (2) do not apply to an individual who discharges a firearm in self-defense or the defense of another individual. (8) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section. (9) A term of imprisonment imposed for a violation of this section may run consecutively to any term of imprisonment imposed for another violation arising from the same transaction. (10) As used in this section: (a) "Dwelling" means a facility habitually used by 1 or more individuals as a place of abode, whether or not an individual is present in the facility. (b) "Peace officer" means that term as defined in section 215. (c) "Potentially occupied structure" means a structure that a reasonable person knows or should know is likely to be occupied by 1 or more individuals due to its nature, function, or location. (d) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c. History:Add. 1990, Act 321, Eff. Mar. 28, 1991 ;-- Am. 1992, Act 218, Imd. Eff. Oct. 13, 1992 ;-- Am. 2005, Act 303, Imd. Eff. Dec. 21, 2005 ;-- Am. 2014, Act 191, Eff. Sept. 22, 2014

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.234c - Intentionally Discharging Firearm at Emergency or Law Enforcement Vehicle as Felony; Penalty; “Emergency or Law Enforcement Vehicle” Defined.

Sec. 234c. (1) An individual who intentionally discharges a firearm at a motor vehicle that he or she knows or has reason to believe is an emergency or law enforcement vehicle is guilty of a felony, punishable by imprisonment for not more than 4 years, or a fine of not more than $2,000.00, or both. (2) As used in this section, "emergency or law enforcement vehicle" means 1 or more of the following: (a) A motor vehicle owned or operated by a fire department of a local unit of government of this state. (b) A motor vehicle owned or operated by a police agency of the United States, of this state, or of a local unit of government of this state. (c) A motor vehicle owned or operated by the department of natural resources that is used for law enforcement purposes. (d) A motor vehicle owned or operated by an entity licensed to provide emergency medical services under part 192 of article 17 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.20901 to 333.20979 of the Michigan Compiled Laws, and that is used to provide emergency medical assistance to individuals. (e) A motor vehicle owned or operated by a volunteer employee or paid employee of an entity described in subdivisions (a) to (c) while the motor vehicle is being used to perform emergency or law enforcement duties for that entity. History:Add. 1990, Act 321, Eff. Mar. 28, 1991

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.234d.amended - Possession of Firearm on Certain Premises Prohibited; Applicability; Violation as Misdemeanor; Penalty.

***** 750.234d.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 234d. (1) Except as provided in subsection (2), a person shall not possess a firearm on the premises of any of the following: (a) A depository financial institution or a subsidiary or affiliate of a depository financial institution. (b) A church or other house of religious worship. (c) A court. (d) A theatre. (e) A sports arena. (f) A day care center. (g) A hospital. (h) An establishment licensed under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303. (2) Subsection (1) does not apply to any of the following: (a) A person who owns, or is employed by or contracted by, an entity described in subsection (1) if the possession of that firearm is to provide security services for that entity. (b) A peace officer. (c) A person licensed by this state or another state to carry a concealed weapon. (d) A person who possesses a firearm on the premises of an entity described in subsection (1) if that possession is with the permission of the owner or an agent of the owner of that entity. (3) Except as provided in subsection (4), a person shall not do any of the following: (a) While the polls are open on an election day,

possess a firearm in a polling place or within 100 feet from any entrance to a building in which a polling place is located. (b) On any day early voting is conducted at an early voting site as described in section 4(1)(m) of article II of the state constitution of 1963, possess a firearm at an early voting site or within 100 feet from any entrance to a building in which an early voting site is located. (c) For 40 days before an election, possess a firearm within 100 feet from any absent voter ballot drop box. (d) For the 40 days before an election when an absent voter can vote an absent voter ballot in person with the city or township clerk, possess a firearm in a city or township clerk's office, or an official satellite office of a city or township clerk that is staffed by employees of the city or township clerk, or within 100 feet from any entrance to a city or township clerk's office or satellite office. (4) Subsection (3) does not apply to any of the following: (a) A peace officer. (b) A person who possesses a firearm in that person's residence or on that person's private property or any other person who has permission to possess a firearm in that person's residence or on that person's private property. (c) A person carrying a concealed pistol if that person is licensed by this state or another state to carry a concealed pistol. (5) Subsection (3) does not apply to a person who is lawfully transporting or possessing a firearm in a vehicle. (6) Except as provided in subsection (7), a person shall not, while absent voter ballots are being processed, possess a firearm in an absent voter counting place or a combined absent voter counting place or within 100 feet from any entrance to an absent voter counting place or a combined absent voter counting place. (7) Subsection (6) does not apply to a uniformed law enforcement officer acting in the course of the officer's duties. (8) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. History:Add. 1990, Act 321, Eff. Mar. 28, 1991 ;-- Am. 1992, Act 218, Imd. Eff. Oct. 13, 1992 ;-- Am. 1994, Act 158, Eff. Aug. 15, 1994 ;-- Am. 2024, Act 157, Eff. (sine die) ;-- Am. 2024, Act 158, Eff. (sine die)

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.234d - Possession of Firearm on Certain Premises Prohibited; Applicability; Violation as Misdemeanor; Penalty.

***** 750.234d THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 750.234d.amended ***** Sec. 234d. (1) Except as provided in subsection (2), a person shall not possess a firearm on the premises of any of the following: (a) A depository financial institution or a subsidiary or affiliate of a depository financial institution. (b) A church or other house of religious worship. (c) A court. (d) A theatre. (e) A sports arena. (f) A day care center. (g) A hospital. (h) An establishment licensed under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws. (2) This section does not apply to any of the following: (a) A person who owns, or is employed by or contracted by, an entity described in subsection (1) if the possession of that firearm is to provide security services for that entity. (b) A peace officer. (c) A person licensed by this state or another state to carry a concealed weapon. (d) A person who possesses a firearm on the premises of an entity described in subsection (1) if that possession is with the permission of the owner or an agent of the owner of that entity. (3) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. History:Add. 1990, Act 321, Eff. Mar. 28, 1991 ;-- Am. 1992, Act 218, Imd. Eff. Oct. 13, 1992 ;-- Am. 1994, Act 158, Eff. Aug. 15, 1994

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.234e - Brandishing Firearm in Public; Applicability; Violation as Misdemeanor; Penalty.

Sec. 234e. (1) Except as provided in subsection (2), a person shall not willfully and knowingly brandish a firearm in public. (2) Subsection (1) does not apply to either of the following: (a) A peace officer lawfully performing his or her duties as a peace officer. (b) A person lawfully acting in self-defense or defense of another under the self-defense act, 2006 PA 309, MCL 780.971 to 780.974. (3) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both. History:Add. 1990, Act 321, Eff. Mar. 28, 1991 ;-- Am. 2015, Act 27, Eff. Aug. 10, 2015

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.234f - Possession of Firearm by Person Less Than 18 Years of Age; Exceptions; Violation as Misdemeanor; Penalty.

Sec. 234f. (1) Except as provided in subsection (2), an individual less than 18 years of age shall not possess a firearm in public except under the direct supervision of an individual 18 years of age or older. (2) Subsection (1) does not apply to an individual less than 18 years of age who possesses a firearm in accordance with part 401 (wildlife conservation) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40119 of the Michigan Compiled Laws, or part 435 (hunting and fishing licensing) of Act No. 451 of the Public Acts of 1994, being sections 324.43501 to 324.43561 of the Michigan Compiled Laws. However, an individual less than 18 years of age may possess a firearm without a hunting license while at, or going to or from, a recognized target range or trap or skeet shooting ground if, while going to or from the range or ground, the firearm is enclosed and securely fastened in a case or locked in the trunk of a motor vehicle. (3) An individual who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both. History:Add. 1990, Act 321, Eff. Mar. 28, 1991 ;-- Am. 1992, Act 218, Imd. Eff. Oct. 13, 1992 ;-- Am. 1996, Act 80, Imd. Eff. Feb. 27, 1996

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.235 - Maiming or Injuring Person by Discharging Firearm; Intentionally Aimed Without Malice; Exception; "Peace Officer" Defined.

Sec. 235. (1) A person who maims or injures another person by discharging a firearm pointed or aimed intentionally but without malice at another person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both. (2) This section does not apply to a peace officer of this state or another state, or of a local unit of government of this state or another state, or of the United States, performing his or her duties as a peace officer. As used in this section, "peace officer" means that term as defined in section 215. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.235 ;-- Am. 2005, Act 303, Imd. Eff. Dec. 21, 2005Former Law:See section 3 of Act 68 of 1869, being CL 1871, § 7549; How., § 9112; CL 1897, § 11511; CL 1915, § 15234; and CL 1929, § 16778.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.235a - Parent of Minor Guilty of Misdemeanor; Conditions; Penalty; Defense; Definitions.

Sec. 235a. (1) The parent of a minor is guilty of a misdemeanor if all of the following apply: (a) The parent has custody of the minor. (b) The minor violates this chapter in a weapon free school zone. (c) The parent knows that the minor would violate this chapter or the parent acts to further the violation. (2) An individual convicted under subsection (1) may be punished by 1 or more of the following: (a) A fine of not more than $2,000.00. (b) Community service for not more than 100 hours. (c) Probation. (3) It is a complete defense to a prosecution under this section if the defendant promptly notifies the local law enforcement agency or the school administration that the minor is violating or will violate this chapter in a weapon free school zone. (4) As used in this section: (a) "Minor" means an individual less than 18 years of age. (b) "School" means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12. (c) "School property" means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses. (d) "Weapon free school zone" means school property and a vehicle used by a school to transport students to or from school property. History:Add. 1994, Act 158, Eff. Aug. 15, 1994Compiler's Notes:Former MCL 750.235a, which made the reckless use of firearms a misdemeanor, was repealed by Act 45 of 1952, Eff. Sept. 18, 1952.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.235b - Threatening to Commit Violence With Firearm, Explosive, or Other Dangerous Weapon Against Students or Employees on School Property; Specific Intent or Overt Act; Violation Arising Out of Same Transaction; Definitions.

Sec. 235b. (1) A person who verbally, through the use of an electronic device or system, or through other means intentionally threatens to use a firearm, explosive, or other dangerous weapon to commit an act of violence against any students or school employees on school grounds or school property if the threat can be reasonably interpreted to be harmful or adverse to human life, or dangerous to human life as that term is defined in section 543b, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (2) A person who violates subsection (1) and who in the course of violating subsection (1) had the specific intent to carry out the threat, or had undertaken an overt act toward carrying out the threat, is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (3) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section. (4) As used in this section: (a) "Dangerous weapon" means a knife, stabbing instrument, brass knuckles, blackjack, club, or other object specifically designed or customarily carried or possessed for use as a weapon. (b) "School" means that term as defined in section 237a. (c) "School property" means that term as defined in section 237a. History:Add. 2018, Act 532, Eff. Mar. 28, 2019

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.236 - Spring Gun, Trap or Device; Setting.

Sec. 236. Setting spring guns, etc.—Any person who shall set any spring or other gun, or any trap or device operating by the firing or explosion of gunpowder or any other explosive, and shall leave or permit the same to be left, except in the immediate presence of some competent person, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than 1 year, or by a fine of not more than 500 dollars, and the killing of any person by the firing of a gun or device so set shall be manslaughter. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.236Former Law:See section 1 of Act 97 of 1875; being How., § 9114; CL 1897, § 11515; CL 1915, § 15250; and CL 1929, § 16782.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.236a - Computer-Assisted Shooting; Prohibited Acts; Definitions.

Sec. 236a. (1) A person in this state shall not do any of the following: (a) Engage in computer-assisted shooting. (b) Provide or operate, with or without remuneration, facilities for computer-assisted shooting. (c) Provide or offer to provide, with or without remuneration, equipment specially adapted for computer-assisted shooting. This subdivision does not prohibit providing or offering to provide any of the following: (i) General-purpose equipment, including a computer, a camera, fencing, building materials, or a firearm. (ii) General-purpose computer software, including an operating system and communications programs. (iii) General telecommunications hardware or networking services for computers, including adapters, modems, servers, routers, and other facilities associated with internet access. (d) Provide or offer to provide, with or without remuneration, an animal for computer-assisted shooting. (2) As used in this section: (a) "Computer-assisted shooting" means the use of a computer or any other device, equipment, or software to remotely control the aiming and discharge of a firearm to kill an animal, whether or not the animal is located in this state. (b) "Facilities for computer-assisted remote shooting" includes real property and improvements on the property associated with computer-assisted shooting, such as hunting blinds, offices, and rooms equipped to facilitate computer-assisted shooting. History:Add. 2005, Act 110, Imd. Eff. Sept. 22, 2005

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.236b - Computer-Assisted Shooting; Prohibited Conduct; Definitions.

Sec. 236b. (1) A person in this state shall not do any of the following: (a) Engage in computer-assisted shooting. (b) Provide or operate, with or without remuneration, facilities for computer-assisted shooting. (c) Provide or offer to provide, with or without remuneration, equipment specially adapted for computer-assisted shooting. This subdivision does not prohibit providing or offering to provide any of the following: (i) General-purpose equipment, including a computer, a camera, fencing, building materials, or a bow or crossbow. (ii) General-purpose computer software, including an operating system and communications programs. (iii) General telecommunications hardware or networking services for computers, including adapters, modems, servers, routers, and other facilities associated with internet access. (d) Provide or offer to provide, with or without remuneration, an animal for computer-assisted shooting. (2) As used in this section: (a) "Computer-assisted shooting" means the use of a computer or any other device, equipment, or software to remotely control the aiming and discharge of a bow or crossbow to kill an animal, whether or not the animal is located in this state. (b) "Facilities for computer-assisted remote shooting" includes real property and improvements on the property associated with computer-assisted shooting, such as hunting blinds, offices, and rooms equipped to facilitate computer-assisted shooting. History:Add. 2005, Act 111, Imd. Eff. Sept. 22, 2005

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.236c - Violation of MCL 750.236a or 750.236b; Penalty; Forfeiture.

Sec. 236c. (1) A person who violates section 236a or 236b is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (2) A person who has been convicted of violating section 236a or 236b and subsequently violates either of those sections is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. In addition, the instrumentalities of the crime are subject to forfeiture in the same manner as provided in part 47 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709. History:Add. 2005, Act 112, Eff. Oct. 15, 2005

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.237 - Liquor or Controlled Substance; Possession or Use of Firearm by Person Under Influence; Violation; Penalty; Chemical Analysis.

Sec. 237. (1) An individual shall not carry, have in possession or under control, or use in any manner or discharge a firearm under any of the following circumstances: (a) The individual is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. (b) The individual has an alcohol content of 0.08 or more grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (c) Because of the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, the individual's ability to use a firearm is visibly impaired. (2) Except as provided in subsections (3) and (4), an individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00 for carrying or possessing a firearm, or both, and not more than $500.00 for using or discharging a firearm, or both. (3) An individual who violates subsection (1) and causes a serious impairment of a body function of another individual by the discharge or use in any manner of the firearm is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. As used in this subsection, "serious impairment of a body function" includes, but is not limited to, 1 or more of the following: (a) Loss of a limb or use of a limb. (b) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb. (c) Loss of an eye or ear or of use of an eye or ear. (d) Loss or substantial impairment of a bodily function. (e) Serious visible disfigurement. (f) A comatose state that lasts for more than 3 days. (g) Measurable brain damage or mental impairment. (h) A skull fracture or other serious bone fracture. (i) Subdural hemorrhage or subdural hematoma. (j) Loss of an organ. (4) An individual who violates subsection (1) and causes the death of another individual by the discharge or use in any manner of a firearm is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both.

(5) A peace officer who has probable cause to believe an individual violated subsection (1) may require the individual to submit to a chemical analysis of his or her breath, blood, or urine. However, an individual who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician is not required to submit to a chemical analysis of his or her blood. (6) Before an individual is required to submit to a chemical analysis under subsection (5), the peace officer shall inform the individual of all of the following: (a) The individual may refuse to submit to the chemical analysis, but if he or she refuses, the officer may obtain a court order requiring the individual to submit to a chemical analysis. (b) If the individual submits to the chemical analysis, he or she may obtain a chemical analysis from a person of his or her own choosing. (7) The failure of a peace officer to comply with the requirements of subsection (6) does not render the results of a chemical analysis inadmissible as evidence in a criminal prosecution for violating this section, in a civil action arising out of a violation of this section, or in any administrative proceeding arising out of a violation of this section. (8) The collection and testing of breath, blood, or urine specimens under this section shall be conducted in the same manner that breath, blood, or urine specimens are collected and tested for alcohol-- and controlled-substance-related driving violations under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. (9) This section does not prohibit the individual from being charged with, convicted of, or sentenced for any other violation of law arising out of the same transaction as the violation of this section in lieu of being charged with, convicted of, or sentenced for the violation of this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.237 ;-- Am. 2001, Act 135, Eff. Feb. 1, 2002Former Law:See sections 1 and 2 of Act 25 of 1929, being CL 1929, §§ 16780 and 16781.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.237a - Individual Engaging in Proscribed Conduct in Weapon Free School Zone; Violation; Penalties; Definitions.

Sec. 237a. (1) An individual who engages in conduct proscribed under section 224, 224a, 224b, 224c, 224e, 226, 227, 227a, 227f, 234a, 234b, or 234c, or who engages in conduct proscribed under section 223(2) for a second or subsequent time, in a weapon free school zone is guilty of a felony punishable by 1 or more of the following: (a) Imprisonment for not more than the maximum term of imprisonment authorized for the section violated. (b) Community service for not more than 150 hours. (c) A fine of not more than 3 times the maximum fine authorized for the section violated. (2) An individual who engages in conduct proscribed under section 223(1), 224d, 227c, 227d, 231c, 232a(1) or (4), 233, 234, 234e, 234f, 235, 236, or 237, or who engages in conduct proscribed under section 223(2) for the first time, in a weapon free school zone is guilty of a misdemeanor punishable by 1 or more of the following: (a) Imprisonment for not more than the maximum term of imprisonment authorized for the section violated or 93 days, whichever is greater. (b) Community service for not more than 100 hours. (c) A fine of not more than $2,000.00 or the maximum fine authorized for the section violated, whichever is greater. (3) Subsections (1) and (2) do not apply to conduct proscribed under a section enumerated in those subsections to the extent that the proscribed conduct is otherwise exempted or authorized under this chapter. (4) Except as provided in subsection (5), an individual who possesses a weapon in a weapon free school zone is guilty of a misdemeanor punishable by 1 or more of the following: (a) Imprisonment for not more than 93 days. (b) Community service for not more than 100 hours. (c) A fine of not more than $2,000.00. (5) Subsection (4) does not apply to any of the following: (a) An individual employed by or contracted by a school if the possession of that weapon is to provide security services for the school. (b) A peace officer. (c) An individual licensed by this state or another state to carry a concealed weapon. (d) An individual who possesses a weapon provided by a school or a school's instructor on school property for purposes of providing or receiving instruction in the use of that weapon. (e) An individual who possesses a firearm on school property if that possession is with the permission of the school's principal or an agent of the school designated by the school's principal or the school board. (f) An individual who is 18 years of age or older who is not a student at the school and who possesses a firearm on school property while transporting a student to or from the school if any of the following apply: (i) The individual is carrying an antique firearm, completely unloaded, in a wrapper or container in the trunk of a vehicle while en route to or from a hunting or target shooting area or function involving the exhibition, demonstration or sale of antique firearms. (ii) The individual is carrying a firearm unloaded in a wrapper or container in the trunk of the person's vehicle, while in possession of a valid Michigan hunting license or proof of valid membership in an organization having shooting range facilities, and while en route to or from a hunting or target shooting area. (iii) The individual is carrying a firearm unloaded in a wrapper or container in the trunk of the individual's vehicle from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from one place of abode or business to another place of abode or business. (iv) The individual is carrying an unloaded firearm in the passenger compartment of a vehicle that does not have a trunk, if the individual is otherwise complying with the requirements of subparagraph (ii) or (iii) and the wrapper or container is not readily accessible to the occupants of the vehicle. (6) As used in this section: (a) "Antique firearm" means either of the following: (i) A firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including a matchlock, flintlock, percussion cap, or similar type of ignition system or a replica of such a firearm, whether actually manufactured before or after the year 1898. (ii) A firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade. (b) "School" means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12. (c) "School property" means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses. (d) "Weapon" includes, but is not limited to, a pneumatic gun. (e) "Weapon free school zone" means school property and a vehicle used by a

school to transport students to or from school property. History:Add. 1994, Act 158, Eff. Aug. 15, 1994 ;-- Am. 2015, Act 26, Eff. July 1, 2015 ;-- Am. 2017, Act 96, Eff. Oct. 11, 2017

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.238 - Search Warrant.

Sec. 238. Search warrant—When complaint shall be made on oath to any magistrate authorized to issue warrants in criminal cases that any pistol or other weapon or device mentioned in this chapter is unlawfully possessed or carried by any person, such magistrate shall, if he be satisfied that there is reasonable cause to believe the matters in said complaint be true, issue his warrant directed to any peace officer, commanding him to search the person or place described in such complaint, and if such pistol, weapon or device be there found, to seize and hold the same as evidence of a violation of this chapter. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.238

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.239 - Forfeiture of Weapons; Disposal; Immunity From Civil Liability.

Sec. 239. (1) Except as provided in subsection (2) and subject to section 239a, all pistols, weapons, or devices carried, possessed, or used contrary to this chapter are forfeited to the state and shall be turned over to the department of state police for disposition as determined appropriate by the director of the department of state police or his or her designated representative. (2) The director of the department of state police shall dispose of firearms under this section by 1 of the following methods: (a) By conducting a public auction in which firearms received under this section may be purchased at a sale conducted in compliance with section 4708 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4708, by individuals authorized by law to possess those firearms. (b) By destroying them. (c) By any other lawful manner prescribed by the director of the department of state police. (3) Before disposing of a firearm under this section, the director of the department of state police shall do both of the following: (a) Determine through the law enforcement information network whether the firearm has been reported lost or stolen. If the firearm has been reported lost or stolen and the name and address of the owner can be determined, the director of the department of state police shall provide 30 days' written notice of his or her intent to dispose of the firearm under this section to the owner, and allow the owner to claim the firearm within that 30-day period if he or she is authorized to possess the firearm. (b) Provide 30 days' notice to the public on the department of state police website of his or her intent to dispose of the firearm under this section. The notice shall include a description of the firearm and shall state the firearm's serial number, if the serial number can be determined. The department of state police shall allow the owner of the firearm to claim the firearm within that 30-day period if he or she is authorized to possess the firearm. The 30-day period required under this subdivision is in addition to the 30-day period required under subdivision (a). (4) The department of state police is immune from civil liability for disposing of a firearm in compliance with this section. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.239 ;-- Am. 1949, Act 168, Eff. Sept. 23, 1949 ;-- Am. 1964, Act 215, Eff. Aug. 28, 1964 ;-- Am. 2010, Act 294, Imd. Eff. Dec. 16, 2010

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVII - Chapter XXXVII Firearms (750.222...750.239a)Section 750.239a - Disposition of Seized Weapon; Immunity From Civil Liability; "Law Enforcement Agency" Defined.

Sec. 239a. (1) A law enforcement agency that seizes or otherwise comes into possession of a firearm or a part of a firearm subject to disposal under section 239 may, instead of forwarding the firearm or part of a firearm to the director of the department of state police or his or her designated representative for disposal under that section, retain that firearm or part of a firearm for the following purposes: (a) For legal sale or trade to a federally licensed firearm dealer. The proceeds from any sale or trade under this subdivision shall be used by the law enforcement agency only for law enforcement purposes. The law enforcement agency shall not sell or trade a firearm or part of a firearm under this subdivision to any individual who is a member of that law enforcement agency unless the individual is a federally licensed firearms dealer and the sale is made pursuant to a public auction. (b) For official use by members of the seizing law enforcement agency who are employed as peace officers. A firearm or part of a firearm shall not be sold under this subdivision. (2) A law enforcement agency that sells or trades any pistol to a licensed dealer under subsection (1)(a) or retains any pistol under subsection (1)(b) shall complete a record of the transaction under section 2 or section 2a, as applicable. (3) A law enforcement agency that sells or trades a firearm or part of a firearm under this section shall retain a receipt of the sale or trade for a period of not less than 7 years. The law enforcement agency shall make all receipts retained under this subsection available for inspection by the department of state police upon demand and for auditing purposes by the state and the local unit of government of which the agency is a part. (4) Before disposing of a firearm under this section, the law enforcement agency shall do both of the following: (a) Determine through the law enforcement information network whether the firearm has been reported lost or stolen. If the firearm has been reported lost or stolen and the name and address of the owner can be determined, the law enforcement agency shall provide 30 days' written notice of its intent to dispose of the firearm under this section to the owner, and allow the owner to claim the firearm within that 30-day period if he or she is authorized to possess the firearm. If the police agency determines that a serial number has been altered or has been removed or obliterated from the firearm, the police agency shall submit the firearm to the department of state police or a forensic laboratory for serial number verification or restoration to determine legal ownership. (b) Provide 30 days' notice to the public on a website maintained by the law enforcement agency of its intent to dispose of the firearm

under this section. The notice shall include a description of the firearm and shall state the firearm's serial number, if the serial number can be determined. The law enforcement agency shall allow the owner of the firearm to claim the firearm within that 30-day period if he or she is authorized to possess the firearm. The 30-day period required under this subdivision is in addition to the 30-day period required under subdivision (a). (5) The law enforcement agency is immune from civil liability for disposing of a firearm in compliance with this section. (6) As used in this section, "law enforcement agency" means any agency that employs peace officers. History:Add. 1996, Act 496, Eff. Mar. 31, 1997 ;-- Am. 2010, Act 294, Imd. Eff. Dec. 16, 2010

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVIII - Chapter XXXVIII Fires (750.240...750.242)Section 750.240 - False Alarm of Fire.

Sec. 240. Any person who knowingly and willfully commits 1 or more of the following actions is guilty of a misdemeanor punishable by imprisonment for not more than 1 year and a fine of not more than $1,000.00: (a) Raise a false alarm of fire at any gathering or in any public place. (b) Ring any bell or operate any mechanical apparatus, electrical apparatus or combination thereof, for the purpose of creating a false alarm of fire. (c) Raise a false alarm of fire orally, by telephone or in person. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.240 ;-- Am. 1954, Act 15, Eff. Aug. 13, 1954 ;-- Am. 1965, Act 77, Eff. Mar. 31, 1966 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003Former Law:See sections 1 and 2 of Act 16 of 1917, being CL 1929, §§ 16606 and 16607; and Act 62 of 1927.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVIII - Chapter XXXVIII Fires (750.240...750.242)Section 750.241 - Firefighter; Obstructing and Disobeying; Interfering With Public Service Facility During Riot or Civil Disturbance.

Sec. 241. (1) Any person who, while in the vicinity of any fire, willfully disobeys any reasonable order or rule of the officer commanding any fire department at the fire, when the order or rule is given by the commanding officer or a firefighter there present, is guilty of a misdemeanor. (2) During a riot or other civil disturbance, any person who knowingly and willfully hinders, obstructs, endangers, or interferes with any person who is engaged in the operation, installation, repair, or maintenance of any essential public service facility, including a facility for the transmission of electricity, gas, telephone messages, or water, is guilty of a felony. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.241 ;-- Am. 1968, Act 328, Eff. July 3, 1968 ;-- Am. 2002, Act 270, Eff. July 15, 2002Former Law:See section 1 of Act 239 of 1921, being CL 1929, § 16644.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)328-1931-XXXVIII - Chapter XXXVIII Fires (750.240...750.242)Section 750.242 - Traction Engines Using Wood Fuel; Spark Arresters.

Sec. 242. Spark arresters on traction engines using wood fuel—Any person who shall own or operate upon the premises of any inhabitant of this state, or upon the highway, any traction or other portable steam engine, unless said engine shall be equipped with an efficient spark arrester at all times when in use and using wood as a fuel, and with proper fire extinguishers, either liquid or dry, shall be guilty of a misdemeanor. All traction or other portable engines using wood for fuel shall be equipped with bonnet spark arresters having an oval top of number 10 mesh, 22 gauge wire and sides composed of number 6 mesh, 16 gauge wire. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.242Former Law:See sections 1 and 2 of Act 339 of 1913, being CL 1915, §§ 7368 and 7369; and CL 1929, §§ 8924 and 8925.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)Section 750.1 - Michigan Penal Code; Short Title.

Sec. 1. Short title—This act shall be known and may be cited as "The Michigan Penal Code". History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.1Compiler's Notes:The catchlines following the act section numbers were incorporated as part of the act as enacted.

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)Section 750.2 - Rule of Construction.

Sec. 2. Rule of construction—The rule that a penal statute is to be strictly construed shall not apply to this act or any of the provisions thereof. All provisions of this act shall be construed according to the fair import of their terms, to promote justice and to effect the objects of the law. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.2

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 - 750.569)Section 750.3 - Civil Rights or Remedies Not Affected.

Sec. 3. Civil rights or remedies not affected—The provisions of this act are not to be deemed to affect any civil rights or remedies existing at the time when this act takes effect, by virtue of the common law or of any provision of statute. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.3

2024 Michigan Compiled LawsChapter 750 - Michigan Penal CodeAct 328 of 1931 - The Michigan Penal Code (750.1 -

750.569)Section 750.4 - Civil Remedies Preserved.

Sec. 4. Civil remedies preserved—The omission to specify or affirm in this act any liability to damages, penalty, forfeiture or other remedy, imposed by law, and allowed to be recovered, or enforced in any civil action or proceeding, for any act or omission declared punishable herein does not affect any right to recover or enforce the same. History:1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.4

Title: chapter-752

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 10 of 1937 - Use of Travel AIDS by Blind Persons (752.51 - 752.54)Section 752.51a - Definitions.

Sec. 1a. As used in this act: (a) "Blind" means a person who has a visual acuity of 20/200 or less in the better eye with correction, or has limitation of his or her field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees. (b) "Cane" means an aid used by a blind pedestrian for travel and identification purposes that is white in color with or without a red tip. (c) "Crosswalk" means that term as defined in section 10 of the Michigan vehicle code, 1949 PA 300, MCL 257.10. (d) "Dog guide" means a dog, in harness, that has been formally trained and that is used by a blind person as a travel aid. (e) "Walker" means an aid used by a blind pedestrian for travel and identification purposes that is white in color or has white legs with or without a red tip. History:Add. 1986, Act 62, Eff. Jan. 1, 1987 ;-- Am. 2002, Act 401, Imd. Eff. June 3, 2002

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 10 of 1937 - Use of Travel AIDS by Blind Persons (752.51 - 752.54)Section 752.52 - Blind Pedestrian Carrying Cane or Using Dog Guide or Walker; Duty of Driver; Liability; Failure to Carry Cane or Use Dog Guide or Walker; Investigation of Alleged Violation; Review of Investigative Report; Informing Blind Pedestrian of Decision.

Sec. 2. (1) A driver of a vehicle shall not approach a crosswalk or any other pedestrian crossing without taking all necessary precautions to avoid accident or injury to a blind pedestrian carrying a cane or using a dog guide or walker. (2) A driver who approaches a crosswalk or any other pedestrian crossing without taking all necessary precautions to avoid accident or injury to a blind pedestrian carrying a cane or using a dog guide or walker is liable in damages for any injuries caused the blind pedestrian. A blind pedestrian who does not carry a cane or use a dog guide or walker has all of the rights and privileges conferred upon any other pedestrian by the laws of this state. The failure of a blind pedestrian to carry a cane or use a dog guide or walker shall not be treated as evidence of negligence in a civil action for injury to the blind pedestrian or for the blind pedestrian's wrongful death. (3) If a person alleges to a peace officer a violation of subsection (1), the peace officer shall investigate the alleged violation. The prosecuting attorney shall review the peace officer's investigative report to determine whether a violation of subsection (1) has occurred and whether to issue charges. Upon the request of the blind pedestrian and after reviewing the investigative report, a prosecuting attorney shall inform the blind pedestrian of his or her decision and the reason or reasons supporting that decision. History:1937, Act 10, Imd. Eff. Apr. 16, 1937 ;-- CL 1948, 752.52 ;-- Am. 1952, Act 249, Eff. Sept. 18, 1952 ;-- Am. 1986, Act 62, Eff. Jan. 1, 1987 ;-- Am. 2002, Act 401, Imd. Eff. June 3, 2002

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 10 of 1937 - Use of Travel AIDS by Blind Persons (752.51 - 752.54)Section 752.53 - Violation as Misdemeanor; Penalty.

Sec. 3. A person who violates section 2(1) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than $100.00, or both. History:1937, Act 10, Imd. Eff. Apr. 16, 1937 ;-- CL 1948, 752.53 ;-- Am. 1986, Act 62, Eff. Jan. 1, 1987

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 10 of 1937 - Use of Travel AIDS by Blind Persons (752.51 - 752.54)Section 752.54 - Instruction or Examination on Requirements of Act.

Sec. 4. If a person elects or is required to take instruction for the purpose of driving motor vehicles or for the preparation of an examination given by the department of state for a license to operate a motor vehicle, or is required to take an examination given by the department of state, the person shall be instructed or examined on the requirements of this act. History:Add. 1986, Act 62, Eff. Jan. 1, 1987

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 10 of 1952 - Death or Injuries From Firearms (752.841 - 752.845)Section 752.841 - "Firearm" Defined.

Sec. 1. As used in this act, "firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive. History:1952, Act 10, Eff. Sept. 18, 1952 ;-- Am. 2015, Act 23, Eff. July 1, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 10 of 1952 - Death or Injuries From Firearms (752.841 - 752.845)Section 752.842 - Firearms; Discharging; Injuries.

Sec. 2. Any person who discharges a firearm and thereby injures or fatally wounds another person, or has reason to believe he has injured or fatally wounded another person, shall immediately stop at the scene and shall give his name and address to the injured

person, or any member of his party, and shall render to the person so injured immediate assistance and reasonable assistance in securing medical and hospital care and transportation for such injured person. History:1952, Act 10, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 10 of 1952 - Death or Injuries From Firearms (752.841 - 752.845)Section 752.843 - Firearms; Report of Injury or Death.

Sec. 3. Every person who shall have caused or been involved in an accident in which a human being was killed or injured by means of a firearm, shall, in addition to complying with the provisions of section 2 of this act, immediately thereafter report such injury or death to the nearest office of the state police, or to the sheriff of the county wherein the death or injury occurred, unless such person be physically incapable of making the required report, in which event it shall be the duty of such person or persons to designate an agent to file the report. It shall be the duty of the sheriff, upon receipt of the report herein required, to transmit the same forthwith to the nearest office of the state police. History:1952, Act 10, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 10 of 1952 - Death or Injuries From Firearms (752.841 - 752.845)Section 752.844 - Reports; Availability for Use.

Sec. 4. Reports required to be filed under the provisions of this act shall not be available for use in any way in any court action, civil or criminal, and shall not be open to general public inspection, but shall be for the purpose of furnishing statistical information as to the number and cause of such accidents. This act shall be construed to supplement the law of this state with respect to evidence and its admissibility. History:1952, Act 10, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 10 of 1952 - Death or Injuries From Firearms (752.841 - 752.845)Section 752.845 - Firearms; Injury to Person, Penalty, Suspension of Hunting Privileges.

Sec. 5. Any person violating any of the provisions of this act shall, upon conviction thereof, be fined not more than $100.00 and costs of prosecution, or imprisonment in the county jail for not to exceed 90 days, or both such fine and imprisonment in the discretion of the court. In addition to any fine or imprisonment, the court may suspend the hunting privileges of such person for a period of not to exceed 3 years from the date of conviction. History:1952, Act 10, Eff. Sept. 18, 1952 ;-- Am. 1958, Act 12, Eff. Sept. 13, 1958

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 105 of 1951 - Erection of Posters, Signs, Placards, or Other Notices (752.821 - 752.825)Section 752.821 - Erection of Posters on State, Public or Private Lands Without Permission Unlawful.

Sec. 1. No person shall erect any poster, sign, placard or other form of notice on any state, public or privately owned lands to prohibit hunting, fishing or trespassing thereon without the written permission of the owner or lessee thereof. History:1951, Act 105, Eff. Sept. 28, 1951

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 105 of 1951 - Erection of Posters, Signs, Placards, or Other Notices (752.821 - 752.825)Section 752.822 - Prosecutions.

Sec. 2. All prosecutions under this act shall be in the name of the people of the state of Michigan, and shall be brought before the district or municipal court of the judicial district or municipality in which the offense was committed, and within 1 year from the time the offense charged was committed. History:1951, Act 105, Eff. Sept. 28, 1951 ;-- Am. 1991, Act 154, Imd. Eff. Nov. 25, 1991

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 105 of 1951 - Erection of Posters, Signs, Placards, or Other Notices (752.821 - 752.825)Section 752.823 - Duties of Prosecuting Attorney.

Sec. 3. It shall be the duty of all prosecuting attorneys of this state in their respective counties to see that the provisions hereof are enforced and to prosecute all persons charged with violating the provisions hereof; but prosecutions on the complaint of any such owner, lessee, or agent may be made without complaint, permit, or consent of the prosecuting attorney. History:1951, Act 105, Eff. Sept. 28, 1951 ;-- Am. 1991, Act 154, Imd. Eff. Nov. 25, 1991

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 105 of 1951 - Erection of Posters, Signs, Placards, or Other Notices (752.821 - 752.825)Section 752.824 - Violations, Penalty.

Sec. 4. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $10.00, nor more than $50.00, and may be committed to the county jail until such fine and costs of the proceedings are paid, not exceeding 30 days; and for a second, or any subsequent conviction, he shall be punished by a fine of not exceeding $100.00, and in addition thereto shall be imprisoned in the county jail for a period of not more than 30 days. History:1951, Act 105, Eff. Sept. 28, 1951

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 105 of 1951 - Erection of Posters, Signs, Placards, or Other Notices (752.821 - 752.825)Section 752.825 - Resisting Arrest.

Sec. 5. It shall be unlawful for any person to resist or obstruct any officer or person empowered to make arrests under the provisions

of this act. History:1951, Act 105, Eff. Sept. 28, 1951

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 119 of 1967 - Chemical Agents (752.271 - 752.274)Section 752.271 - Chemical Agent, Definition.

Sec. 1. As used in this act, "chemical agent" means any substance containing a toxic chemical or organic solvent or both, having the property of releasing toxic vapors. The term includes, but is not limited to, glue, acetone, toluene, carbon tetrachloride, hydrocarbons and hydrocarbon derivatives. History:1967, Act 119, Eff. Nov. 2, 1967 ;-- Am. 1969, Act 206, Eff. Mar. 20, 1970

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 119 of 1967 - Chemical Agents (752.271 - 752.274)Section 752.272 - Inhalation or Consumption of Chemical Agent Prohibited; Anesthesia Inhalation Excepted.

Sec. 2. No person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale the fumes of any chemical agent or intentionally drink, eat or otherwise introduce any chemical agent into his respiratory or circulatory system. This shall not prohibit the inhalation of any anesthesia for medical or dental purposes. History:1967, Act 119, Eff. Nov. 2, 1967 ;-- Am. 1969, Act 206, Eff. Mar. 20, 1970

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 119 of 1967 - Chemical Agents (752.271 - 752.274)Section 752.272a - Sale or Distribution of Device Containing Nitrous Oxide to Person Under Age of 18; Civil Fine; Sale or Distribution of Device Containing or Dispensing Nitrous Oxide; Prohibition; Exceptions; Violation; Penalty; Definitions.

Sec. 2a. (1) Except for a person described in subsection (3)(c) or (d) acting in the course of his or her duties, a person shall not sell or otherwise distribute a device that solely contains nitrous oxide to a person under the age of 18 for any purpose unless the person under the age of 18 is accepting delivery of a device containing nitrous oxide or a device used to dispense nitrous oxide in his or her capacity as an employee. (2) A person who knowingly sells or distributes a device that solely contains nitrous oxide to a person who is under the age of 18 in violation of subsection (1), or who fails to make diligent inquiry as to whether the person is a minor, is liable for a civil fine and may be ordered to pay not more than $500.00. (3) A person shall not sell or otherwise distribute to another person any device that contains any quantity of nitrous oxide or sell or otherwise distribute a device to dispense nitrous oxide for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system. This subsection does not apply to nitrous oxide that has been denatured or otherwise rendered unfit for human consumption or to any of the following: (a) A person licensed under chapter VII of the food law, 2000 PA 92, MCL 289.7101 to 289.7137, who sells or otherwise distributes the device as a grocery product. (b) A person engaged in the business of selling or distributing catering supplies only or food processing equipment only, or selling or distributing compressed gases for industrial or medical use who sells or otherwise distributes the device in the course of that business. (c) A pharmacist, pharmacist intern, or pharmacy as defined in section 17707 of the public health code, 1978 PA 368, MCL 333.17707, who dispenses the device in the course of his or her duties as a pharmacist or pharmacist intern or as a pharmacy. (d) A health care professional. (4) A person who violates subsection (3) is guilty of a crime as follows: (a) Except as provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. (b) If the person has 1 prior conviction, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both. (c) If the person has 2 or more prior convictions, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both. (5) As used in this section: (a) "Diligent inquiry" means a diligent good-faith effort to determine the age of a person, which includes at least an examination of an official Michigan operator's or chauffeur's license, an official Michigan personal identification card, a military identification card, or any other bona fide picture identification that establishes the identity and age of the person. (b) "Prior conviction" means a previous violation of this section or a law of another state, a law of a local unit of government of this state or another state, or a law of the United States substantially corresponding to this section. History:Add. 2000, Act 299, Eff. Jan. 1, 2001 ;-- Am. 2018, Act 136, Eff. Aug. 8, 2018

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 119 of 1967 - Chemical Agents (752.271 - 752.274)Section 752.272b - Action to Recover Civil Fine Under MCL 752.272a.

Sec. 2b. The attorney general or a prosecuting attorney for the county in which the violation occurred may bring an action to recover a civil fine under section 2a. History:Add. 2018, Act 137, Eff. Aug. 8, 2018

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 119 of 1967 - Chemical Agents (752.271 - 752.274)Section 752.273 - Violation as Misdemeanor; Penalty.

Sec. 3. Except as provided in section 2a, a person who violates this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. History:1967, Act 119, Eff. Nov. 2, 1967 ;-- Am. 2000, Act 299, Eff. Jan. 1, 2001

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 124 of 1907 - Safety Devices on Corn Huskers (752.101 - 752.102)Section 752.101 - Corn Husker With Unprotected Feeder; Unlawful Sale.

Sec. 1. Hereafter it shall be unlawful for any person, partnership, association or corporation, or for any officer or agent thereof, to sell or offer for sale, or to use within the state of Michigan, the machine commonly known as a corn husker, unless the same is safeguarded by an automatic feeder or other safety device, that shall compel the person, or persons, feeding said machine, to stand at a reasonably safe distance from the snapping rollers, and designed effectually to protect the person or persons operating the same from bodily injury while engaged in such operation. History:1907, Act 124, Eff. Sept. 28, 1907 ;-- CL 1915, 15268 ;-- CL 1929, 16807 ;-- CL 1948, 752.101

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 124 of 1907 - Safety Devices on Corn Huskers (752.101 - 752.102)Section 752.102 - Penalty.

Sec. 2. Any person, partnership, association or corporation, or officer or agent thereof, who shall be found guilty of a violation of the provisions of section 1 of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding 100 dollars, or imprisonment not exceeding 90 days, or by both such fine and imprisonment, in the discretion of the court. History:1907, Act 124, Eff. Sept. 28, 1907 ;-- CL 1915, 15269 ;-- CL 1929, 16808 ;-- CL 1948, 752.102

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 126 of 1970 - Coin Operated Devices (752.811 - 752.812)Section 752.811 - Coin Operated Devices; Breaking and Entering or Possession of Keys, Penalty.

Sec. 1. A person shall be guilty of a felony punishable upon conviction by confinement in the state prison for a period not to exceed 3 years or by a fine of not more than $1,000.00 or both if he does either of the following: (a) Enters or forces an entrance, alters or inserts any part of an instrument into any parking meter, vending machine dispensing goods or services, money changer or any other device designed to receive currency or coins with the intent to steal. (b) Knowingly possesses a key or device, or a drawing, print or mold thereof, adapted and designed to open or break into any such machine with intent to steal money or other contents from it. History:1970, Act 126, Imd. Eff. Jan. 1, 1971

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 126 of 1970 - Coin Operated Devices (752.811 - 752.812)Section 752.812 - Effective Date of Act.

Sec. 2. This act shall take effect January 1, 1971. History:1970, Act 126, Imd. Eff. Jan. 1, 1971

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 148 of 1933 - Vending Machine Slugs (752.801 - 752.803)Section 752.801 - Vending Machine or Other Receptacle Designed to Receive or Be Operated by Lawful Coin; Use of Slugs or Other Device as Misdemeanor; Penalty.

Sec. 1. Any person who by means of any token, slug, false or counterfeited coin, or by any other means, method, trick, or device whatsoever not lawfully authorized by the owner, lessee, or licensee of any vending machine, coin-box, depository box, or other receptacle established and maintained for the service of the public, and designed to receive or be operated by lawful coin of the United States of America in furtherance of or in connection with the sale, use, or enjoyment of property or service, knowingly shall operate or cause to be operated, or shall attempt to operate or attempt to cause to be operated, any such vending machine or other receptacle, or whoever shall take, obtain, accept, or receive from or by means of any such vending machine or other receptacle, any article of value or service or the use or enjoyment of any facility or service, without depositing in, delivering to and payment into such vending machine or other receptacle the amount of lawful coin of the United States of America properly chargeable and legally collectible by the owner, lessee, or licensee of the vending machine, coin-box, or other receptacle, as and for the price of an article of value or service or for the use or enjoyment of any facility or service, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than $200.00, or imprisoned for not more than 6 months, or both. History:1933, Act 148, Eff. Oct. 17, 1933 ;-- CL 1948, 752.801 ;-- Am. 1985, Act 49, Imd. Eff. June 14, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 148 of 1933 - Vending Machine Slugs (752.801 - 752.803)Section 752.802 - Slugs for Vending Machines; Manufacture, Felony.

Sec. 2. Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any vending machine, coin-box, depository box or other receptacle designed to receive or be operated by lawful coin of the United States of America in furtherance of or connection with the sale, use or enjoyment of property or service or the use or enjoyment of any facilities, or whoever, knowingly or having cause to believe that the same is intended for fraudulent or unlawful use on the part of the purchaser, donee or user thereof, shall manufacture for sale, sell or give away any token, slug, false or counterfeited coin or any device or substance whatsoever intended or calculated to be placed, deposited or used in any such vending machine, coin-box, depository box or other receptacle, shall be deemed guilty of a felony, and upon conviction thereof shall be fined not more than 500 dollars or imprisoned in the state prison for not more than 5 years or both. History:1933, Act 148, Eff. Oct. 17, 1933 ;-- CL 1948, 752.802

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 148 of 1933 - Vending Machine Slugs (752.801 - 752.803)Section 752.803 - Construction of Act.

Sec. 3. This act shall not be construed to repeal by implication or otherwise any existing law in relation to any of the subject matter

hereof. History:1933, Act 148, Eff. Oct. 17, 1933 ;-- CL 1948, 752.803

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 158 of 1966 - Law Enforcement (752.11 - 752.12)Section 752.11 - Upholding or Enforcing the Law; Duty of Public Officials.

Sec. 1. Any public official, appointed or elected, who is responsible for enforcing or upholding any law of this state and who wilfully and knowingly fails to uphold or enforce the law with the result that any person's legal rights are denied is guilty of a misdemeanor. History:1966, Act 158, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 158 of 1966 - Law Enforcement (752.11 - 752.12)Section 752.12 - Penalty.

Sec. 2. Any person convicted of violating this act shall be punished by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both. History:1966, Act 158, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 163 of 1945 - Sale of Baby Chicks, Rabbits, Ducklings, or Other Fowl or Game (752.91 - 752.92)Section 752.91 - Sale of Artificially Colored Baby Chicks, Rabbits or Ducklings; Unlawful.

Sec. 1. It shall be unlawful for any person, firm or corporation to sell, or offer for sale, any baby chicks, rabbits, ducklings, or other fowl or game which have been dyed or otherwise artificially colored. History:1945, Act 163, Imd. Eff. May 16, 1945 ;-- CL 1948, 752.91

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 163 of 1945 - Sale of Baby Chicks, Rabbits, Ducklings, or Other Fowl or Game (752.91 - 752.92)Section 752.92 - Violation a Misdemeanor.

Sec. 2. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by the laws of this state. History:1945, Act 163, Imd. Eff. May 16, 1945 ;-- CL 1948, 752.92

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 183 of 2013 - Student Safety Act (752.911 - 752.918)Section 752.911 - Short Title.

Sec. 1. This act shall be known and may be cited as the "student safety act". History:2013, Act 183, Imd. Eff. Dec. 13, 2013Compiler's Notes:Enacting section 1 of Act 183 of 2013 provides:"Enacting section 1. This act is repealed effective October 1, 2017."Enacting section 1 of Act 100 of 2017 provides:"Enacting section 1. This act is repealed effective October 1, 2021."Enacting section 1 of Act 550 of 2018 provides:"Enacting section 1. Enacting section 1 of 2013 PA 183, as amended by 2017 PA 100, is repealed."

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 183 of 2013 - Student Safety Act (752.911 - 752.918)Section 752.912 - Definitions.

Sec. 2. As used in this act: (a) "Department" means the department of state police. (b) "Fund" means the student safety fund created in section 7. (c) "Hotline" means a statewide toll-free telephone number or other means of communication, or a combination of a toll-free telephone number and another means of communication, that transmits voice, text, photographic, and other messages and information to the department through the departmental website described in section 3(2). (d) "School" means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12, regardless of whether school is in session. School includes all school property. (e) "School employee" means a full-time or part-time employee of a school, school district, or intermediate school district, including a school administrator, a volunteer with a school, school district, or intermediate school district, or any other individual who provides services to a school, school district, or intermediate school district while he or she is on school property. An individual described in this subdivision is considered a school employee regardless of whether school is in session. (f) "School property" means a building, playing field, or property used for school purposes to impart instruction to school students or used for school purposes, functions, and events, regardless of whether school is in session. School property includes a school bus as that term is defined in section 57 of the Michigan vehicle code, 1949 PA 300, MCL 257.57. (g) "School student" means an individual who is enrolled as a student in a school regardless of whether school is in session. History:2013, Act 183, Imd. Eff. Dec. 13, 2013 ;-- Am. 2020, Act 401, Imd. Eff. Jan. 4, 2021Compiler's Notes:Enacting section 1 of Act 183 of 2013 provides:"Enacting section 1. This act is repealed effective October 1, 2017."Enacting section 1 of Act 100 of 2017 provides:"Enacting section 1. This act is repealed effective October 1, 2021."Enacting section 1 of Act 550 of 2018 provides:"Enacting section 1. Enacting section 1 of 2013 PA 183, as amended by 2017 PA 100, is repealed."

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 183 of 2013 - Student Safety Act (752.911 - 752.918)Section 752.913 - Potential Self-Harm and Potential Harm or Criminal Acts Directed at School Students, School Employees, or Schools; Establishment of Program for Receiving Reports and Information From Public; Hotline; Operational and Administrative Oversight; Report; Referral to Community Mental Health Services Program Psychiatric

Crisis Line; Source of Information on Available Community Mental Health Resources and Contacts; Notice; Biannual Update of Emergency Contact Information.

Sec. 3. (1) The department, in consultation with the department of health and human services and the department of education, shall, to the extent that funds are appropriated for the purpose, establish a program for receiving reports and other information from the public regarding potential self-harm and potential harm or criminal acts, including, but not limited to, sexual abuse, assault, or rape, directed at school students, school employees, or schools in this state. The department shall establish the program within the guidelines of this act. The department shall have access to the information needed to meet the reporting requirements of section 8. (2) The program described in subsection (1) must include a hotline for receiving reports and information described in subsection (1). The hotline must be available for use 24 hours a day, 365 days a year. The department may provide promotional information regarding the program on its departmental website. (3) Beginning on the date that the hotline established under this act is operational, all calls received by any existing state-run school violence hotline in operation before the establishment of this act must be directed to the hotline established under this act. Any existing state-run school violence hotline in operation before December 13, 2013 must be disconnected within 6 months after the hotline established under this act is operational. (4) The department is responsible for the continued operational and administrative oversight of the program. The program must provide for a means to review all information submitted through the hotline and to direct those reports and that information, including any analysis of the potential threat as determined appropriate by the department to local law enforcement officials and school officials. The program must include a means by which responses at the local level are determined and evaluated for effectiveness. The department shall ensure that appropriate training is provided to program personnel in all of the following areas: (a) Crisis management, including recognizing mental illness and emotional disturbance. (b) The resources that are available in the community for providing mental health treatment and other human services. (c) Other matters determined by the department to be relevant to the administration and operation of the program. (5) A report or other information submitted to the hotline is considered to be a report to a law enforcement agency and must be maintained as a record by the department for at least 1 year, subject to the confidentiality requirements of this act. (6) The department shall ensure that any hotline information that suggests that a psychiatric emergency is taking place within a county is immediately referred to the community mental health services program psychiatric crisis line for that county. (7) The department shall develop a source of information on available community mental health resources and contacts, including mental health services. The department shall notify schools and law enforcement of this information source. The notice must include the departmental recommendation that schools and law enforcement, on investigating a case and determining that mental illness or emotional disturbance is or may be involved, utilize this information in aiding subjects and their parents or guardians. (8) At least biannually, the governing body of a school shall provide to the department current emergency contact information for at least 1 school official to ensure that a school official is able to receive information under subsection (4) at all times. If a governing body provides contact information for more than 1 school official, the governing body shall specify the days and times that each school official is available to receive information under subsection (4). History:2013, Act 183, Imd. Eff. Dec. 13, 2013 ;-- Am. 2018, Act 371, Eff. Mar. 17, 2019 ;-- Am. 2018, Act 670, Eff. Mar. 28, 2019 ;-- Am. 2020, Act 401, Imd. Eff. Jan. 4, 2021Compiler's Notes:Enacting section 1 of Act 183 of 2013 provides:"Enacting section 1. This act is repealed effective October 1, 2017."Enacting section 1 of Act 100 of 2017 provides:"Enacting section 1. This act is repealed effective October 1, 2021."Enacting section 1 of Act 550 of 2018 provides:"Enacting section 1. Enacting section 1 of 2013 PA 183, as amended by 2017 PA 100, is repealed."

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 183 of 2013 - Student Safety Act (752.911 - 752.918)Section 752.914 - Confidentiality.

Sec. 4. (1) Any report or information submitted to the hotline under section 3 is confidential, must not be released except as otherwise provided in this act, and is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (2) Any report or information submitted to the hotline and forwarded under this act to a law enforcement official or to a school official is confidential, must not be released except as otherwise provided in this act, and is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (3) A person who intentionally discloses information to another person in violation of subsection (1) or (2) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. (4) If a report to the hotline does not result in a referral, or the investigation of a subject results in a determination that no action regarding that subject is warranted, the subject's name must be expunged from the records of all entities involved in the hotline program except as otherwise provided by law. History:2013, Act 183, Imd. Eff. Dec. 13, 2013 ;-- Am. 2020, Act 401, Imd. Eff. Jan. 4, 2021Compiler's Notes:Enacting section 1 of Act 183 of 2013 provides:"Enacting section 1. This act is repealed effective October 1, 2017."Enacting section 1 of Act 100 of 2017 provides:"Enacting section 1. This act is repealed effective October 1, 2021."Enacting section 1 of Act 550 of 2018 provides:"Enacting section 1. Enacting section 1 of 2013 PA 183, as amended by 2017 PA 100, is repealed."

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 183 of 2013 - Student Safety Act (752.911 - 752.918)Section 752.915 - Disclosure of Information.

Sec. 5. Information regarding a report or information submitted to the hotline under section 3, including any identifying information, may be disclosed as follows: (a) By the department, law enforcement agencies, schools, and community mental health service programs, and their employees acting in the course of their duties. However, this subdivision does not allow the disclosure of

information that would identify the person who submitted the report or information to the hotline under section 3. The disclosure under this subdivision is necessary for purposes of this act and necessary to address reports and information received under this act. (b) With the permission of the individual or, if the individual is a minor, with the permission of the minor and his or her parents or guardians. (c) Pursuant to a court order issued under section 6. History:2013, Act 183, Imd. Eff. Dec. 13, 2013 ;-- Am. 2020, Act 401, Imd. Eff. Jan. 4, 2021Compiler's Notes:Enacting section 1 of Act 183 of 2013 provides:"Enacting section 1. This act is repealed effective October 1, 2017."Enacting section 1 of Act 100 of 2017 provides:"Enacting section 1. This act is repealed effective October 1, 2021."Enacting section 1 of Act 550 of 2018 provides:"Enacting section 1. Enacting section 1 of 2013 PA 183, as amended by 2017 PA 100, is repealed."

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 183 of 2013 - Student Safety Act (752.911 - 752.918)Section 752.916 - Filing of Petition by Person Charged With Criminal Offense as Result of Report or Information; Disclosure; Notice to Local Governmental Unit and Attorney General; Right to Appear in Opposition to Petition; Hearing; Petition by Prosecuting Attorney if Reason to Believe Report or Information Falsely Provided; Right of Attorney General to Appear in Other Action.

Sec. 6. (1) A person who is charged with a criminal offense as a result of a report or information filed under section 3 may petition the court for disclosure of the report or information, including any identifying information, as provided in this subsection. The prosecuting attorney for the local unit of government having jurisdiction and the attorney general shall be notified of the petition not less than 7 days before the hearing on the petition, or as otherwise provided by the court, and have the right to appear in the proceedings to oppose the petition. If a petition is filed under this subsection, the court may conduct a hearing on the petition. If a hearing is conducted, it must be conducted in chambers outside of the presence of the petitioner. If the court determines that the report or information, including any identifying information, is relevant to the criminal proceedings and is essential to the fair trial of the person, the court may order the disclosure of that report or information, including any identifying information, as determined appropriate by the court. The court may place restrictions on the release and use of the report or information, including any identifying information, obtained under this subsection or may redact material as it considers appropriate. Material reviewed by the court that is not ordered released or that is redacted must be maintained by the court under seal for purposes of appeal only. (2) If the prosecuting attorney for a local unit of government has reason to believe that a report or other information provided under section 3 was falsely provided, that prosecuting attorney may petition the court to disclose the report or information, including any identifying information. The attorney general shall be notified of the petition not less than 7 days before the hearing on the petition, or as otherwise provided by the court, and has the right to appear in the proceedings to oppose the petition. If the court determines that there is reason to believe that the report or information may have been falsely provided, the court may order the disclosure of the report or information, including any identifying information, as determined appropriate by the court. The court may place restrictions on the release and use of the report or information, including any identifying information, obtained under this subsection or may redact material as it considers appropriate. Material reviewed by the court that is not ordered released or that is redacted must be maintained by the court under seal for purposes of appeal only. (3) The attorney general may also appear in any other action to oppose the release of any report or information obtained under section 3, including any identifying information. History:2013, Act 183, Imd. Eff. Dec. 13, 2013 ;-- Am. 2020, Act 401, Imd. Eff. Jan. 4, 2021Compiler's Notes:Enacting section 1 of Act 183 of 2013 provides:"Enacting section 1. This act is repealed effective October 1, 2017."Enacting section 1 of Act 100 of 2017 provides:"Enacting section 1. This act is repealed effective October 1, 2021."Enacting section 1 of Act 550 of 2018 provides:"Enacting section 1. Enacting section 1 of 2013 PA 183, as amended by 2017 PA 100, is repealed."

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 183 of 2013 - Student Safety Act (752.911 - 752.918)Section 752.917 - Student Safety Fund.

Sec. 7. (1) The student safety fund is created within the state treasury. (2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. (3) Money in the fund at the close of the fiscal year must remain in the fund and must not lapse to the general fund. (4) The department shall be the administrator of the fund for auditing purposes. (5) The department may expend money from the fund, on appropriation, only for 1 or more of the following purposes: (a) To pay the costs of the department for administering this act. (b) To pay the costs of operating the hotline under section 3. (c) To promote public awareness of the program, including the availability of the hotline and the website operated by the department. (6) Money must not be expended for any promotion program that includes a reference to, or the image or voice of, an elected official, appointed state employee, state employee governed by a senior executive service limited term employment agreement, or a candidate for elective office, that is targeted to a media market in this state. History:2013, Act 183, Imd. Eff. Dec. 13, 2013 ;-- Am. 2020, Act 401, Imd. Eff. Jan. 4, 2021Compiler's Notes:Enacting section 1 of Act 183 of 2013 provides:"Enacting section 1. This act is repealed effective October 1, 2017."Enacting section 1 of Act 100 of 2017 provides:"Enacting section 1. This act is repealed effective October 1, 2021."Enacting section 1 of Act 550 of 2018 provides:"Enacting section 1. Enacting section 1 of 2013 PA 183, as amended by 2017 PA 100, is repealed."

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 183 of 2013 - Student Safety Act (752.911 - 752.918)Section 752.918 - Annual Report.

Sec. 8. The department, in consultation with the department of health and human services and the department of education, shall

prepare an annual report under this act. The report must be filed not later than July 31 of the year in which the report is due. Copies of the report must be filed with the governor, the secretary of the senate, the clerk of the house of representatives, the clerk of the senate standing committee on appropriations, and the clerk of the house standing committee on appropriations. The report must also be maintained on the department's website. The report must contain all of the following information: (a) The number of reports and other information reported to the hotline under this act. (b) The number of reports and information reported to the hotline that are forwarded to local law enforcement officials and school officials. (c) The number of hotline reports resulting in referral to mental health services. (d) The nature of the reports and information reported to the hotline in categories established by the department. (e) The responses to the reports and information reported to the hotline at the local level in categories established by the department. (f) The source of all funds deposited in the student safety fund. (g) The itemized costs and expenditures incurred by the department in implementing this act. (h) An analysis of the overall effectiveness of the program in addressing potential self-harm and potential harm or criminal acts directed at schools, school employees, and school students. History:2013, Act 183, Imd. Eff. Dec. 13, 2013 ;-- Am. 2020, Act 401, Imd. Eff. Jan. 4, 2021Compiler's Notes:Enacting section 1 of Act 183 of 2013 provides:"Enacting section 1. This act is repealed effective October 1, 2017."Enacting section 1 of Act 100 of 2017 provides:"Enacting section 1. This act is repealed effective October 1, 2021."Enacting section 1 of Act 550 of 2018 provides:"Enacting section 1. Enacting section 1 of 2013 PA 183, as amended by 2017 PA 100, is repealed."

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 201 of 1980 - Interstate Law Enforcement Intelligence Organizations (752.1 - 752.6)Section 752.1 - Definitions.

Sec. 1. As used in this act: (a) "File" means all information about an individual recorded and retained by a law enforcement intelligence organization regardless of how the information is stored. (b) "Freedom of information act" means an act which provides that members of the public have a right to inspect and copy certain records of governmental agencies, which for this state is Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws. (c) "Individual" means a natural person or a parent or guardian of a natural person who is less than 18 years of age, unless the person who is less than 18 years of age indicates otherwise. (d) "Interstate law enforcement intelligence organization" means any intelligence gathering organization whose purpose is to promote the gathering, recording, and interstate exchange of confidential information not available through regular police channels and which provides a central clearinghouse for information dissemination to its membership. Interstate law enforcement intelligence organization includes, but is not limited to, the intelligence gathering organization registered as a charitable trust in the state of California with its principal offices located in Sacramento, California. (e) "Law enforcement agency" means a state or local police department, a sheriff's department, a county prosecutor's office, the department of attorney general, or any other department or agency which enforces the laws of this state or the ordinances of a county, township, city, or village. History:1980, Act 201, Imd. Eff. July 18, 1980

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 201 of 1980 - Interstate Law Enforcement Intelligence Organizations (752.1 - 752.6)Section 752.2 - Supplying Information to or Maintaining Files Supplied by Interstate Law Enforcement Intelligence Organization; Conditions.

Sec. 2. A law enforcement agency may not supply information to or maintain files supplied by an interstate law enforcement intelligence organization unless 1 of the following conditions is met: (a) The organization is the El Paso intelligence center. (b) The interstate law enforcement intelligence organization is established by an act of congress. (c) The interstate law enforcement intelligence organization is established within a federal investigative agency and membership is with the concurrence of the governor of this state. (d) The interstate law enforcement intelligence organization is created by an act of the legislature in the state where the organization is located and by the legislature of this state. History:1980, Act 201, Imd. Eff. July 18, 1980

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 201 of 1980 - Interstate Law Enforcement Intelligence Organizations (752.1 - 752.6)Section 752.3 - Maintaining Membership, Supplying Information To, or Maintaining Files Supplied by Interstate Law Enforcement Intelligence Organization; Conditions; Exceptions; Effective Date of Section.

Sec. 3. (1) Except as provided in section 2, a law enforcement agency shall not maintain membership, supply information to, or maintain files supplied by an interstate law enforcement intelligence organization unless all of the following conditions are met by the interstate law enforcement intelligence organization: (a) The organization is governed by a citizen oversight body which has the authority to periodically review the files maintained by the organization. (b) The files maintained by an organization are relevant to a criminal investigation or pertinent to and within the scope of an authorized law enforcement activity. (c) The organization does not maintain a record describing how an individual exercises rights guaranteed by the first amendment of the constitution of the United States. (d) The organization has established guidelines which provide for the review of files at regular intervals to insure the accuracy and legality of the file information. (e) The organization has established guidelines which provide for the destruction of outdated or inaccurate information. (f) The organization permits its files located in a state with a freedom of information act to be accessible to the public in accordance with that act. (2) This section shall take effect July 1, 1983. History:1980, Act 201, Eff. July 1, 1983

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 201 of 1980 - Interstate Law Enforcement Intelligence Organizations (752.1 - 752.6)Section 752.4 - Notice of Membership.

Sec. 4. A law enforcement agency which is a member of an interstate law enforcement intelligence organization shall notify the legislature and the governor of its membership not later than February 1 of each year. History:1980, Act 201, Imd. Eff. July 18, 1980Compiler's Notes:Former MCL 752.4 to 752.6, deriving from Act 254 of 1881 and pertaining to adulteration of food, drink, or medicine, were repealed by Act 39 of 1968.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 201 of 1980 - Interstate Law Enforcement Intelligence Organizations (752.1 - 752.6)Section 752.5 - Exchange of Information Through Regular Police Channels.

Sec. 5. This act shall not be construed to prohibit the exchange of information through regular police channels between a law enforcement agency in this state and a law enforcement agency in another state, the District of Columbia, or the federal government. History:1980, Act 201, Imd. Eff. July 18, 1980Compiler's Notes:Former MCL 752.4 to 752.6, deriving from Act 254 of 1881 and pertaining to adulteration of food, drink, or medicine, were repealed by Act 39 of 1968.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 201 of 1980 - Interstate Law Enforcement Intelligence Organizations (752.1 - 752.6)Section 752.6 - Violation as Misdemeanor.

Sec. 6. A person who knowingly violates this act is guilty of a misdemeanor. History:1980, Act 201, Imd. Eff. July 18, 1980Compiler's Notes:Former MCL 752.4 to 752.6, deriving from Act 254 of 1881 and pertaining to adulteration of food, drink, or medicine, were repealed by Act 39 of 1968.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 210 of 1994 - Unauthorized Recordings (752.1051 - 752.1057)Section 752.1051 - Definitions.

Sec. 1. As used in this act: (a) "Owner" means a person who owns the sounds fixed in a master recording on which sound is recorded and from which the transferred sounds are directly or indirectly derived, or the person who owns the rights to record or authorize the recording of a live performance. (b) "Person" means an individual, partnership, corporation, association, limited liability company, or other legal entity. (c) "Recording" means the tangible medium upon which sounds or images are recorded or otherwise stored. Recording includes any original phonograph record, disc, wire, tape, audio or video cassette, film, or other medium now known or later developed on which sounds or images are or can be recorded or otherwise stored, or any copy or reproduction that duplicates, in whole or in part, the original. History:1994, Act 210, Eff. Jan. 1, 1995

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 210 of 1994 - Unauthorized Recordings (752.1051 - 752.1057)Section 752.1052 - Prohibited Conduct; Applicability of Subsection (1)(a) and (B).

Sec. 2. (1) A person shall not directly or indirectly do any of the following: (a) Transfer a live performance onto a recording without the consent of the owner for commercial advantage or private financial gain. (b) Transfer the sounds on a recording onto another recording without the consent of the owner for commercial advantage or private financial gain. This subdivision does not apply to either of the following: (i) A sound recording initially fixed after February 15, 1972. (ii) A person engaged in radio or television broadcasting or cablecasting who transfers or causes to be transferred sounds intended for, or in connection with, a broadcast or cable transmission or related use. (c) Sell, rent, distribute, transport, or possess for the purpose of selling, renting, distributing, or transporting, or any combination thereof, a recording with knowledge that the recording was manufactured in violation of subdivision (a) or (b). (d) Sell, rent, distribute, transport, or possess for the purpose of selling, renting, distributing, or transporting, or any combination thereof, a recording with knowledge that the recording is in violation of section 3. (2) Subsection (1)(a) and (b) shall not apply to recordings that are transferred solely for the personal use of the person transferring the recording and the person does not derive any compensation from the transfer. History:1994, Act 210, Eff. Jan. 1, 1995

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 210 of 1994 - Unauthorized Recordings (752.1051 - 752.1057)Section 752.1053 - Name and Address of Manufacturer; “Manufacturer” Defined.

Sec. 3. Each recording sold, rented, or distributed, or possessed for the purpose of sale, rental, or distribution, shall contain in a prominent place on its cover, box, jacket, or label the true name and address of the manufacturer. As used in this section, "manufacturer" does not include the manufacturer of the cartridge or casing. History:1994, Act 210, Eff. Jan. 1, 1995

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 210 of 1994 - Unauthorized Recordings (752.1051 - 752.1057)Section 752.1054 - Violation as Misdemeanor or Felony; Penalties.

Sec. 4. (1) A person who violates this act by committing an offense involving less than 7 audiovisual recordings or less than 100 sound recordings during a 180-day period is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not more than $25,000.00, or both. (2) A person who violates this act by committing a subsequent offense or an offense involving 7 or more audiovisual recordings or 100 or more sound recordings during a 180-day period is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than $250,000.00, or both. History:1994, Act 210, Eff. Jan. 1, 1995

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 210 of 1994 - Unauthorized Recordings (752.1051 -

752.1057)Section 752.1055 - Order to Destroy Recordings.

Sec. 5. If a person is convicted of an offense under this act, the court shall order all recordings on which the conviction is based to be destroyed. History:1994, Act 210, Eff. Jan. 1, 1995

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 210 of 1994 - Unauthorized Recordings (752.1051 - 752.1057)Section 752.1056 - Forfeiture.

Sec. 6. All recordings and equipment used or attempted to be used in the manufacture of the recordings are subject to forfeiture in the same manner as provided in sections 4701 to 4709 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.4701 to 600.4709 of the Michigan Compiled Laws, except that the court shall order the following: (a) That all recordings forfeited be destroyed. (b) That any equipment forfeited be offered at no cost to a public elementary or secondary school, an institution of higher education, or a library. History:1994, Act 210, Eff. Jan. 1, 1995

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 210 of 1994 - Unauthorized Recordings (752.1051 - 752.1057)Section 752.1057 - Effective Date.

Sec. 7. This act shall take effect January 1, 1995. History:1994, Act 210, Eff. Jan. 1, 1995

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 227 of 2014 - Sexual Assault Kit Evidence Submission Act (752.931 - 752.935)Section 752.931 - Short Title.

Sec. 1. This act shall be known and may be cited as the "sexual assault kit evidence submission act". History:2014, Act 227, Eff. Mar. 31, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 227 of 2014 - Sexual Assault Kit Evidence Submission Act (752.931 - 752.935)Section 752.932 - Definitions.

Sec. 2. As used in this act: (a) "Accredited laboratory" means a DNA laboratory that has received formal recognition that it meets or exceeds a list of standards, including the FBI director's quality assurance standards, to perform specific tests, established by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic community in accordance with the provisions of the federal DNA identification act, 42 USC 14132, or subsequent laws. (b) "Analyzed" means evaluating items for the presence of a body fluid, cellular material, or DNA followed by the testing of suitable items at forensic DNA regions for comparison purposes. (c) "Department" means the department of state police, including its forensic science division. (d) "Health care facility" includes a hospital, clinic, or urgent care center that is regulated under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, and any other facility that is authorized to provide sexual assault medical forensic exams under that act. (e) "Law enforcement agency" means the local, county, or state law enforcement agency with the primary responsibility for investigating an alleged sexual assault offense case and includes the employees of that agency. (f) "Sexual assault kit evidence" means evidence collected from the administration of a sexual assault evidence kit under section 21527 of the public health code, 1978 PA 368, MCL 333.21527. (g) "Sexual assault evidence kit" means that term as defined in section 21527 of the public health code, 1978 PA 368, MCL 333.21527. (h) "Sexual assault offense" means a violation or attempted violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g. (i) "Victim" means, for the purposes of making communications and receiving notices under this act, an individual who was subjected to a sexual assault offense. History:2014, Act 227, Eff. Mar. 31, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 227 of 2014 - Sexual Assault Kit Evidence Submission Act (752.931 - 752.935)Section 752.933 - Release of Sexual Assault Kit Evidence; Consent; Notice to Law Enforcement Agency; Storage Policy.

Sec. 3. (1) A health care facility that has obtained written consent to release sexual assault kit evidence shall notify the investigating law enforcement agency, if known, or the law enforcement agency having jurisdiction in that portion of the local unit of government in which the medical facility is located of that fact within 24 hours after obtaining that consent. (2) A health care facility that has not obtained written consent to release any sexual assault kit evidence shall inform the individual from whom sexual assault kit evidence was obtained of its sexual assault kit evidence storage policy. The information provided under this subsection shall include a statement of the period for which that evidence will be stored before it is destroyed and how the individual can have the evidence released to the investigating law enforcement agency at a later date. Any sexual assault kit evidence that is not released to a law enforcement agency under this section shall be stored for a minimum of 1 year before it is destroyed. History:2014, Act 227, Eff. Mar. 31, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 227 of 2014 - Sexual Assault Kit Evidence Submission Act (752.931 - 752.935)Section 752.934 - Notice of Release of Sexual Assault Kit Evidence; Possession; Assignment of Criminal Complaint Number; Submission to Laboratory or Department; Analysis; Uploading of DNA Profiles to Databases; Failure to Comply With Requirements of Act.

Sec. 4. (1) A law enforcement agency that receives notice under section 3 that sexual assault kit evidence has been released to that

law enforcement agency shall take possession of the sexual assault kit evidence from the health care facility within 14 days after receiving that notice. (2) If a law enforcement agency described in subsection (1) determines that the alleged sexual assault occurred within the jurisdiction of another law enforcement agency and that it does not otherwise have jurisdiction over that assault, that law enforcement agency shall notify the other law enforcement agency of that fact within 14 days after receiving the kit from the health care facility that collected the sexual assault kit evidence. (3) A law enforcement agency that receives notice under subsection (2) shall take possession of the sexual assault kit evidence from the other law enforcement agency within 14 days after receiving that notice. (4) The investigating law enforcement agency that takes possession of any sexual assault kit evidence shall assign a criminal complaint number to that evidence in the manner required by that agency and shall submit that evidence to the department or another accredited laboratory for analysis within 14 days after that law enforcement agency takes possession of that evidence under this section. Sexual assault kit evidence that was received by a law enforcement agency within 30 days before the effective date of this act shall also be submitted to the department or other accredited laboratory as provided in this section. (5) Each submission of sexual assault kit evidence for analysis under this act shall be accompanied by the criminal complaint number required under subsection (4). (6) All sexual assault kit evidence submitted to the department or an accredited laboratory on or after the effective date of this act shall be analyzed within 90 days after all of the necessary evidence is received by the department or other accredited laboratory, provided that sufficient staffing and resources are available to do so. (7) The DNA profiles of all sexual assault kit evidence analyzed under this section on or after the effective date of this act shall be uploaded only into those databases at the state and national levels specified by the department. (8) The failure of a law enforcement agency to take possession of sexual assault kit evidence as provided in this act or to submit that evidence to the department or other accredited laboratory within the time prescribed under this act does not alter the authority of the law enforcement agency to take possession of that evidence or to submit that evidence to the department or other accredited laboratory under this act and does not alter the authority of the department or other accredited laboratory to accept and analyze the evidence or to upload the DNA profile obtained from that evidence into state and national DNA databases under this act. (9) The failure to comply with the requirements of this act does not constitute grounds in any criminal proceeding for challenging the validity of a database match or of any database information, and any evidence of that DNA record shall not be excluded by a court on those grounds. (10) A person accused or convicted of committing a crime against the victim has no standing to object to any failure to comply with the requirements of this act, and the failure to comply with the requirements of this act is not grounds for setting aside the conviction or sentence. History:2014, Act 227, Eff. Mar. 31, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 227 of 2014 - Sexual Assault Kit Evidence Submission Act (752.931 - 752.935)Section 752.935 - Destruction or Disposal of Sexual Assault Kit Evidence; Notice to Victim.

Sec. 5. If a law enforcement agency intends to destroy or otherwise dispose of any sexual assault kit evidence in a sexual assault offense case before the expiration for the limitation period applicable under section 24 of chapter VII of the code of criminal procedure, 1927 PA 175, MCL 767.24, and its destruction does not otherwise conflict with the requirements of section 16 of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.16, the law enforcement agency with the primary responsibility for investigating the case shall notify the victim of that intention in writing at least 60 days before the evidence is destroyed or otherwise disposed of. History:2014, Act 227, Eff. Mar. 31, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 231 of 1931 - Liquid Fuels, Lubricating Oils, or Similar Products (752.251 - 752.257)Section 752.251 - Liquid Fuels, Lubricating Oils; Deceit in Sale Unlawful.

Sec. 1. It shall be unlawful for any person, firm, co-partnership, association or corporation to store, sell, expose for sale or offer for sale any liquid fuels, lubricating oils or similar products, in any manner whatsoever, so as to deceive or tend to deceive the purchaser as to the nature, quality and/or identity of the product so sold or offered for sale. History:1931, Act 231, Imd. Eff. May 29, 1931 ;-- CL 1948, 752.251

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 231 of 1931 - Liquid Fuels, Lubricating Oils, or Similar Products (752.251 - 752.257)Section 752.252 - Liquid Fuels, Lubricating Oils; Distributing Equipment to Bear Distinguishing Mark.

Sec. 2. It shall be unlawful for any person, firm, co-partnership, association or corporation to store, keep, expose for sale, offer for sale, or sell from any tank or container or from any pump or other distributing device any other liquid fuels, lubricating oils or similar products than those indicated by the name, trade name, trade name symbol, sign or other distinguishing mark or device of the manufacturer or distributor appearing upon the tank, container, pump or other distributing equipment from which the same are sold, offered for sale or distributed. History:1931, Act 231, Imd. Eff. May 29, 1931 ;-- CL 1948, 752.252

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 231 of 1931 - Liquid Fuels, Lubricating Oils, or Similar Products (752.251 - 752.257)Section 752.253 - Liquid Fuels, Lubricating Oils; Disguise of Distributing Equipment Unlawful.

Sec. 3. It shall be unlawful for any person, firm, co-partnership, association or corporation to disguise or camouflage his or their own equipment by imitating the design, symbol or trade name of the equipment under which recognized brands of liquid fuels, lubricating oils or similar products are generally marketed. History:1931, Act 231, Imd. Eff. May 29, 1931 ;-- CL 1948, 752.253

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 231 of 1931 - Liquid Fuels, Lubricating Oils, or Similar Products (752.251 - 752.257)Section 752.254 - Liquid Fuels, Lubricating Oils; Substitution, Mixture or Adulteration Unlawful.

Sec. 4. It shall be unlawful for any person, firm, co-partnership, association or corporation to expose for sale, offer for sale or sell under any trade-mark or trade name in general use any liquid fuels, lubricating oils or similar products except those manufactured or distributed by the manufacturer or distributor marketing liquid fuels, lubricating oils or similar products, under such trade-mark or trade name, or to substitute, mix or adulterate the liquid fuels, lubricating oils or similar products sold, offered for sale or distributed under such trade-mark or trade name. History:1931, Act 231, Imd. Eff. May 29, 1931 ;-- CL 1948, 752.254

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 231 of 1931 - Liquid Fuels, Lubricating Oils, or Similar Products (752.251 - 752.257)Section 752.255 - Liquid Fuels, Lubricating Oils; Unlawful Deposit in Distributing Equipment.

Sec. 5. It shall be unlawful for any person, firm, co-partnership, association or corporation to aid or assist any other person, firm, co-partnership, association or corporation in the violation of the provisions of this act by depositing or delivering into any tank, receptacle or other container any other liquid fuels, lubricating oils or similar products than those intended to be stored therein and distributed therefrom as indicated by the name of the manufacturer or distributor or the trade-mark or trade name of the product displayed on the container itself or on the pump or other distributing device used in connection therewith. History:1931, Act 231, Imd. Eff. May 29, 1931 ;-- CL 1948, 752.255

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 231 of 1931 - Liquid Fuels, Lubricating Oils, or Similar Products (752.251 - 752.257)Section 752.256 - Liquid Fuels, Lubricating Oils; Labeling of Distributing Equipment.

Sec. 6. There shall be firmly attached to or painted on containers, tanks, pumps or other distributing equipment at or near the point from which liquid fuels, lubricating oils or similar products are drawn or poured out for sale or delivery, a sign or label consisting of the word or words in letters not less than 1 inch in height comprising the brand or trade name of such liquid fuels, lubricating oils or similar products; and if any of such liquid fuels, lubricating oils or similar products shall have no brand or trade name the sign or label shall consist of the words, in letters not less than 3 inches high, "Gasoline, No Brand", or "Lubricating Oil, No Brand", or words of similar effect in the case of other products. History:1931, Act 231, Imd. Eff. May 29, 1931 ;-- CL 1948, 752.256

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 231 of 1931 - Liquid Fuels, Lubricating Oils, or Similar Products (752.251 - 752.257)Section 752.257 - Penalty.

Sec. 7. Any person, firm, co-partnership, association or corporation, or any officer, agent or employe thereof, who shall violate any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than 500 dollars or by imprisonment in the county jail for not more than 1 year or by both such fine and imprisonment in the discretion of the court. History:1931, Act 231, Imd. Eff. May 29, 1931 ;-- CL 1948, 752.257

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 241 of 2004 - Michigan Children's Protection Registry Act (752.1061 - 752.1068)Section 752.1061 - Short Title; Legislative Intent.

Sec. 1. (1) This act shall be known and may be cited as the "Michigan children's protection registry act". (2) The intent of this act is to provide safeguards to prevent certain messages regarding tobacco, alcohol, pornography, gambling, illegal drugs, and other illegal products from reaching the minor children of this state. History:2004, Act 241, Imd. Eff. July 21, 2004 ;-- Am. 2005, Act 298, Imd. Eff. Dec. 21, 2005Compiler's Notes:For transfer of child protection registry from department of licensing and regulatory affairs to Michigan department of state, see E.R.O. No. 2014-1, compiled at MCL 752.1091.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 241 of 2004 - Michigan Children's Protection Registry Act (752.1061 - 752.1068)Section 752.1062 - Definitions.

Sec. 2. As used in this act: (a) "Contact point" means any electronic identification to which messages can be sent, including any of the following: (i) An instant message identity. (ii) A wireless telephone, a personal digital assistant, a pager number, or any other similar wireless communication device. (iii) A facsimile number. (iv) An electronic mail address. (v) Other electronic addresses subject to rules promulgated under this act by the department. (b) "Department" means the department of labor and economic growth. (c) "Internet domain name" means a globally unique, hierarchical reference to an internet host or service, assigned through centralized internet authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy. (d) "Minor" means an individual under the age of 18 years. (e) "Person" means an individual, corporation, association, partnership, or any other legal entity. (f) "Registry" means the child protection registry created under section 3. History:2004, Act 241, Imd. Eff. July 21, 2004Compiler's Notes:For transfer of child protection registry from department of licensing and regulatory affairs to Michigan department of state, see E.R.O. No. 2014-1, compiled at MCL 752.1091.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 241 of 2004 - Michigan Children's Protection Registry Act (752.1061 - 752.1068)Section 752.1063 - Child Protection Registry; Establishment and Operation; Registration of

Contact Points; Duration; Expiration; Revocation; Renewal; Registration by Schools and Other Institutions Serving Minor Children; Compliance Mechanism; Fees; Operational Date.

Sec. 3. (1) The department shall establish and operate, or contract with a qualified third party to establish and operate, the child protection registry. The department or a third party administrator shall establish procedures, to the extent possible, to prevent the use or disclosure of protected contact points as required under section 6. If the department elects to contract with a third party, the department shall give due consideration to any person located in this state. (2) A parent, guardian, individual, or an entity under subsection (4) who is responsible for a contact point to which a minor may have access may register that contact point with the department under rules promulgated by the department under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The department shall establish procedures to ensure that a registrant meets the requirements of this subsection. (3) A registration under this section shall be for not more than 3 years. If the contact point is established for a specific minor, the registration expires the year the minor turns 18 years of age. A registration can be revoked or renewed by the registrant upon notification to the department. (4) Schools and other institutions or entities primarily serving minor children may register 1 or more contact points with the department. An entity under this subsection may make 1 registration for all contact points of the entity, and the registration may include the entity's internet domain name under rules promulgated by the department under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (5) No fee or charge shall be assessed or incurred by a person registering a contact point under this act. (6) The department shall establish a mechanism for senders to verify compliance with the registry. (7) A person desiring to send a message described in section 5 shall pay the department a fee for access to the mechanism required under subsection (6). The fee required under this subsection shall be set by the department. The fee shall not exceed 3 cents and shall be based on the number of contact points checked against the registry for each time a contact point is checked. The mechanism to verify compliance under subsection (6) and the fee required under this subsection shall be established under rules promulgated by the department under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. (8) The fees collected under this act shall be credited to the following: (a) Eighty-five percent of the fees to the fund created under section 4. (b) Not less than 15% of the fees to the attorney general to cover the costs of investigating, enforcing, and defending this act and section 5a of 1979 PA 53, MCL 752.795a. The department may reimburse the attorney general from the fund created under section 4 for any costs incurred under this subdivision that exceed the fees credited under this subdivision. (9) The registry shall be fully operational not later than July 1, 2005. History:2004, Act 241, Imd. Eff. July 21, 2004 ;-- Am. 2005, Act 206, Imd. Eff. Nov. 14, 2005Compiler's Notes:For transfer of child protection registry from department of licensing and regulatory affairs to Michigan department of state, see E.R.O. No. 2014-1, compiled at MCL 752.1091.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 241 of 2004 - Michigan Children's Protection Registry Act (752.1061 - 752.1068)Section 752.1064 - Children's Protection Registry Fund; Creation; Expenditures; Reversion to General Fund.

Sec. 4. (1) The children's protection registry fund is created as a separate fund in the state treasury and administered by the department. Money shall be deposited into the fund as required by section 3(8)(a). (2) The department shall expend money from the fund only for the purposes of administering this act and for the investigation, enforcement, and defense of this act and section 5a of 1979 PA 53, MCL 752.795a. (3) All money, including interest and earnings, in the fund at the end of the fiscal year shall remain in the fund and not revert to the general fund. History:2004, Act 241, Imd. Eff. July 21, 2004Compiler's Notes:For transfer of child protection registry from department of licensing and regulatory affairs to Michigan department of state, see E.R.O. No. 2014-1, compiled at MCL 752.1091.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 241 of 2004 - Michigan Children's Protection Registry Act (752.1061 - 752.1068)Section 752.1065 - Prohibited Conduct; Exceptions; Third-Party Security Audits.

Sec. 5. (1) Except as otherwise provided under this section, a person shall not send, cause to be sent, or conspire with a third party to send a message to a contact point that has been registered for more than 30 calendar days with the department if the primary purpose of the message is to, directly or indirectly, advertise or otherwise link to a message that advertises a product or service that a minor is prohibited by law from purchasing, viewing, possessing, participating in, or otherwise receiving. (2) A person desiring to send a message described in subsection (1) shall use the mechanism created under section 3(6) to ensure compliance with this act. (3) The consent of a minor or third party to receive the message is not a defense to a violation of this section. (4) A person does not violate this act because the person is an intermediary between the sender and recipient in the transmission of an electronic message that violates this act or unknowingly provides transmission of electronic messages over the person's computer network or facilities that violate this act. (5) The sending of a message described in subsection (1) is prohibited only if it is otherwise a crime for the minor to purchase, view, possess, participate in, or otherwise receive the product or service. (6) The sending of a message described in subsection (1) is not prohibited if prior to sending the message the sender has obtained from an age-verified adult an affirmative statement of consent to receive the message at an adult designated contact point. To comply with this subsection, the sender shall do all of the following: (a) Verify that the person making the affirmative statement is of legal age by inspecting in a face-to-face transaction a valid government-issued photo identification with proof of age. (b) Obtain a written record stating that the recipient has consented to receive the type of messages described in subsection (1). The consent form required under this subdivision shall be signed by the recipient. The sender shall retain the consent form required under this subdivision and make it available for

verification as may be required under subdivision (d). (c) All messages allowed under this subsection shall include notice to the recipient that he or she may rescind their consent and provide an opportunity for the recipient to opt out of receiving any future messages. (d) Notify the department that the sender intends to send messages as allowed under this subsection. The department may implement procedures to verify that the sender is in compliance with this subsection. (7) Within 90 days of the effective date of the amendatory act that added this subsection, the department, or the vendor providing registry services for the department, shall conduct a third-party audit to certify the security of the registry. Follow-up third-party security audits on the registry systems shall be conducted at least annually. If the third-party security audit determines that the registry does not meet or exceed the industry standard for high security systems, then the registry shall be suspended until the security systems are determined to meet this standard. History:2004, Act 241, Imd. Eff. July 21, 2004 ;-- Am. 2005, Act 298, Imd. Eff. Dec. 21, 2005Compiler's Notes:For transfer of child protection registry from department of licensing and regulatory affairs to Michigan department of state, see E.R.O. No. 2014-1, compiled at MCL 752.1091.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 241 of 2004 - Michigan Children's Protection Registry Act (752.1061 - 752.1068)Section 752.1066 - Release of Information; Prohibitions; Register Not Subject to Freedom of Information Act.

Sec. 6. (1) A person shall not release to another person information concerning persons or provide access to contact points or other information contained on the registry except as provided by this act. (2) A person shall not sell or use the registry for any reason other than to meet the requirements of this act. (3) A person shall not access or attempt to access the registry except as provided by this act. (4) The registry created under this act is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. History:2004, Act 241, Imd. Eff. July 21, 2004Compiler's Notes:For transfer of child protection registry from department of licensing and regulatory affairs to Michigan department of state, see E.R.O. No. 2014-1, compiled at MCL 752.1091.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 241 of 2004 - Michigan Children's Protection Registry Act (752.1061 - 752.1068)Section 752.1067 - Violation of Act; Penalties.

Sec. 7. A violation of this act is a computer crime and a violation of section 5a of 1979 PA 53, MCL 752.795a, subject to the penalties provided for under sections 6a and 6b of 1979 PA 53, MCL 752.796a and 752.796b. History:2004, Act 241, Imd. Eff. July 21, 2004Compiler's Notes:For transfer of child protection registry from department of licensing and regulatory affairs to Michigan department of state, see E.R.O. No. 2014-1, compiled at MCL 752.1091.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 241 of 2004 - Michigan Children's Protection Registry Act (752.1061 - 752.1068)Section 752.1068 - Civil Action; Attorney Fees; Remedies; Investigation of Business Transactions; Effective Date of Section.

Sec. 8. (1) A civil action based on the computer crime established under this act may be brought by an authorized individual or the registrant of the contact point on behalf of a minor who has received a message in violation of this act. (2) A civil action based on the computer crime established under this act may be brought by a person through whose facilities the message was transmitted in violation of this act. (3) A civil action based on the computer crime established under this act may be brought by the attorney general against a person who has violated this act. (4) In each action brought under this section, the prevailing party may be awarded reasonable attorney fees if the action is found by the court to be frivolous. (5) A person bringing an action under this section may recover 1 of the following: (a) Actual damages, including reasonable attorney fees. (b) In lieu of actual damages, recover the lesser of the following: (i) $5,000.00 per each message received by a recipient or transmitted. (ii) $250,000.00 for each day that the violation occurs. (6) If the attorney general has reason to believe that a person has violated this act, the attorney general may investigate the business transactions of that person. The attorney general may require that person to appear, at a reasonable time and place, to give information under oath and to produce such documents and evidence necessary to determine whether the person is in compliance with the requirements of this act. (7) Any civil penalties collected by the attorney general under this section shall be credited to the attorney general for the costs of investigating, enforcing, and defending this act and section 5a of 1979 PA 53, MCL 752.795a. (8) This section takes effect July 1, 2005. History:2004, Act 241, Eff. July 1, 2005Compiler's Notes:For transfer of child protection registry from department of licensing and regulatory affairs to Michigan department of state, see E.R.O. No. 2014-1, compiled at MCL 752.1091.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 26 of 1970 - Prohibited Conduct at Institutions of Higher Education (752.581 - 752.583)Section 752.581 - Colleges and Universities; Wilfully Remaining on Premises, Misdemeanor, Penalty.

Sec. 1. A person is guilty of a misdemeanor, punishable by a fine of not more than $500.00, or by incarceration in the county jail for not more than 30 days, or both: (a) When the chief administrative officer of a publicly owned and operated institution of higher education, or his designee, notifies the person that he is such officer or designee and that the person is in violation of the properly promulgated rules of the institution; and (b) When the person is in fact in violation of such rules; and (c) When, thereafter, such officer or designee directs the person to vacate the premises, building or other structure of the institution; and (d) When the person thereafter wilfully remains in or on such premises, building or other structure; and (e) When, in so remaining therein or thereon, the

person constitutes (1) a clear and substantial risk of physical harm or injury to other persons or of damage to or destruction of the property of the institution, or (2) an unreasonable prevention or disruption of the customary and lawful functions of the institution, by occupying space necessary therefor or by use of force or by threat of force. History:1970, Act 26, Imd. Eff. Aug. 1, 1970

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 26 of 1970 - Prohibited Conduct at Institutions of Higher Education (752.581 - 752.583)Section 752.582 - Colleges and Universities; Damaging or Disrupting, Misdemeanor.

Sec. 2. A person is guilty of a misdemeanor, punishable by a fine of not less than $200.00 and not more than $1,000.00, or by incarceration in the county jail for not more than 90 days, or both, who enters on the premises, building or other structure of a publicly owned and operated institution of higher education, with the intention to, and therein or thereon does in fact, constitute (a) a clear and substantial risk of physical harm or injury to other persons or of damage to or destruction of the property of the institution, or (b) an unreasonable prevention or disruption of the customary and lawful function of the institution, by occupying space necessary therefor or by use of force or by threat of force. History:1970, Act 26, Imd. Eff. Aug. 1, 1970

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 26 of 1970 - Prohibited Conduct at Institutions of Higher Education (752.581 - 752.583)Section 752.583 - Effective Date.

Sec. 3. This act shall take effect August 1, 1970. History:1970, Act 26, Imd. Eff. Aug. 1, 1970

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 270 of 1992 - Assistance to Suicide (752.1021 - 752.1027)Section 752.1021 - Legislative Findings; Effective Date of Section.

Sec. 1. (1) The legislature finds that the voluntary self-termination of human life, with or without assistance, raises serious ethical and public health questions in the state. To study this problem and to develop recommendations for legislation, the Michigan commission on death and dying is created. (2) This section shall take effect February 25, 1993. History:1992, Act 270, Eff. Mar. 31, 1993 ;-- Am. 1993, Act 3, Imd. Eff. Feb. 25, 1993

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 270 of 1992 - Assistance to Suicide (752.1021 - 752.1027)Section 752.1022 - Definitions; Effective Date of Section.

Sec. 2. (1) As used in this act: (a) "Commission" means the Michigan commission on death and dying created in section 3. (b) "Legislative council" means the legislative council established under section 15 of article IV of the state constitution of 1963. (c) "Licensed health care professional" means any of the following: (i) A physician or physician's assistant licensed or authorized to practice under part 170 or 175 of the public health code, being sections 333.17001 to 333.17088 and 333.17501 to 333.17556 of the Michigan Compiled Laws. (ii) A registered nurse or licensed practical nurse licensed or authorized to practice under part 172 of the public health code, being sections 333.17201 to 333.17242 of the Michigan Compiled Laws. (iii) A pharmacist licensed under part 177 of the public health code, being sections 333.17701 to 333.17770 of the Michigan Compiled Laws. (d) "Patient" means a person who engages in an act of voluntary self-termination. (e) "Public health code" means Act No. 368 of the Public Acts of 1978, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws. (f) "The voluntary self-termination of life", "voluntary self-termination", and "self-termination" mean conduct by which a person expresses the specific intent to end, and attempts to cause the end of, his or her life, but do not include the administration of medication or medical treatment intended by a person to relieve his or her pain or discomfort, unless that administration is also independently and specifically intended by the person to cause the end of his or her life. (2) This section shall take effect February 25, 1993. History:1992, Act 270, Eff. Mar. 31, 1993 ;-- Am. 1993, Act 3, Imd. Eff. Feb. 25, 1993

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 270 of 1992 - Assistance to Suicide (752.1021 - 752.1027)Section 752.1023 - Michigan Commission on Death and Dying; Creation; Nomination and Appointment of Members; Alternates; Quorum; Rules Governing Proceedings; Notice; Deliberations; Death or Resignation of Member; Effective Date of Section.

Sec. 3. (1) The Michigan commission on death and dying is created within the legislative council. In accordance with its own rules and procedures, each of the following may nominate 2 persons for appointment to the commission: (a) American association of retired persons. (b) American civil liberties union of Michigan. (c) Citizens for better care. (d) Health care association of Michigan. (e) Hemlock of Michigan. (f) Michigan association for retarded citizens. (g) Michigan association of osteopathic physicians and surgeons. (h) Michigan association of suicidology. (i) Michigan council on independent living. (j) Michigan head injury survivor's council. (k) Michigan hospice organization. (l) Michigan hospital association. (m) Michigan nonprofit homes association. (n) Michigan nurses association. (o) Michigan psychiatric society. (p) Michigan psychological association. (q) Michigan senior advocates council. (r) Michigan state medical society. (s) National association of social workers, Michigan division. (t) Right to life of Michigan, inc. (u) State bar of Michigan. (v) Prosecuting attorneys association of Michigan. (2) Within 30 days after receiving notice of the nominations of an organization listed in subsection (1), the chairperson and alternate chairperson of the legislative council shall select from the nominees of that organization a member and a person to serve as that member's alternate on the commission. (3) A majority of commission members appointed constitute a quorum. (4) The commission shall convene its first meeting within 90 days after the effective date of this act, at which the members shall elect from members of the commission a

chairperson, vice-chairperson, and secretary. The commission shall establish rules governing commission proceedings. These rules shall provide alternate members with full rights of participation, other than voting, in all commission proceedings. (5) Following its first meeting, the commission shall meet as often as necessary to fulfill its duties under this act. Either the chairperson or a majority of the appointed members may call a meeting upon 7 days' written notice to the commission members. (6) In its deliberations, the commission shall provide for substantial involvement from the academic, health care, legal, and religious communities, as well as from members of the general public. (7) Upon the death or resignation of a commission member, the person serving as his or her alternate shall succeed that member. If a member of the commission is absent from a commission meeting, the person serving as his or her alternate shall act as a member of the commission at that meeting. (8) This section shall take effect February 25, 1993. History:1992, Act 270, Eff. Mar. 31, 1993 ;-- Am. 1993, Act 3, Imd. Eff. Feb. 25, 1993

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 270 of 1992 - Assistance to Suicide (752.1021 - 752.1027)Section 752.1024 - Development and Submission of Recommendations to Legislature; Effective Date of Section.

Sec. 4. (1) Within 15 months after the effective date of this act, the commission shall develop and submit to the legislature recommendations as to legislation concerning the voluntary self-termination of life. In developing these recommendations, the commission shall consider each of the following: (a) Current data concerning voluntary self-termination, including each of the following: (i) The current self-termination rate in the state, compared with historical levels. (ii) The causes of voluntary self-termination, and in particular each of the following: (A) The role of alcohol and other drugs. (B) The role of age, disease, and disability. (iii) Past and current Michigan law concerning voluntary self-termination, including the status of persons who assist a patient's self-termination, and in particular the effect of any relevant law enacted during the 86th Legislature. (iv) The laws of other states concerning voluntary self-termination, and in particular the effect of those laws on the rate of self-termination. (b) The proper aims of legislation affecting voluntary self-termination, including each of the following: (i) The existence of a societal consensus in the state on the morality of the voluntary self-termination of life, including the morality of other persons assisting a patient's self-termination. (ii) The significance of each of the following: (A) The attitudes of a patient's family regarding his or her voluntary self-termination. (B) The cause of a patient's act of self-termination, including apprehension or existence of physical pain, disease, or disability. (iii) Whether to differentiate among the following causes of voluntary self-termination: (A) Physical conditions, as distinguished from psychological conditions. (B) Physical conditions that will inevitably cause death, as distinguished from physical conditions with which a patient may survive indefinitely. (C) Withdrawing or withholding medical treatment, as distinguished from administering medication, if both are in furtherance of a process of voluntary self-termination. (iv) With respect to how the law should treat a person who assists a patient's voluntary self-termination, whether to differentiate based on the following: (A) The nature of the assistance, including inaction; noncausal facilitation; information transmission; encouragement; providing the physical means of self-termination; active participation without immediate risk to the person assisting; and active participation that incurs immediate risk to the person assisting, such as suicide pacts. (B) The motive of the person assisting, including compassion, fear for his or her own safety, and fear for the safety of the patient. (C) The patient's awareness of his or her true condition, including the possibility of mistake or deception. (v) The relevance of each of the following: (A) The legal status of suicide. (B) The legal status of living wills. (C) The right to execute a durable power of attorney for health care, as provided in section 496 of the revised probate code, Act No. 642 of the Public Acts of 1978, being section 700.496 of the Michigan Compiled Laws. (D) The common-law right of a competent adult to refuse medical care or treatment. (E) Constitutional rights of free speech, free exercise of religion, and privacy, and constitutional prohibitions on the establishment of religion. (c) The most efficient method of preventing voluntary self-terminations, to the extent prevention is a proper aim of legislation. In particular, the commission shall consider each of the following: (i) The costs of various methods of preventing voluntary self-terminations, including the use of any of the following: (A) Public health measures, such as crisis therapy and suicide counseling services. (B) Tort law. (C) Criminal law, including the desirability of criminalizing suicide or attempted suicide. (D) Civil sanctions, including the denial of inheritance and requirements of community service and mandatory counseling. (ii) The likely effect of any of the methods listed in subparagraph (i) on the self-termination rate, and in particular the probability that a particular method might cause the self-termination rate to increase. (iii) The impact of any of the methods listed in subparagraph (i) on the practice of medicine and the availability of health care in the state. (iv) Whether current state law is adequate to address the question of voluntary self-termination in the state. (d) Appropriate guidelines and safeguards regarding voluntary self-terminations the law should allow, including the advisability of allowing, in limited cases, the administering of medication in furtherance of a process of voluntary self-termination. (e) Any other factors the commission considers necessary in developing recommendations for legislation concerning the voluntary self-termination of life. (2) This section shall take effect February 25, 1993. History:1992, Act 270, Eff. Mar. 31, 1993 ;-- Am. 1993, Act 3, Imd. Eff. Feb. 25, 1993

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 270 of 1992 - Assistance to Suicide (752.1021 - 752.1027)Section 752.1025 - Conducting Business of Commission; Effective Date of Section.

Sec. 5. (1) The business of the commission shall be conducted in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. (2) This section shall take effect February 25, 1993. History:1992, Act 270, Eff. Mar. 31, 1993 ;-- Am. 1993, Act 3, Imd. Eff. Feb. 25, 1993

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 270 of 1992 - Assistance to Suicide (752.1021 -

752.1027)Section 752.1026 - Availability of Writings to the Public; Effective Date of Section.

Sec. 6. (1) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws. (2) This section shall take effect February 25, 1993. History:1992, Act 270, Eff. Mar. 31, 1993 ;-- Am. 1993, Act 3, Imd. Eff. Feb. 25, 1993

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 270 of 1992 - Assistance to Suicide (752.1021 - 752.1027)Section 752.1027 - Prohibited Acts; Violation; Penalties; Applicability of Subsection (1); Exceptions; Effective Date of Section; Repeal of Section.

***** 752.1027 THIS SECTION IS REPEALED EFFECTIVE 6 MONTHS AFTER THE DATE THE COMMISSION MAKES ITS RECOMMENDATIONS TO THE LEGISLATURE PURSUANT TO SECTION 4: See (5) of 752.1027 ***** Sec. 7. (1) A person who has knowledge that another person intends to commit or attempt to commit suicide and who intentionally does either of the following is guilty of criminal assistance to suicide, a felony punishable by imprisonment for not more than 4 years or by a fine of not more than $2,000.00, or both: (a) Provides the physical means by which the other person attempts or commits suicide. (b) Participates in a physical act by which the other person attempts or commits suicide. (2) Subsection (1) shall not apply to withholding or withdrawing medical treatment. (3) Subsection (1) does not apply to prescribing, dispensing, or administering medications or procedures if the intent is to relieve pain or discomfort and not to cause death, even if the medication or procedure may hasten or increase the risk of death. (4) This section shall take effect February 25, 1993. (5) This section is repealed effective 6 months after the date the commission makes its recommendations to the legislature pursuant to section 4. History:1992, Act 270, Eff. Mar. 31, 1993 ;-- Am. 1993, Act 3, Imd. Eff. Feb. 25, 1993Constitutionality:In a memorandum opinion, the Michigan Supreme Court held that 1) the assisted suicide provisions of MCL 752.1027 of the Michigan Compiled Laws were validly enacted and do not violate the Title-Object Clause of the Michigan Constitution, and 2) the US Constitution does not prohibit a state from imposing criminal penalties for assisting a suicide. Michigan v Kevorkian, 445 Mich 917; 521 NW2d 4 (1994).

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 274 of 1975 - Unauthorized Transfer of Recorded Sound (752.781 - 752.785)Section 752.781 - “Owner” Defined.

Sec. 1. As used in this act, "owner" means the person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film, or other article used for reproducing sound on phonograph records, discs, tapes, films, or other articles upon which sound is recorded, and from which the transferred recorded sound is directly or indirectly derived. History:1975, Act 274, Eff. Mar. 31, 1976

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 274 of 1975 - Unauthorized Transfer of Recorded Sound (752.781 - 752.785)Section 752.782 - Transfer of Recorded Sound for Sale or Sales Promotion Without Consent of Owner; Penalty.

Sec. 2. (1) A person, without the consent of the owner, shall not transfer or cause to be transferred sound recorded on a phonograph record, disc, wire, tape, film, or other article on which sound is recorded, with the intent to sell or cause to be sold for profit or used to promote the sale of a product, the article on which the sound is so transferred. (2) A person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than $5,000.00, or both. History:1975, Act 274, Eff. Mar. 31, 1976

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 274 of 1975 - Unauthorized Transfer of Recorded Sound (752.781 - 752.785)Section 752.783 - Advertising or Sale of Recorded Sound Without Consent of Owner.

Sec. 3. (1) A person, knowing or having reasonable grounds to know that the sound thereon has been transferred without the consent of the owner, shall not advertise, sell, resell, offer for sale or resale, or possess for the purpose of sale or resale, an article that has been produced in violation of section 2. (2) A person who violates this section shall be guilty of a misdemeanor punishable by a fine of not more than $100.00 for each offense. History:1975, Act 274, Eff. Mar. 31, 1976

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 274 of 1975 - Unauthorized Transfer of Recorded Sound (752.781 - 752.785)Section 752.784 - Recordings to Which MCL 752.782 and 752.783 Applicable.

Sec. 4. Sections 2 and 3 of this act shall apply only to those recordings originally fixed before February 15, 1972, which were not protected by 17 U.S.C. section 1(f). History:1975, Act 274, Eff. Mar. 31, 1976

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 274 of 1975 - Unauthorized Transfer of Recorded Sound (752.781 - 752.785)Section 752.785 - Persons to Whom Act Inapplicable.

Sec. 5. This act does not apply to a person who transfers or causes to be transferred sound: (a) Intended for or in connection with radio or television broadcast transmission or related uses. (b) For archival, library, or educational purposes. (c) Solely for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer. History:1975, Act 274, Eff. Mar. 31, 1976

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 302 of 1968 - Riots and Related Crimes (752.541 - 752.546)Section 752.541 - Riot.

Sec. 1. It is unlawful and constitutes the crime of riot for 5 or more persons, acting in concert, to wrongfully engage in violent conduct and thereby intentionally or recklessly cause or create a serious risk of causing public terror or alarm. History:1968, Act 302, Imd. Eff. July 1, 1968

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 302 of 1968 - Riots and Related Crimes (752.541 - 752.546)Section 752.542 - Inciting to Riot.

Sec. 2. It is unlawful and constitutes incitement to riot for a person or persons, intending to cause or to aid or abet the institution or maintenance of a riot, to do an act or engage in conduct that urges other persons to commit acts of unlawful force or violence, or the unlawful burning or destroying of property, or the unlawful interference with a police officer, peace officer, fireman or a member of the Michigan national guard or any unit of the armed services officially assigned to riot duty in the lawful performance of his duty. History:1968, Act 302, Imd. Eff. July 1, 1968

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 302 of 1968 - Riots and Related Crimes (752.541 - 752.546)Section 752.542a - Riot at State Correctional Facility.

Sec. 2a. A person shall not willfully instigate, cause, attempt to cause, assist in causing, or conspire to cause a riot at a state correctional facility. As used in this section, "riot at a state correctional facility" means 3 or more persons, acting in concert, who intentionally or recklessly engage in violent conduct within a state correctional facility that threatens the security of the state correctional facility or threatens the safety or authority of persons responsible for maintaining the security of the state correctional facility. History:Add. 1988, Act 393, Eff. Mar. 30, 1989

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 302 of 1968 - Riots and Related Crimes (752.541 - 752.546)Section 752.543 - Unlawful Assembly.

Sec. 3. It is unlawful and constitutes an unlawful assembly for a person to assemble or act in concert with 4 or more persons for the purpose of engaging in conduct constituting the crime of riot, or to be present at an assembly that either has or develops such a purpose and to remain thereat with intent to advance such purpose. History:1968, Act 302, Imd. Eff. July 1, 1968

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 302 of 1968 - Riots and Related Crimes (752.541 - 752.546)Section 752.544 - Violation as Felony; Penalty.

Sec. 4. (1) A violation of section 1, 2, or 2a is a felony, punishable by not more than 10 years in prison or a fine of not more than $10,000.00, or both. (2) A violation of section 3 is a felony, punishable by not more than 5 years in prison or a fine of not more than $5,000.00, or both. History:1968, Act 302, Imd. Eff. July 1, 1968 ;-- Am. 1988, Act 393, Eff. Mar. 30, 1989

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 302 of 1968 - Riots and Related Crimes (752.541 - 752.546)Section 752.545 - Repeal.

Sec. 5. Sections 521 and 522 of Act No. 328 of the Public Acts of 1931, being sections 750.521 and 750.522 of the Compiled Laws of 1948, are repealed. History:1968, Act 302, Imd. Eff. July 1, 1968

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 302 of 1968 - Riots and Related Crimes (752.541 - 752.546)Section 752.546 - Effective Date.

Sec. 6. This act shall take effect July 1, 1968. History:1968, Act 302, Imd. Eff. July 1, 1968

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 318 of 2014 - Sexual Assault Evidence Kit Tracking and Reporting (752.961 - 752.962)Section 752.961 - Definitions.

Sec. 1. As used in this act: (a) "Commission" means the sexual assault evidence kit tracking and reporting commission created in section 2. (b) "Michigan domestic and sexual violence prevention and treatment board" means the Michigan domestic and sexual violence prevention and treatment board created under EO 2012-17. (c) "Sexual assault evidence kit" means that term as defined in section 21527 of the public health code, 1978 PA 368, MCL 333.21527. History:2014, Act 318, Eff. Jan. 1, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 318 of 2014 - Sexual Assault Evidence Kit Tracking and Reporting (752.961 - 752.962)Section 752.962 - Sexual Assault Evidence Kit Tracking and Reporting Commission; Creation; Membership; Appointment; Vacancy; Meetings; Election of Chairperson and Officers; Quorum; Business Conducted at Public Meeting; Writing Subject to Freedom of Information Act; Duties After Initial Meeting; Implementation of Plans; Appropriation; Abolishment of Commission.

Sec. 2. (1) The sexual assault evidence kit tracking and reporting commission is created within the Michigan domestic and sexual violence prevention and treatment board. The commission shall consist of the following members: (a) The director of the department of state police or his or her designated representative from within the department of state police. (b) The attorney general or his or

her designated representative from within the department of the attorney general. (c) The president of the prosecuting attorneys association of Michigan or his or her representative. (d) The president of the Michigan association of chiefs of police or his or her representative. (e) The president of the Michigan sheriff's association or his or her representative. (f) The executive director of the Michigan domestic and sexual violence prevention and treatment board or his or her representative. (g) The executive director of the Michigan coalition to end domestic and sexual violence or his or her representative. (h) The president of the Michigan health and hospital association or his or her representative. (i) A representative appointed by the governor from the executive office of the governor. (j) The president of the Michigan chapter of the international association of forensic nurses or his or her representative. (k) The chairperson of the Michigan crime victim services commission described in section 2 of 1976 PA 223, MCL 18.352, or his or her representative. (l) One individual appointed by the senate majority leader who is a state senator from the majority party within the state senate. (m) One individual appointed by the senate minority leader who is a state senator from the minority party within the state senate. (n) One individual appointed by the speaker of the house of representatives who is a state representative from the majority party within the state house of representatives. (o) One individual appointed by the minority leader of the house of representatives who is a state representative from the minority party within the state house of representatives. (2) The members first appointed to the commission under subsection (1)(i) and (l) to (o) shall be appointed within 90 days after the effective date of this act. (3) If a vacancy occurs on the commission, the appropriate entity shall make an appointment in the same manner as the original appointment. (4) The first meeting of the commission shall be called by the director of the department of state police or his or her designated representative or the executive director of the Michigan domestic and sexual violence prevention and treatment board no later than 30 days after all of the initial members of the commission have been appointed under subsection (1)(i) and (l) to (o). At the first meeting, the commission shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the commission shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 7 or more members until the requirements of subsection (8) are met. After the requirements of subsection (8) are met, the commission shall meet as often as required to carry out the requirements of subsection (11). (5) A majority of the members of the commission constitute a quorum for the transaction of business at a meeting of the commission. A majority of the members present and serving are required for official action of the commission. (6) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. (7) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (8) The commission shall do all of the following no later than 365 days after its initial meeting: (a) Develop guidelines and a plan to implement a uniform statewide system to track the location, lab submission status, completion of forensic testing, and storage of sexual assault evidence kits. However, access to any information collected through the statewide system created under this act of unreleased or unused sexual assault evidence kits shall only be disclosed to specific entities selected and identified by the commission that will use the information only for policy or training purposes and to sexual assault victims or their designees as described in subdivision (c). Information collected from an unreleased sexual assault evidence kit shall not contain any information identifying the victim to whom the kit is associated. (b) Develop guidelines and a plan to implement a uniform system to audit the proper submission of sexual assault evidence kits as mandated in the sexual assault kit evidence submission act, 2014 PA 227, MCL 752.931 to 752.935. (c) Develop guidelines and a plan to implement a secure electronic access that allows a victim, or his or her designee, to access or receive information about the location, lab submission status, and storage of sexual assault evidence that was gathered from him or her, provided that the disclosure does not impede or compromise an ongoing investigation. (d) Develop guidelines and a plan to implement a uniform system to audit untested sexual assault evidence kits that have been released by the victim and were collected 30 days before the effective date of the sexual assault kit evidence submission act, 2014 PA 227, MCL 752.931 to 752.935. (e) Develop guidelines and a plan to safeguard confidentiality of the information and limited disclosure. (f) Recommend sources of public and private funding to implement the plans developed under this subsection. (g) Recommend any changes to law or policy needed to support implementation of the plans developed under this subsection. (h) Submit a report on the plans developed under this subsection to all of the following: (i) The standing committees of the senate and house of representatives with jurisdiction over issues pertaining to the prosecution of criminal sexual conduct. (ii) The senate and house of representatives appropriations subcommittees on the departments of state police and the attorney general. (iii) The senate and house fiscal agencies. (9) Subject to appropriation of sufficient funding, the commission shall oversee implementation of the plans developed under subsection (8). (10) There is appropriated $25,000.00 for the department of human services for the fiscal year ending September 30, 2015 and each fiscal year after that. The funds appropriated under this subsection shall be used only to implement and carry out the purposes of this act. (11) The commission shall be abolished as follows: (a) If funds are not appropriated to implement the plan developed under subsection (8), the commission shall be abolished 2 years after the date on which the report described in subsection (8)(h) was submitted. (b) If funds are appropriated to implement the plan developed under subsection (8), the commission shall be abolished upon the final implementation of the plan. History:2014, Act 318, Eff. Jan. 1, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 319 of 2014 - Sexual Assault Victim's Access to Justice Act (752.951 - 752.957)Section 752.951 - Short Title.

Sec. 1. This act shall be known and may be cited as the "sexual assault victim's access to justice act". History:2014, Act 319, Eff. Apr. 1, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 319 of 2014 - Sexual Assault Victim's Access to Justice Act (752.951 - 752.957)Section 752.952 - Definitions.

Sec. 2. As used in this act: (a) "Forensic laboratory" means a DNA laboratory that has received formal recognition that it meets or exceeds a list of standards, including the FBI director's quality assurance standards, to perform specific tests, established by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic community in accordance with the provisions of the federal DNA identification act, 42 USC 14132, or subsequent laws. (b) "Investigating law enforcement agency" means the local, county, or state law enforcement agency with the primary responsibility for investigating an alleged sexual assault offense case and includes the employees of that agency. Investigating law enforcement agency includes a law enforcement agency of a community college or university if that law enforcement agency of a community college or university is responsible for collecting sexual assault evidence. (c) "Law enforcement agency" means the local, county, or state law enforcement agency and includes the employees of that agency. Law enforcement agency includes a law enforcement agency of a community college or university. (d) "Sexual assault evidence kit" means that term as defined in section 21527 of the public health code, 1978 PA 368, MCL 333.21527. (e) "Sexual assault offense" means a violation or attempted violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g. (f) "Sexual assault victim" means an individual subjected to a sexual assault offense and, for the purposes of making communications and receiving notices under this act, a person designated by the sexual assault victim under section 4. History:2014, Act 319, Eff. Apr. 1, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 319 of 2014 - Sexual Assault Victim's Access to Justice Act (752.951 - 752.957)Section 752.953 - Information and Notice to Be Provided to Sexual Assault Victim.

Sec. 3. (1) Within 24 hours after the initial contact between a sexual assault victim and the investigating law enforcement agency, that investigating law enforcement agency shall give the sexual assault victim a written copy of, or access to, the following information: (a) Contact information for a local community-based sexual assault services program, if available. (b) Notice that he or she can have a sexual assault evidence kit administered and that he or she cannot be billed for this examination as provided in section 5a of 1976 PA 223, MCL 18.355a. (c) Notice that he or she may choose to have a sexual assault evidence kit administered without being required to participate in the criminal justice system or cooperate with law enforcement as provided in section 5a of 1976 PA 223, MCL 18.355a. (d) Notice of the right to request information under sections 5 and 6. (e) Notice of the right to request a personal protection order as provided in section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a. (2) The information and notice provided under subsection (1) shall also include the notice required under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834. (3) The Michigan domestic and sexual violence prevention and treatment board, in consultation with law enforcement, shall develop a sample notice card for sexual assault victims. The card shall be made available electronically to Michigan law enforcement agencies no later than June 30, 2015. (4) Beginning not later than September 30, 2015, law enforcement agencies shall provide sexual assault victims with the information required in subsection (1). History:2014, Act 319, Eff. Apr. 1, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 319 of 2014 - Sexual Assault Victim's Access to Justice Act (752.951 - 752.957)Section 752.954 - Sexual Assault Victim's Request for Information; Requirements.

Sec. 4. (1) When a sexual assault victim requests information from an investigating law enforcement agency under section 5 or 6, the law enforcement agency shall respond by telephone, in writing mailed to the sexual assault victim, or by electronic mail, as specified by the sexual assault victim. If the sexual assault victim is a program participant who requests that the information be mailed to his or her address designated by the department of the attorney general, the law enforcement agency shall respond in writing mailed to the sexual assault victim at that address. If the victim does not specify, the law enforcement agency may respond using any of the methods described in this subsection. If new or updated information becomes available after a response is given to a sexual assault victim's request, the law enforcement agency may, but is not required to, provide the new or updated information to the sexual assault victim in the absence of a new request from him or her. (2) This section does not require the law enforcement agency to communicate with the sexual assault victim regarding information if he or she does not specifically make a request to the law enforcement agency. (3) A sexual assault victim may designate an alternative person to receive the information requested by the sexual assault victim, and the law enforcement agency shall then direct any information to that designated person. (4) To receive information under this section, the sexual assault victim shall provide the law enforcement agency with the name, address, telephone number, and electronic mail address of the person to whom the information should be provided. (5) The law enforcement agency may require a sexual assault victim's request for information under this section to be in writing. If a sexual assault victim has submitted a written request for information, subsequent requests for updated information are not required to be in writing. (6) As used in subsection (1), "program participant" means that term as defined in section 3 of the address confidentiality program act. History:2014, Act 319, Eff. Apr. 1, 2015 ;-- Am. 2020, Act 274, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 319 of 2014 - Sexual Assault Victim's Access to Justice Act (752.951 - 752.957)Section 752.955 - Information Provided to Sexual Assault Victim.

Sec. 5. Upon request by a sexual assault victim to the investigating law enforcement agency, the sexual assault victim shall be provided with the following information if available and if the disclosure does not impede or compromise an ongoing investigation:

(a) The contact information for the officer investigating the case. (b) The current status of the case. (c) Whether the case has been submitted to the office of the prosecuting attorney for review. (d) If the case has been closed and the documented reason for closure. History:2014, Act 319, Eff. Apr. 1, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 319 of 2014 - Sexual Assault Victim's Access to Justice Act (752.951 - 752.957)Section 752.956 - Information About Forensic Testing Results; Providing Copy to Sexual Assault Victim; Informational Handout.

Sec. 6. (1) Upon request by a sexual assault victim to the investigating law enforcement agency for information about DNA testing results, the sexual assault victim shall be provided with the following information if available and if the disclosure does not impede or compromise an ongoing investigation: (a) When the sexual assault evidence kit was submitted to the forensic laboratory. (b) Whether a DNA profile of a suspect was obtained from the processing of evidence in the sexual assault case. (c) Whether a DNA profile of a suspect has been entered into any data bank designed or intended to be used for the retention or comparison of case evidence. (d) Whether there is a match between the DNA profile of a suspect obtained in the sexual assault case to any DNA profile contained in any data bank designed or intended to be used for the retention or comparison of case evidence. (2) If a sexual assault victim is provided with information about forensic testing results, he or she shall also be provided with a copy of, or access to, the information handout described in subsection (3). (3) No later than September 30, 2015, the Michigan domestic and sexual violence prevention and treatment board, in consultation with the department of state police, shall develop an informational handout for sexual assault victims that explains the meaning of possible forensic testing results. The informational handout shall be made available electronically to Michigan law enforcement agencies. History:2014, Act 319, Eff. Apr. 1, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 319 of 2014 - Sexual Assault Victim's Access to Justice Act (752.951 - 752.957)Section 752.957 - Cause of Action for Monetary Damages.

Sec. 7. This act does not create a cause of action for monetary damages against the state, a county, a municipality, or any of their agencies, instrumentalities, or employees. History:2014, Act 319, Eff. Apr. 1, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1001 - Short Title.

Sec. 1. This act shall be known and may be cited as "the health care false claim act". History:1984, Act 323, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1002 - Definitions.

Sec. 2. As used in this act: (a) "Claim" means any attempt to cause a health care corporation or health care insurer to make the payment of a health care benefit. (b) "Deceptive" means making a claim to a health care corporation or health care insurer which contains a statement of fact or which fails to reveal a material fact, which statement or failure leads the health care corporation or health care insurer to believe the represented or suggested state of affair to be other than it actually is. (c) "False" means wholly or partially untrue or deceptive. (d) "Health care benefit" means the right under a contract or a certificate or policy of insurance to have a payment made by a health care corporation or health care insurer for a specified health care service. (e) "Health care corporation" means a nonprofit dental care corporation incorporated under Act No. 125 of the Public Acts of 1963, being sections 550.351 to 550.373 of the Michigan Compiled Laws; a hospital service corporation, medical care corporation, or a consolidated hospital service corporation and medical care corporation incorporated or reincorporated under Act No. 350 of the Public Acts of 1980, being sections 550.1101 to 550.1704 of the Michigan Compiled Laws, or incorporated or consolidated under Act No. 108 or 109 of the Public Acts of 1939; or a health maintenance organization licensed under Act No. 368 of the Public Acts of 1978, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws. (f) "Health care insurer" means any insurance company authorized to provide health insurance in this state or any legal entity which is self-insured and providing health care benefits to its employees. (g) "Health facility or agency" means a health facility or agency, as defined in section 20106 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.20106 of the Michigan Compiled Laws. (h) "Knowing" and "knowingly" means that a person is in possession of facts under which he or she is aware or should be aware of the nature of his or her conduct and that his or her conduct is substantially certain to cause the payment of a health care benefit. "Knowing" or "knowingly" does not include conduct which is an error or mistake unless the person's course of conduct indicates a systematic or persistent tendency to cause inaccuracies to be present. (i) "Person" means an individual, corporation, partnership, association, or any other legal entity. History:1984, Act 323, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1003 - False Claims, Statements, or Representations; Violation as Separate Offense; Liability of Health Facility or Agency; Concealing or Failing to Disclose Certain Events; Violation of Section as Felony; Penalty; Section Inapplicable to Application for Coverage.

Sec. 3. (1) A person shall not make or present or cause to be made or presented to a health care corporation or health care insurer a claim for payment of health care benefits knowing the claim to be false. (2) A person shall not make or present or cause to be made

or presented to a health care corporation or health care insurer a claim for payment of health care benefits which he or she knows falsely represents that the goods or services were medically necessary in accordance with professionally accepted standards. Each claim which violates this subsection shall constitute a separate offense. A health facility or agency shall not be liable under this subsection unless the health facility or agency, pursuant to a conspiracy, combination, or collusion with a physician or other provider, falsely represents the medical necessity of the particular goods or services for which the claim was made. (3) A person shall not knowingly make or cause to be made a false statement or false representation of a material fact to a health care corporation or health care insurer for use in determining rights to health care benefits. Each claim which violates this subsection shall constitute a separate violation. (4) A person who, having knowledge of the occurrence of an event affecting his or her initial or continued right to receive a health care benefit, or the continued right of any other person on whose behalf he or she has applied for or is receiving a health care benefit, shall not conceal or fail to disclose that event with intent to obtain a health care benefit to which the person or any other person is not entitled, or to obtain a health care benefit in an amount greater than that to which the person or any other person is entitled. (5) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years, or by a fine of not more than $50,000.00, or both. (6) This section does not apply to statements made on an application for coverage under a certificate or policy of insurance issued by a health care insurer or coverage under a certificate issued by a health care corporation. History:1984, Act 323, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1004 - Kickbacks, Bribes, or Rebates as Felony; Penalty.

Sec. 4. A person who solicits, offers, pays, or receives a kickback or bribe in connection with the furnishing of goods or services for which payment is or may be made in whole or in part by a health care corporation or health care insurer, or who receives a rebate of a fee or charge for referring an individual to another person for the furnishing of health care benefits, is guilty of a felony, punishable by imprisonment for not more than 4 years, or by a fine of not more than $50,000.00, or both. History:1984, Act 323, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1004a - Violation of MCL 752.1004; Exceptions; Cost-Sharing Requirements Not Altered; Definitions.

Sec. 4a. (1) Neither of the following violates section 4: (a) A rebate or discount from a drug manufacturer or from a company that licenses or distributes the drugs of a drug manufacturer to or for the benefit of a consumer for the administration or the consumer's use of a drug manufactured or licensed or distributed by the drug manufacturer or company, including for consumer cost-sharing requirements for the administration or drug. As used in this subdivision, "administration" means injection, infusion, or similar means of application. (b) A monetary payment from a drug manufacturer to a consumer, the consumer's health professional, or a vendor that has a contract with the drug manufacturer, for a health care service that the prescribing information of a qualified drug requires or recommends for initiating drug therapy. (2) This section does not alter any copayment, deductible, coinsurance, or other cost-sharing requirements under a contract, certificate, or policy issued by a health care corporation or health care insurer. (3) As used in this section: (a) "Consumer's health professional" means a health professional who did not prescribe the qualified drug or who does not have a financial relationship to the health professional who prescribed the qualified drug. (b) "Health care service" means any of the following: (i) Monitoring for bradycardia or atrioventricular conduction. (ii) Monitoring blood pressure. (iii) An electrocardiogram. (iv) A cardiac evaluation by a physician. (v) A complete blood count test. (vi) A liver function test. (vii) An eye examination for macular edema. (viii) A pulmonary function test, if clinically indicated. (ix) A vaccination. (x) An additional service included in the prescribing information by the United States Food and Drug Administration. (c) "Health professional" means an individual who is licensed or otherwise authorized to engage in a health profession under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838. (d) "Physician" means an individual licensed or otherwise authorized to engage in the practice of medicine under part 170 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17097, or to engage in the practice of osteopathic medicine and surgery under part 175 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556. (e) "Qualified drug" means a drug that has a United States Food and Drug Administration approved indication to treat multiple sclerosis. History:Add. 2004, Act 411, Imd. Eff. Nov. 29, 2004 ;-- Am. 2016, Act 80, Eff. July 11, 2016 ;-- Am. 2020, Act 317, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1004b - Rebate or Discount From Medical Supply or Device Manufacturer; Use; Effect.

Sec. 4b. (1) A rebate or discount from a medical supply or device manufacturer or from a company that licenses or distributes medical supplies or devices for a medical supply or device manufacturer to a consumer for that consumer's use of a medical supply or device manufactured or licensed or distributed by that manufacturer or company does not violate section 4. (2) This section does not alter any copayment, deductible, coinsurance, or other cost-sharing requirements under a contract, certificate, or policy issued by a health care corporation or health care insurer. History:Add. 2004, Act 410, Imd. Eff. Nov. 29, 2004

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1005 - Agreement, Combination, or Conspiracy to Defraud as Felony; Penalty.

Sec. 5. (1) A person shall not enter into an agreement, combination, or conspiracy to defraud a health care corporation or health care insurer by making or presenting, or aiding another to make or present a false claim for payment of health care benefits. (2) A person who violates this section is guilty of a felony, punishable by imprisonment for not more than 10 years, or by a fine of not more than $50,000.00, or both. History:1984, Act 323, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1006 - Second or Subsequent Offense; Penalty.

Sec. 6. A person who is convicted of a second or subsequent offense under this act may be sentenced to imprisonment for a term of not more than twice the term otherwise authorized, or fined an amount not more than twice the amount otherwise authorized, or both. History:1984, Act 323, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1007 - Evidence; Rebuttable Presumptions.

Sec. 7. (1) In a prosecution under this act, it shall not be necessary to show that the person had knowledge of similar acts having been performed in the past by a person acting on the person's behalf, nor to show that the person had actual notice that the acts by the persons acting on the person's behalf occurred, to establish the fact that a false statement or representation was knowingly made. (2) It shall be a rebuttable presumption that a person knowingly made a claim for a health care benefit if the person's actual, facsimile, stamped, typewritten, or similar signature is used on the form required for the making of the claim for the health care benefit. (3) If a claim for a health care benefit is made by means of computer billing tapes or other electronic means, it shall be a rebuttable presumption that the person knowingly made the claim if the person has advised the health care corporation or health care insurer in writing that claims for health care benefits will be submitted by use of computer billing tapes or other electronic means. (4) In any civil or criminal action under this act the certificate of an authorized agent of the health care corporation or health care insurer setting forth that documentary material or any compilation thereof is an authentic record or compilation of records of the health care corporation or health care insurer shall create a rebuttable presumption that the record or compilation is authentic. History:1984, Act 323, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1008 - Investigation; Service and Contents of Written Demands; Action to Enforce Demand; Serving Notice of Hearing and Copy of Pleadings; Orders; Confidentiality; Duties of Peace Officers Appointed as Investigators.

Sec. 8. (1) The attorney general, an assistant attorney general on behalf of the attorney general, or a prosecuting attorney may conduct an investigation of an alleged violation of this act. (2) If the attorney general or a prosecuting attorney has reasonable cause to believe that a person has information or is in possession, custody, or control of any document or other tangible object relevant to an investigation for violation of this act, the attorney general or a prosecuting attorney, after notifying the attorney general, may serve upon the person, before bringing any criminal action, a written demand to appear and be examined under oath, and to produce the document or object for inspection and copying. The demand shall include all of the following: (a) Be served upon the person in the manner required for service of process in this state. (b) Describe the nature of the conduct constituting the violation under investigation. (c) Describe the document or object with sufficient definiteness to permit it to be fairly identified. (d) Contain a copy of any written interrogatories. (e) Prescribe a reasonable time at which the person must appear to testify, within which to answer the written interrogatories, and within which the document or object must be produced, and advise the person that objections to or reasons for not complying with the demand may be filed with the attorney general or prosecuting attorney making the demand, on or before that time. (f) Specify a place for the taking of testimony or for production and designate the person who shall be custodian of the document of object. (g) Contain a copy of subsection (3). (3) If a person objects to or otherwise fails to comply with the written demand served upon him or her under subsection (2), the attorney general or a prosecuting attorney, after notifying or at the request of the attorney general, may file in the circuit court of the county in which the person resides or in which the person maintains a principal place of business within this state an action to enforce the demand. Notice of hearing the action and a copy of all pleadings shall be served upon the person, who may appear in opposition. If the court finds that the demand is proper, that there is reasonable cause to believe that there may have been or is presently occurring a violation of this act, and that the information sought or document of object demanded is relevant to the investigation, the court shall order the person to comply with the demand, subject to modification the court may prescribe. Upon motion by the person and for good cause shown, the court may make any further order in the proceedings that justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, or expense. (4) Except as required by federal law, any procedure, testimony taken, or material produced shall be kept confidential by the attorney general or a prosecuting attorney before bringing an action against a person under this act for the violation under investigation, unless confidentiality is waived by the person being investigated and the person who has testified, answered interrogatories, or produced material, or disclosure is authorized by the court. (5) For purposes of enforcing this act, the attorney general may appoint investigators who shall be peace officers and whose duties include, but are not limited to, the following: (a) To execute and serve search warrants, arrest warrants, subpoenas, administrative warrants, and summonses issued under the authority of the state. (b) To seize property pursuant to the laws of this state. (c) Investigators appointed by the attorney general may exercise the powers provided in this subsection when working in conjunction with local law enforcement agencies or the department of state

police. History:1984, Act 323, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1008a - Person Not Subject to Civil Liability.

Sec. 8a. If acting in good faith, a person is not subject to civil liability for providing information, investigating, or cooperating with an investigation or examination under this act. History:Add. 1996, Act 229, Imd. Eff. June 5, 1996

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1009 - Liability of Person to Health Care Corporation or Health Care Insurer.

Sec. 9. A person who receives a health care benefit or payment from a health care corporation or health care insurer which the person knows that he or she is not entitled to receive or be paid; or a person who knowingly presents or causes to be presented a claim which contains a false statement, shall be liable to the health care corporation or health care insurer for the full amount of the benefit or payment made. History:1984, Act 323, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1010 - Restitution.

Sec. 10. Any person convicted of a violation of section 3, 4, or 5, in addition to any fines or sentences imposed, including any order of probation, may be ordered to make restitution to a health care corporation or health care insurer. History:1984, Act 323, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 323 of 1984 - The Health Care False Claim Act (752.1001 - 752.1011)Section 752.1011 - Prosecution or Civil Action for Violation of Other Laws.

Sec. 11. This act shall not be construed to prohibit or limit a prosecution of or civil action against a person for the violation of any other law of this state. History:1984, Act 323, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 325 of 2014 - Human Trafficking Commission Act (752.971 - 752.975)Section 752.971 - Short Title.

Sec. 1. This act shall be known and may be cited as the "human trafficking commission act". History:2014, Act 325, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 325 of 2014 - Human Trafficking Commission Act (752.971 - 752.975)Section 752.972 - Definitions.

Sec. 2. As used in this act: (a) "Commission" means the human trafficking commission established in section 3. (b) "Human trafficking" means a violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h. History:2014, Act 325, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 325 of 2014 - Human Trafficking Commission Act (752.971 - 752.975)Section 752.973 - Human Trafficking Commission; Establishment; Membership; Appointment; Terms; Vacancy; Removal; Meetings; Bylaws; Quorum; Business Conducted at Public Meeting; Writings Subject to Freedom of Information Act; Compensation; Expenses.

Sec. 3. (1) The human trafficking commission is established within the department of attorney general. The commission shall include all of the following members: (a) The governor or his or her designated representative from within the office of the governor. (b) The state attorney general or his or her designated representative from within the department of attorney general. (c) The director of the department of state police or his or her designated representative from within the department of state police. (d) The director of the department of human services or his or her designated representative from within the department of human services. (e) The director of the department of community health or his or her designated representative from within the department of community health. (f) The director of the department of licensing and regulatory affairs or his or her designated representative from within the department of licensing and regulatory affairs. (g) Two individuals appointed by the governor from a list of individuals submitted by the senate majority leader. (h) Two individuals appointed by the governor from a list of individuals submitted by the speaker of the house of representatives. (i) One individual who is a circuit court judge who serves in family court and who is appointed by the governor from a list of 3 individuals submitted by the Michigan judges association or its successor organization. The individuals on the list submitted by the Michigan judges association or its successor organization shall be members of the Michigan judges association or its successor organization. (j) One individual who is a county prosecuting attorney and who is appointed by the governor from a list of 3 individuals submitted by the prosecuting attorneys association of Michigan or its successor organization. The individuals on the list submitted by the prosecuting attorneys association of Michigan or its successor organization shall be members of the prosecuting attorneys association of Michigan or its successor organization. (k) One individual who represents the interests of law enforcement and who is appointed by the governor from a list of 3 individuals submitted by the Michigan association of chiefs of police or its successor organization. The individuals on the list submitted by the Michigan

association of chiefs of police or its successor organization shall be members of the Michigan association of chiefs of police or its successor organization. (l) Two individuals who have survived human trafficking and who are appointed by the governor. (2) The members first appointed to the board under subsection (1)(g) to (l) shall be appointed within 90 days after the effective date of this act. (3) Members of the commission shall serve as follows: (a) Members of the commission appointed under subsection (1)(a) to (f) shall serve until a successor is appointed. (b) Members of the commission appointed under subsection (1)(g) to (l) shall serve for a term of 2 years or until a successor is appointed, whichever is later. (c) An individual appointed under subsection (1)(i) to (k) shall serve only while he or she is a member of the organization that submitted his or her name for membership on the commission. (d) An individual may be reappointed for additional terms. (4) If a vacancy occurs on the commission, the appointing authority shall make an appointment for the unexpired term in the same manner as the original appointment. (5) The appointing authority may remove the member it appointed to the commission for incompetence, dereliction of duty, malfeasance, misfeasance, nonfeasance in office, or any other good cause. (6) The first meeting of the commission shall be called within 180 days after the effective date of this act. Before this first meeting, the governor shall appoint the chairperson of the commission from among the members listed in subsection (1). At the first meeting, the commission shall elect from among its members a vice-chairperson and other officers as it considers necessary or appropriate who shall serve for 1-year terms and who may be reelected. After the first meeting, the commission shall meet at least 4 times each year, or more frequently at the call of the chairperson or as otherwise agreed upon in the bylaws. (7) The commission shall adopt bylaws for the operation of the commission. The bylaws shall, at a minimum, address the procedures for conducting meetings, including voting procedures, and the requirements of its members to attend meetings. (8) A majority of the members of the commission appointed and serving constitute a quorum for the transaction of business at a meeting of the commission. A majority of the members present and serving are required for the official action of the commission. (9) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. However, members of the commission may attend and participate in a meeting of the commission by the use of telecommunication or other electronic equipment if their attendance and participation by the use of telecommunication or other electronic equipment is authorized by the bylaws of the commission and that meeting is otherwise conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. (10) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (11) Members of the commission shall serve without compensation. However, members of the commission may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the commission. History:2014, Act 325, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 325 of 2014 - Human Trafficking Commission Act (752.971 - 752.975)Section 752.974 - Commission; Duties.

Sec. 4. The commission shall do all of the following subject to funding: (a) Identify sources for grants that will assist in examining and countering human trafficking in this state, and apply for those grants when appropriate. (b) Fund research programs to determine the extent and nature of human trafficking in this state. (c) Provide information and training regarding human trafficking to police officers, prosecutors, court personnel, health care providers, social services personnel, and other individuals the commission considers appropriate. (d) Collect and analyze information regarding human trafficking in this state. (e) Identify state and local agencies within this state and other states, as well as within the federal government, that are involved with issues relating to human trafficking, and coordinate the dissemination of information regarding human trafficking in this state to those agencies. (f) Review the existing services available to assist victims of human trafficking, including crime victim assistance, health care, and legal assistance, and establish a program to make those victims better aware of the services that are available to them. (g) Establish a program to improve public awareness of human trafficking. (h) Review existing state laws and administrative rules relating to human trafficking and make recommendations to the legislature to improve those laws and rules to address human trafficking violations in this state. (i) File an annual report with the governor, the secretary of the senate, and the clerk of the house of representatives regarding its activities under this act. The report shall be filed not later than February 1 of the year following the year for which the report is due. History:2014, Act 325, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 325 of 2014 - Human Trafficking Commission Act (752.971 - 752.975)Section 752.975 - Human Trafficking Commission Fund; Creation; Administration; Deposit of Money or Other Assets; Investment; Interest and Earnings; Work Project; Money in Fund at Close of Fiscal Year.

Sec. 5. (1) The human trafficking commission fund is created within the department of treasury. The fund shall be administered by the department of attorney general. (2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. (3) Money in the human trafficking commission fund shall be expended only upon appropriation and only in a manner to carry out the purposes set forth in this act. Money in the fund at the close of the fiscal year is considered a work project, shall remain in the fund, and shall not lapse to the general fund. History:2014, Act 325, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 339 of 2014 - Human Trafficking Victims Compensation Act (752.981 - 752.985)Section 752.981 - Short Title.

Sec. 1. This act shall be known and may be cited as the "human trafficking victims compensation act". History:2014, Act 339, Eff.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 339 of 2014 - Human Trafficking Victims Compensation Act (752.981 - 752.985)Section 752.982 - "Victim" Defined.

Sec. 2. As used in this act, "victim" means a victim of a violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h. History:2014, Act 339, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 339 of 2014 - Human Trafficking Victims Compensation Act (752.981 - 752.985)Section 752.983 - Violation of MCL 750.462a to 750.462h; Liability to Victim; Damages.

Sec. 3. (1) A person who violates chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h, is liable to the victim of the violation for economic and noneconomic damages that result from the violation, including, but not limited to, all of the following: (a) Physical pain and suffering. (b) Mental anguish. (c) Fright and shock. (d) Denial of social pleasure and enjoyments. (e) Embarrassment, humiliation, or mortification. (f) Disability. (g) Disfigurement. (h) Aggravation of a preexisting ailment or condition. (i) Reasonable expenses of necessary medical or psychological care, treatment, and services. (j) Loss of earnings or earning capacity. (k) Damage to property. (l) Any other necessary and reasonable expense incurred as a result of the violation. (2) A victim is entitled to damages under subsection (1) to the extent the victim has sustained the damages, regardless of whether the victim suffered any physical injury as a result of the violation. (3) A victim is entitled to damages under subsection (1) regardless of whether the damages sustained were foreseeable to the violator. (4) A victim is entitled to damages under subsection (1) regardless of whether the violator was charged with or convicted of a violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h. History:2014, Act 339, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 339 of 2014 - Human Trafficking Victims Compensation Act (752.981 - 752.985)Section 752.984 - Action to Recover Damages; Statute of Limitations.

Sec. 4. An action to recover damages under section 3 must be filed within 3 years after the last violation that is the subject of the action occurred. History:2014, Act 339, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 339 of 2014 - Human Trafficking Victims Compensation Act (752.981 - 752.985)Section 752.985 - Recovery of Damages Under Other Laws.

Sec. 5. This act does not affect any right that a victim has to recover damages under other law. History:2014, Act 339, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 343 of 1984 - Obscene Material (752.361 - 752.374)Section 752.361 - Meanings of Words and Phrases.

Sec. 1. For the purposes of this act, the words and phrases in sections 2 to 4 have the meanings ascribed to them in those sections. History:1984, Act 343, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 343 of 1984 - Obscene Material (752.361 - 752.374)Section 752.362 - Definitions; C to O.

Sec. 2. (1) "Contemporary community standards" means the customary limits of candor and decency in this state at or near the time of the alleged violation of this act. (2) "Disseminate" means to manufacture, sell, lend, rent, publish, exhibit, or lease to the public for commercial gain or to offer or agree to manufacture, sell, lend, rent, publish, exhibit, or lease to the public for commercial gain. (3) "Knowledge of content and character" means having general knowledge of the nature and character of the material involved. Knowledge of content and character may be proven by direct evidence or by circumstantial evidence, or both. (4) "Material" means anything tangible that is capable of being used or adapted to arouse prurient interest, whether through the medium of reading, observation, sound, or in any other manner, including but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk, film, transparency, slide, audiotape, audiodisk, computer tape, or any other medium used to electronically produce or reproduce images on a screen, or any mechanical, chemical, or electronic reproduction. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects whether or not processing or other acts are required to make the content of the material apparent. (5) "Obscene" means any material that meets all of the following criteria: (a) The average individual, applying contemporary community standards, would find the material, taken as a whole, appeals to the prurient interest. (b) The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value. (c) The material depicts or describes sexual conduct in a patently offensive way. History:1984, Act 343, Eff. Mar. 29, 1985 ;-- Am. 1992, Act 216, Eff. Mar. 31, 1993

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 343 of 1984 - Obscene Material (752.361 - 752.374)Section 752.363 - Definitions; P.

Sec. 3. (1) "Person" means an individual, or a sole proprietorship, partnership, corporation, association, or other legal entity, or an agent or servant of an individual or legal entity. (2) "Prurient interest" means a shameful or morbid interest in nudity, sex, or excretion. History:1984, Act 343, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 343 of 1984 - Obscene Material (752.361 - 752.374)Section 752.364 - "Sexual Conduct" Defined.

Sec. 4. (1) "Sexual conduct" means 1 or more of the following: (a) Representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. (b) Representations or descriptions of masturbation, excretory functions, or a lewd exhibition of the genitals. (2) "Simulated" means the explicit depiction or description of any of the types of conduct set forth in the definition of sexual conduct under subsection (1), which creates the appearance of such conduct. (3) "Ultimate sexual acts" means sexual intercourse, fellatio, cunnilingus, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, or depictions or descriptions of sexual bestiality, sadomasochism, masturbation, or excretory functions. History:1984, Act 343, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 343 of 1984 - Obscene Material (752.361 - 752.374)Section 752.365 - Obscenity; Elements; Misdemeanor; Penalty; Second or Subsequent Offense as a Felony.

Sec. 5. (1) A person is guilty of obscenity when, knowing the content and character of the material, the person disseminates, or possesses with intent to disseminate, any obscene material. (2) Obscenity is a misdemeanor, punishable by imprisonment for not more than 1 year, or by a fine of not more than $100,000.00, or both. (3) A person convicted of a second or subsequent offense under this section is guilty of a felony and may be imprisoned for not more than 2 years, and shall be fined not less than $50,000.00 or more than $5,000,000.00. For purposes of this section, an offense is considered a second or subsequent offense if the defendant has previously been convicted under this section or under any similar statute of the United States or of any state. History:1984, Act 343, Eff. Mar. 29, 1985 ;-- Am. 1992, Act 216, Eff. Mar. 31, 1993

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 343 of 1984 - Obscene Material (752.361 - 752.374)Section 752.367 - Applicability of MCL 752.365.

Sec. 7. Section 5 does not apply to the dissemination of obscene material by any of the following: (a) An individual who disseminates obscene material in the course of his or her duties as an employee of, or as a member of the board of directors of, any of the following: (i) A public or private college, university, or vocational school. (ii) A library established by this state or a library established by a county, city, township, village, or other local unit of government or authority or combination of local units of government and authorities or a library established by a community college district. (iii) A public or private not for profit art museum that is exempt from taxation under section 501(c)(3) of the internal revenue code. (b) An individual who disseminates obscene material in the course of the individual's employment and does not have discretion with regard to that dissemination or is not involved in the management of the employer. (c) Any portion of a business regulated by the federal communications commission. (d) A cable television operator that is subject to the communications act of 1934, chapter 652, 48 Stat. 1064. History:1984, Act 343, Eff. Mar. 29, 1985 ;-- Am. 1992, Act 216, Eff. Mar. 31, 1993

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 343 of 1984 - Obscene Material (752.361 - 752.374)Section 752.368 - Prohibited Conduct; Violation as Misdemeanor; Penalty.

Sec. 8. (1) A person shall not: (a) As a condition to a sale, allocation, consignment, or delivery for the resale of any paper, magazine, periodical, book, publication, or other merchandise, require or demand that the purchaser or consignee receive for resale or further commercial distribution any obscene material. (b) Deny, revoke, or threaten to deny or revoke a franchise, or impose or threaten to impose any penalty, financial or otherwise, because of the failure or refusal to accept obscene material or material reasonably believed by the purchaser or consignee to be obscene. (2) A violation of this section is a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not more than $500.00, or both. History:1984, Act 343, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 343 of 1984 - Obscene Material (752.361 - 752.374)Section 752.369 - Action by Prosecuting Attorney or Attorney General.

Sec. 9. A prosecuting attorney or the attorney general may commence and prosecute an action under this act. History:1984, Act 343, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 343 of 1984 - Obscene Material (752.361 - 752.374)Section 752.370 - Prohibited Law, Ordinance, or Rules; Exceptions.

Sec. 10. (1) A municipality, township, village, city, or an instrumentality thereof shall not enact or enforce any law, ordinance, or rule which regulates, or intends to regulate, any matter covered by this act. (2) Subsection (1) does not apply to a zoning law, zoning ordinance, or zoning rule. History:1984, Act 343, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 343 of 1984 - Obscene Material (752.361 -

752.374)Section 752.374 - Repeal of MCL 750.343a to 750.343d, 750.344, 750.345, 750.345a, and 750.346.

Sec. 14. Sections 343a to 343d, 344, 345, 345a, and 346 of Act No. 328 of the Public Acts of 1931, being sections 750.343a to 750.343d, 750.344, 750.345, 750.345a, and 750.346 of the Michigan Compiled Laws, are repealed. History:1984, Act 343, Eff. Mar. 29, 1985

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 45 of 1952 - Careless, Reckless, or Negligent Use of Firearms (752.861 - 752.864)Section 752.861 - Careless, Reckless or Negligent Use of Firearms; Penalty.

Sec. 1. Any person who, because of carelessness, recklessness or negligence, but not wilfully or wantonly, shall cause or allow any firearm under his immediate control, to be discharged so as to kill or injure another person, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison for not more than 2 years, or by a fine of not more than $2,000.00, or by imprisonment in the county jail for not more than 1 year, in the discretion of the court. History:1952, Act 45, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 45 of 1952 - Careless, Reckless, or Negligent Use of Firearms (752.861 - 752.864)Section 752.862 - Careless, Reckless or Negligent Use of Firearms; Injury of Property; Penalty.

Sec. 2. Any person who, because of carelessness, recklessness or negligence, but not wilfully or wantonly, shall cause or allow any firearm under his control to be discharged so as to destroy or injure the property of another, real or personal, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than $100.00, if the injury to such property shall not exceed the sum of $50.00, but in the event that such injury shall exceed the sum of $50.00, then said offense shall be punishable by imprisonment in the county jail for not more than 1 year or by a fine not exceeding $500.00. History:1952, Act 45, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 45 of 1952 - Careless, Reckless, or Negligent Use of Firearms (752.861 - 752.864)Section 752.863[a] - Reckless, Wanton Use or Negligent Discharge of Firearm; Penalty.

Sec. 3. Any person who shall recklessly or heedlessly or wilfully or wantonly use, carry, handle or discharge any firearm without due caution and circumspection for the rights, safety or property of others shall be guilty of a misdemeanor. History:Add. 1955, Act 14, Eff. Oct. 14, 1955Compiler's Notes:Section 3, as added by Act 14 of 1955, was compiled as MCL 752.863[a] to distinguish it from another section 3, deriving from Act 45 of 1952 and pertaining to the repeal of MCL 750.235a. The compilation numbers formerly assigned to this section were MCL 752.a863 and 752.863a.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 45 of 1952 - Careless, Reckless, or Negligent Use of Firearms (752.861 - 752.864)Section 752.864 - Firearms; Injury to Person or Property, Suspension of Hunting Privileges.

Sec. 4. In addition to the penalties provided in other sections of this act, the court may suspend the hunting privileges of any person convicted of violating any provision of this act for a period of not to exceed 3 years from the date of conviction. History:Add. 1958, Act 15, Eff. Sept. 13, 1958

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 455 of 2012 - Organized Retail Crime Act (752.1081 - 752.1087)Section 752.1081 - Short Title.

Sec. 1. This act shall be known and may be cited as the "organized retail crime act". History:2012, Act 455, Eff. Mar. 31, 2013

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 455 of 2012 - Organized Retail Crime Act (752.1081 - 752.1087)Section 752.1082 - Legislative Intent.

Sec. 2. It is the intent of the legislature to protect the public health, safety, and welfare of the citizens of the state by recognizing the negative impact of persons who engage in planned, organized, and methodical theft of retail merchandise for resale in unregulated retail commerce, including, but not limited to, medications, infant formula, and pharmaceutical items; the potential use of the proceeds of the sale of that merchandise to support other crimes and criminal enterprises and the nature, extent, and impact of those activities upon commerce and public safety; and to take appropriate actions to prevent and punish those who engage in those activities. History:2012, Act 455, Eff. Mar. 31, 2013

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 455 of 2012 - Organized Retail Crime Act (752.1081 - 752.1087)Section 752.1083 - Definitions.

Sec. 3. As used in this act: (a) "Board" means the organized retail crime advisory board created under section 6. (b) "Department" means the department of state police. (c) "Organized retail crime" means the theft of retail merchandise from a retail merchant with the intent or purpose of reselling, distributing, or otherwise reentering the retail merchandise in commerce, including the transfer of the stolen retail merchandise to another retail merchant or to any other person personally, through the mail, or through any electronic medium, including the internet, in exchange for anything of value. (d) "Person" means an individual, sole proprietorship, partnership, cooperative, association, corporation, limited liability company, personal representative, receiver, trustee, assignee, or other entity. (e) "Retail merchant" means any person that is in the business of selling retail merchandise at retail. (f) "Retail merchandise" means any new article, product, commodity, item, or component intended to be sold in retail commerce. History:2012,

Act 455, Eff. Mar. 31, 2013

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 455 of 2012 - Organized Retail Crime Act (752.1081 - 752.1087)Section 752.1084 - Prohibited Conduct; Violation as Felony; Penalty; Forfeiture; Restitution; Reimbursement; Representation That Property Stolen, Embezzled, or Converted.

Sec. 4. (1) A person is guilty of organized retail crime when that person, alone or in association with another person, does any of the following: (a) Knowingly commits an organized retail crime. (b) Organizes, supervises, finances, or otherwise manages or assists another person in committing an organized retail crime. (c) Removes, destroys, deactivates, or knowingly evades any component of an antishoplifting or inventory control device to prevent the activation of that device or to facilitate another person in committing an organized retail crime. (d) Conspires with another person to commit an organized retail crime. (e) Receives, purchases, or possesses retail merchandise for sale or resale knowing or believing the retail merchandise to be stolen from a retail merchant. (f) Uses any artifice, instrument, container, device, or other article to facilitate the commission of an organized retail crime act. (g) Knowingly causes a fire exit alarm to sound or otherwise activate, or deactivates or prevents a fire exit alarm from sounding, in the commission of an organized retail crime or to facilitate the commission of an organized retail crime by another person. (h) Knowingly purchases a wireless telecommunication device using fraudulent credit, knowingly procures a wireless telecommunications service agreement with the intent to defraud another person or to breach that agreement, or uses another person to obtain a wireless telecommunications service agreement with the intent to defraud another person or to breach that agreement. (2) Organized retail crime is a felony punishable by imprisonment for not more than 5 years or a fine of $5,000.00, or both. (3) If the true owner of stolen retail merchandise cannot be identified, the retail merchandise, and any proceeds from the sale or resale of that merchandise, is subject to forfeiture to the state for use by the board in the performance of its duties. The court shall order forfeiture of the retail merchandise in the manner and upon terms and conditions as determined by the court to be appropriate. (4) The court shall order a person who is found guilty of organized retail crime to make restitution to any retail merchant victim in the manner provided in the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, and to reimburse the governmental entity for its expenses incurred as a result of the violation of this act in the manner provided in section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f. (5) It is not a defense to a charge under this section that the property was not stolen, embezzled, or converted property at the time of the violation if the property was explicitly represented to the accused person as being stolen, embezzled, or converted property. History:2012, Act 455, Eff. Mar. 31, 2013

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 455 of 2012 - Organized Retail Crime Act (752.1081 - 752.1087)Section 752.1085 - Violation Arising Out of Same Criminal Transaction.

Sec. 5. This act does not prohibit a person from being charged with, convicted of, or sentenced for any violation of law arising out of the same criminal transaction that violates this act. History:2012, Act 455, Eff. Mar. 31, 2013

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 455 of 2012 - Organized Retail Crime Act (752.1081 - 752.1087)Section 752.1086 - Organized Retail Crime Advisory Board.

Sec. 6. (1) There is created within the department of state police an organized retail crime advisory board. The board shall consist of the following members: (a) One member who is a county prosecuting attorney or an assistant county prosecuting attorney. (b) One member who is a representative of a city, village, or township police department or of a county sheriff department. (c) The state attorney general or his or her designated representative. (d) One member who is recommended by the Michigan retailers association. (e) One member who is a member of the general public. (f) The director of the department of state police or his or her designated representative. (2) All members of the board, other than the attorney general and the director of the department of state police, shall be appointed by the governor by and with the advice and consent of the senate for terms of 4 years. (3) A vacancy on the board shall be filled in the same manner as the original appointment for the remainder of any unexpired term. (4) The duties of the board shall be to develop a database of organized retail crimes, to compile annual statistics on organized retail crime acts, to recommend actions to be taken by the department and law enforcement to further combat organized retail crime, and to submit an annual report to the director of the department on the effectiveness of this act in reducing organized retail crime. (5) The director of the department of state police or his or her designee shall serve as chairperson of the board. The board shall meet not less often than 4 times each year. Special meetings may be called by the chairperson, or upon written request of not fewer than 3 board members. Meetings shall be held at a location designated by the chairperson. (6) The board shall keep minutes of its proceedings. A record of board action and business shall be made and maintained. (7) The board members shall not be compensated for their service but may be reimbursed for their actual and reasonable expenses. (8) The board shall not retain a staff. (9) The business performed by the board shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. (10) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. History:2012, Act 455, Eff. Mar. 31, 2013

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 455 of 2012 - Organized Retail Crime Act (752.1081 - 752.1087)Section 752.1087 - Administration of Act.

Sec. 7. This act shall be administered by the director of the department. History:2012, Act 455, Eff. Mar. 31, 2013

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 461 of 2014 - Human Trafficking Health Advisory Board Act (752.991 - 752.994)Section 752.991 - Short Title.

Sec. 1. This act shall be known and may be cited as the "human trafficking health advisory board act". History:2014, Act 461, Eff. Jan. 14, 2015Compiler's Notes:For transfer of human trafficking health advisory board from department of community health to department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 461 of 2014 - Human Trafficking Health Advisory Board Act (752.991 - 752.994)Section 752.992 - Definitions.

Sec. 2. As used in this act: (a) "Board" means the human trafficking health advisory board created in section 3. (b) "Human trafficking" means a violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h. History:2014, Act 461, Eff. Jan. 14, 2015Compiler's Notes:For transfer of human trafficking health advisory board from department of community health to department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 461 of 2014 - Human Trafficking Health Advisory Board Act (752.991 - 752.994)Section 752.993 - Human Trafficking Health Advisory Board; Creation; Membership; Appointment; Terms; Vacancy; Removal; Chairperson; Election of Vice-Chairperson and Officers; Meetings; Quorum; Conducting Business at Public Meeting; Writing Subject to Freedom of Information Act; Compensation; Expenses.

Sec. 3. (1) The human trafficking health advisory board is created as an autonomous entity within the department of community health. The board shall consist of the following members: (a) The director of the department of human services or his or her designated representative from within the department of human services. (b) The director of the department of community health or his or her designated representative from within the department of community health. (c) One individual appointed by the governor from a list of 3 individuals submitted by the senate majority leader. The individual must be licensed or authorized to engage in the practice of medicine under part 170 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084, or part 175 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556. (d) One individual appointed by the governor from a list of 3 individuals submitted by the speaker of the house of representatives. The individual must be licensed or authorized to engage in the practice of medicine under part 170 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084, or part 175 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556. (e) One individual appointed by the governor who has experience and expertise in the field of intervention in or prevention of human trafficking or treatment of human trafficking survivors. (f) Two individuals appointed by the governor who are human trafficking survivors. (g) One individual appointed by the governor who is a mental health professional. (h) One individual appointed by the governor who is a registered professional nurse licensed to engage in the practice of nursing under part 172 of the public health code, 1978 PA 368, MCL 333.17201 to 333.17242, and who is experienced in an emergency department, emergency room, or trauma center of a hospital licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260. (2) The members first appointed to the board under subsection (1)(c) to (h) shall be appointed within 90 days after the effective date of this act. (3) Of the members initially appointed to the board under subsection (1)(c) to (h), 1 member shall be appointed for a term that expires on December 31, 2015, 1 member shall be appointed for a term that expires on December 31, 2016, 2 members shall be appointed for a term that expires on December 31, 2017, and 3 members shall be appointed for terms that expire on December 31, 2018. At the expiration of an initial appointment, a member shall be appointed for a term of 4 years. (4) A member who attends less than 66 percent of the scheduled meetings of the board in any calendar year shall be considered to have vacated his or her appointment. Upon notification of a vacancy under this subsection or any other vacancy, the governor shall fill the vacancy in the same manner as the original appointment. (5) The governor may remove a member of the board for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause. (6) The first meeting of the board shall be called not more than 180 days after the effective date of this act. Before this first meeting, the governor shall appoint the chairperson of the board from among the members listed in subsection (1). At the first meeting, the board shall elect from among its members a vice-chairperson and other officers as it considers necessary or appropriate who shall serve 1-year terms and who may be reelected. After the first meeting, the board shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by a majority of the members then serving. (7) A majority of the members of the board constitute a quorum for the transaction of business at a meeting of the board. A majority of the members present and serving are required for the official action of the board. (8) The business that the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. (9) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (10) Members of the board shall serve without compensation. However, members of the board may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the board. History:2014, Act 461, Eff. Jan. 14, 2015Compiler's Notes:For transfer of human trafficking health advisory board from department of community health to department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.For amendment to substitute director of department of health and human services for the director of department of human services and the executive director of Michigan children's services agency for the director of department of community health, see E.R.O. No. 2015-1, compiled at MCL 400.227.For renaming of Michigan children's services agency to children's

services administration, see E.R.O. No. 2023-1, compiled at MCL 125.1999.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 461 of 2014 - Human Trafficking Health Advisory Board Act (752.991 - 752.994)Section 752.994 - Duties of Board.

Sec. 4. The board shall do all of the following: (a) Collect and analyze information concerning medical and mental health services available to survivors of human trafficking in this state. (b) Identify state and local agencies within this state and other states, as well as within the federal government, that are involved with issues relating to human trafficking, and coordinate the dissemination of information concerning medical and mental health services available to survivors of human trafficking in this state. (c) Meet annually with local health agencies to review the existing medical and mental health services available to assist survivors of human trafficking and establish a program to make those survivors better aware of the services that are available to them. (d) Establish a program to improve public awareness of medical and mental health services available to survivors of human trafficking in this state. (e) Review existing state laws and administrative rules relating to medical and mental health policies affecting survivors of human trafficking and make recommendations to the legislature and state agencies to improve those laws and rules to address medical and mental health services available to survivors of human trafficking in this state. (f) File an annual report with the chairs of the committees concerned with health policy of the senate and the house of representatives regarding its activities under this act. The report shall be filed not later than February 1 of each year. History:2014, Act 461, Eff. Jan. 14, 2015Compiler's Notes:For transfer of human trafficking health advisory board from department of community health to department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 53 of 1979 - Fraudulent Access to Computers, Computer Systems, and Computer Networks (752.791 - 752.797)Section 752.791 - Meanings of Words and Phrases.

Sec. 1. For the purposes of this act, the words and phrases defined in sections 2 and 3 have the meanings ascribed to them in those sections. History:1979, Act 53, Eff. Mar. 27, 1980

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 53 of 1979 - Fraudulent Access to Computers, Computer Systems, and Computer Networks (752.791 - 752.797)Section 752.792 - Definitions; a to D.

Sec. 2. (1) "Access" means to instruct, communicate with, store data in, retrieve or intercept data from, or otherwise use the resources of a computer program, computer, computer system, or computer network. (2) "Aggregate amount" means any direct or indirect loss incurred by a victim or group of victims including, but not limited to, the value of any money, property or service lost, stolen, or rendered unrecoverable by the offense, or any actual expenditure incurred by the victim or group of victims to verify that a computer program, computer, computer system, or computer network was not altered, acquired, damaged, deleted, disrupted, or destroyed by the access. The direct or indirect losses incurred in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of the loss involved in the violation of this act. (3) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network. (4) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers. (5) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network. (6) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware. (7) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses. History:1979, Act 53, Eff. Mar. 27, 1980 ;-- Am. 1996, Act 326, Eff. Apr. 1, 1997 ;-- Am. 2000, Act 181, Eff. Sept. 18, 2000

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 53 of 1979 - Fraudulent Access to Computers, Computer Systems, and Computer Networks (752.791 - 752.797)Section 752.793 - Definitions; P to S.

Sec. 3. (1) "Property" includes, but is not limited to, intellectual property, computer data, instructions or programs in either machine or human readable form, financial instruments or information, medical information, restricted personal information, or any other tangible or intangible item of value. (2) "Services" includes, but is not limited to, computer time, data processing, storage functions, computer memory, or the unauthorized use of a computer program, computer, computer system, or computer network, or communication facilities connected or related to a computer, computer system, or computer network. History:1979, Act 53, Eff. Mar. 27, 1980 ;-- Am. 1996, Act 326, Eff. Apr. 1, 1997

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 53 of 1979 - Fraudulent Access to Computers, Computer Systems, and Computer Networks (752.791 - 752.797)Section 752.794 - Prohibited Access to Computer Program, Computer, Computer System, or Computer Network.

Sec. 4. A person shall not intentionally access or cause access to be made to a computer program, computer, computer system, or computer network to devise or execute a scheme or artifice with the intent to defraud or to obtain money, property, or a service by a false or fraudulent pretense, representation, or promise. History:1979, Act 53, Eff. Mar. 27, 1980 ;-- Am. 1996, Act 326, Eff. Apr. 1, 1997

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 53 of 1979 - Fraudulent Access to Computers, Computer Systems, and Computer Networks (752.791 - 752.797)Section 752.795 - Prohibited Conduct.

Sec. 5. A person shall not intentionally and without authorization or by exceeding valid authorization do any of the following: (a) Access or cause access to be made to a computer program, computer, computer system, or computer network to acquire, alter, damage, delete, or destroy property or otherwise use the service of a computer program, computer, computer system, or computer network. (b) Insert or attach or knowingly create the opportunity for an unknowing and unwanted insertion or attachment of a set of instructions or a computer program into a computer program, computer, computer system, or computer network, that is intended to acquire, alter, damage, delete, disrupt, or destroy property or otherwise use the services of a computer program, computer, computer system, or computer network. This subdivision does not prohibit conduct protected under section 5 of article I of the state constitution of 1963 or under the first amendment of the constitution of the United States. History:1979, Act 53, Eff. Mar. 27, 1980 ;-- Am. 1996, Act 326, Eff. Apr. 1, 1997

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 53 of 1979 - Fraudulent Access to Computers, Computer Systems, and Computer Networks (752.791 - 752.797)Section 752.795a - Michigan Children's Protection Registry Act; Violation.

Sec. 5a. A violation of the Michigan children's protection registry act is a violation of this act. History:Add. 2004, Act 242, Imd. Eff. July 21, 2004

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 53 of 1979 - Fraudulent Access to Computers, Computer Systems, and Computer Networks (752.791 - 752.797)Section 752.796 - Use of Computer Program, Computer, Computer System, or Computer Network to Commit Crime.

Sec. 6. (1) A person shall not use a computer program, computer, computer system, or computer network to commit, attempt to commit, conspire to commit, or solicit another person to commit a crime. (2) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this section, including the underlying offense. (3) This section applies regardless of whether the person is convicted of committing, attempting to commit, conspiring to commit, or soliciting another person to commit the underlying offense. History:1979, Act 53, Eff. Mar. 27, 1980 ;-- Am. 1996, Act 326, Eff. Apr. 1, 1997 ;-- Am. 2000, Act 179, Eff. Sept. 18, 2000

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 53 of 1979 - Fraudulent Access to Computers, Computer Systems, and Computer Networks (752.791 - 752.797)Section 752.796a - Violation of MCL 752.795a; Penalties; Exception; Defense; Burden of Proof; Effective Date of Section.

Sec. 6a. (1) A person who violates section 5a is guilty of the following: (a) For the first violation, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $10,000.00, or both. (b) For the second violation, a felony punishable by imprisonment for not more than 2 years or a fine of not more than $20,000.00, or both. (c) For the third and any subsequent violation, a felony punishable by imprisonment for not more than 3 years or a fine of not more than $30,000.00, or both. (2) A person does not violate section 5a because the person is an intermediary between the sender and recipient in the transmission of an electronic message that violates section 5a or unknowingly provides transmission of electronic messages over the person's computer network or facilities that violate section 5a. (3) It is a defense to an action brought under this section that the communication was transmitted accidentally. The burden of proving that the communication was transmitted accidentally is on the sender. (4) This section does not take effect until July 1, 2005. History:Add. 2004, Act 242, Eff. July 1, 2005

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 53 of 1979 - Fraudulent Access to Computers, Computer Systems, and Computer Networks (752.791 - 752.797)Section 752.796b - Money, Income, and Property Subject to Seizure and Forfeiture.

Sec. 6b. All money and other income, including all proceeds earned but not yet received by a defendant from a third party as a result of the defendant's violations of this act, and all computer equipment, all computer software, and all personal property used in connection with any violation of this act known by the owner to have been used in violation of this act are subject to lawful seizure and forfeiture in the same manner as provided under sections 4701 to 4709 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709. History:Add. 2004, Act 242, Imd. Eff. July 21, 2004

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 53 of 1979 - Fraudulent Access to Computers, Computer Systems, and Computer Networks (752.791 - 752.797)Section 752.797 - Penalties; Prior Convictions; Presumption; Reimbursement Order; Definition.

Sec. 7. (1) A person who violates section 4 is guilty of a crime as follows: (a) If the violation involves an aggregate amount of less than $200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00 or 3 times the aggregate amount, whichever is greater, or both imprisonment and a fine. (b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00 or 3 times the aggregate amount, whichever is greater, or both imprisonment and a fine: (i) The violation involves an aggregate amount of $200.00 or more but less than $1,000.00. (ii) The person violates this act and has a prior conviction. (c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the aggregate amount, whichever is greater, or both imprisonment and a fine: (i) The violation involves an aggregate amount of $1,000.00 or more but less than $20,000.00. (ii) The person has 2 prior convictions. (d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than 3 times the aggregate amount, or both imprisonment and a fine: (i) The violation involves an aggregate amount of $20,000.00 or more. (ii) The person has 3 or more prior convictions. (2) A person who violates section 5 is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both. (b) If the person has a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $50,000.00, or both. (3) A person who violates section 6 is guilty of a crime as follows: (a) If the underlying crime is a misdemeanor or a felony with a maximum term of imprisonment of 1 year or less, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $5,000.00, or both. (b) If the underlying crime is a misdemeanor or a felony with a maximum term of imprisonment of more than 1 year but less than 2 years, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $5,000.00, or both. (c) If the underlying crime is a misdemeanor or a felony with a maximum term of imprisonment of 2 years or more but less than 4 years, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (d) If the underlying crime is a felony with a maximum term of imprisonment of 4 years or more but less than 10 years, the person is guilty of a felony punishable by imprisonment for not more than 7 years or a fine of not more than $5,000.00, or both. (e) If the underlying crime is a felony punishable by a maximum term of imprisonment of 10 years or more but less than 20 years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $10,000.00, or both. (f) If the underlying crime is a felony punishable by a maximum term of imprisonment of 20 years or more or for life, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than $20,000.00, or both. (4) The court may order that a term of imprisonment imposed under subsection (3) be served consecutively to any term of imprisonment imposed for conviction of the underlying offense. (5) If the prosecuting attorney intends to seek an enhanced sentence under section 4 or section 5 based upon the defendant having a prior conviction, the prosecuting attorney shall include on the complaint and information a statement listing that prior conviction. The existence of the defendant's prior conviction shall be determined by the court, without a jury, at sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of the judgment of conviction. (b) A transcript of a prior trial, plea-taking, or sentencing. (c) Information contained in a presentence report. (d) The defendant's statement. (6) It is a rebuttable presumption in a prosecution for a violation of section 5 that the person did not have authorization from the owner, system operator, or other person who has authority from the owner or system operator to grant permission to access the computer program, computer, computer system, or computer network or has exceeded authorization unless 1 or more of the following circumstances existed at the time of access: (a) Written or oral permission was granted by the owner, system operator, or other person who has authority from the owner or system operator to grant permission of the accessed computer program, computer, computer system, or computer network. (b) The accessed computer program, computer, computer system, or computer network had a pre-programmed access procedure that would display a bulletin, command, or other message before access was achieved that a reasonable person would believe identified the computer program, computer, computer system, or computer network as within the public domain. (c) Access was achieved without the use of a set of instructions, code, or computer program that bypasses, defrauds, or otherwise circumvents the pre-programmed access procedure for the computer program, computer, computer system, or computer network. (7) The court may order a person convicted of violating this act to reimburse this state or a local unit of government of this state for expenses incurred in relation to the violation in the same manner that expenses may be ordered to be reimbursed under section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f. (8) As used in this section, "prior conviction" means a violation or attempted violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d, or this act or a substantially similar law of the United States, another state, or a political subdivision of another state. History:1979, Act 53, Eff. Mar. 27, 1980 ;-- Am. 1996, Act 326, Eff. Apr. 1, 1997 ;-- Am. 2000, Act 180, Eff. Sept. 18, 2000

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 62 of 2016 - Human Trafficking Notification Act (752.1031 - 752.1040)Section 752.1031 - Short Title.

Sec. 1. This act shall be known and may be cited as the "human trafficking notification act". History:2016, Act 62, Eff. July 4, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 62 of 2016 - Human Trafficking Notification Act (752.1031 - 752.1040)Section 752.1032 - Definitions.

Sec. 2. As used in this act: (a) "Adult entertainment establishment" means either of the following: (i) An adult entertainment establishment that holds a topless activity permit under section 916(3) of the Michigan liquor control code of 1998, 1998 PA 58,

MCL 436.1916. (ii) Any other retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. (b) "Department" means the department of licensing and regulatory affairs. (c) "Human trafficking notice" means the notice described in section 5. History:2016, Act 62, Eff. July 4, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 62 of 2016 - Human Trafficking Notification Act (752.1031 - 752.1040)Section 752.1033 - Posting of Human Trafficking Notice on Certain Premises.

Sec. 3. (1) The department of transportation shall post a human trafficking notice on the premises of each rest stop and welcome facility in this state in the manner described in this act and as required by the department under this act. (2) Each local unit of government that operates a rest stop or welcome facility shall post a human trafficking notice on the premises of that rest stop or welcome facility in the manner described in this act and as required by the department under this act. (3) Each local unit of government, or authority allowed by law, that provides bus or rail transportation services to the public shall post a human trafficking notice on the premises of any station that provides those services in the manner described in this act and as required by the department under this act. (4) Each of the following shall post a human trafficking notice on its premises in the manner described in this act and as required by the department under this act: (a) Any entity that owns property that has been found by a court to constitute a public nuisance due to acts of prostitution or human trafficking being conducted on the property or arising out of the ownership or use of the property. (b) An adult entertainment establishment. (c) Public airports. History:2016, Act 62, Eff. July 4, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 62 of 2016 - Human Trafficking Notification Act (752.1031 - 752.1040)Section 752.1034 - Posting of Human Trafficking Notice; Manner.

Sec. 4. The human trafficking notice required under this act shall be posted in a conspicuous manner clearly visible to the public and employees within each facility operated by an entity described in section 3 that is open to use by the public. History:2016, Act 62, Eff. July 4, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 62 of 2016 - Human Trafficking Notification Act (752.1031 - 752.1040)Section 752.1035 - Posting of Human Trafficking Notice; Requirements.

Sec. 5. A human trafficking notice required to be posted under this act shall meet the following requirements: (a) Be of a design and style to provide proper notice under this act. (b) Be no smaller than 8-1/2 inches by 11 inches and contain the following notice in boldfaced type of not less than a 14-point font determined appropriate by the department: "If you or someone you know is being forced to engage in any activity and cannot leave, whether the activity is commercial sex, housework, farm work, or any other activity, please contact the National Human Trafficking Resource Center hotline at 1-888-373-7888 or text 233733 to access help and services. The victims of human trafficking are protected under U.S. laws and the laws of this state.". (c) Be of durable construction. (d) Be posted in the English and Spanish languages and in any other language determined appropriate by the department in consultation with the attorney general. The department may require the posting of other languages under this subdivision in specified areas of this state due to the languages used within those specified areas. History:2016, Act 62, Eff. July 4, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 62 of 2016 - Human Trafficking Notification Act (752.1031 - 752.1040)Section 752.1036 - Notice; Sample.

Sec. 6. The department shall post on its departmental website a sample of the notice described in section 5, which shall be available for downloading for purposes of this act. History:2016, Act 62, Eff. July 4, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 62 of 2016 - Human Trafficking Notification Act (752.1031 - 752.1040)Section 752.1037 - Written Notice of Requirements.

Sec. 7. The department shall provide each entity described in section 3 with written notice of the requirements of this act. History:2016, Act 62, Eff. July 4, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 62 of 2016 - Human Trafficking Notification Act (752.1031 - 752.1040)Section 752.1038 - Applicability of Act; Appropriation of Funds.

Sec. 8. This act does not apply unless sufficient funds are appropriated to the department to allow it to carry out the duties required under this act. History:2016, Act 62, Eff. July 4, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 62 of 2016 - Human Trafficking Notification Act (752.1031 - 752.1040)Section 752.1039 - Failure of Entity to Comply With Act; Notice; Fine

Sec. 9. (1) If the department determines that an entity described in section 3 has failed to comply with the notice requirements of this act, the department shall notify the entity that it is in violation of this act and provide the entity with 48 hours to come into compliance with this act. (2) If the entity under subsection (1) is subsequently notified a second time of a failure to comply with the requirements of this act within 1 year of the previous notification, the entity may be fined not more than $250.00. If the same entity

is notified a third time of a failure to comply with the requirements of this act within 1 year of the previous 2 notifications, the entity may be fined not more than $500.00. History:2016, Act 62, Eff. July 4, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 62 of 2016 - Human Trafficking Notification Act (752.1031 - 752.1040)Section 752.1040 - Rules.

Sec. 10. The department may promulgate rules to implement this act. History:2016, Act 62, Eff. July 4, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 81 of 1954 - Careless, Reckless, or Negligent Use of Bow and Arrow (752.881 - 752.883)Section 752.881 - Careless, Reckless or Negligent Use of Bow and Arrow; Penalty.

Sec. 1. Any person who, because of carelessness, recklessness or negligence, but not wilfully or wantonly, shall cause or allow any bow or arrow under his immediate control, to be used so as to kill or injure another person, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison for not more than 2 years, or by a fine of not more than $2,000.00, or by imprisonment in the county jail for not more than 1 year, in the discretion of the court. History:1954, Act 81, Eff. Aug. 13, 1954

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 81 of 1954 - Careless, Reckless, or Negligent Use of Bow and Arrow (752.881 - 752.883)Section 752.882 - Property Destruction, Penalty.

Sec. 2. Any person who, because of carelessness, recklessness or negligence, but not wilfully or wantonly, shall cause or allow any bow or arrow under his control to be used so as to destroy or injure the property of another, real or personal, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than $100.00, if the injury to such property shall not exceed the sum of $50.00, but in the event that such injury shall exceed the sum of $50.00, then said offense shall be punishable by imprisonment in the county jail for not more than 1 year or by a fine not exceeding $500.00. History:1954, Act 81, Eff. Aug. 13, 1954

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 81 of 1954 - Careless, Reckless, or Negligent Use of Bow and Arrow (752.881 - 752.883)Section 752.883 - Bow and Arrow; Injury to Person, Suspension of Hunting Privileges.

Sec. 3. In addition to the penalties provided in sections 1 and 2, the court may suspend the hunting privileges of any person convicted of violating this act for a period of not to exceed 3 years from the date of conviction. History:Add. 1958, Act 14, Eff. Sept. 13, 1958

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 82 of 1981 - Collars, Harnesses, and Leashes on Dogs in Public Places (752.61 - 752.64)Section 752.61 - Definitions.

Sec. 1. As used in this act: (a) "Person with a disability" means a person who has a disability as defined in section 12102 of the Americans with disabilities act of 1990, 42 USC 12102 and 28 CFR 36.104. (b) As used in subdivision (a), "person with a disability" includes a veteran who has been diagnosed with 1 or more of the following: (i) Post-traumatic stress disorder. (ii) Traumatic brain injury. (iii) Other service-related disabilities. (c) "Service animal" means all of the following: (i) That term as defined in 28 CFR 36.104. (ii) A miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability. (d) "Veteran" means any of the following: (i) A person who performed military service in the armed forces for a period of more than 90 days and separated from the armed forces in a manner other than a dishonorable discharge. (ii) A person discharged or released from military service because of a service-related disability. (iii) A member of a reserve branch of the armed forces at the time he or she was ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from military service in a manner other than a dishonorable discharge. History:1981, Act 82, Imd. Eff. July 1, 1981 ;-- Am. 1984, Act 111, Imd. Eff. May 24, 1984 ;-- Am. 2015, Act 147, Eff. Jan. 18, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 82 of 1981 - Collars, Harnesses, and Leashes on Dogs in Public Places (752.61 - 752.64)Section 752.62 - Possession of Service Animal; False Representation.

Sec. 2. A person shall not falsely represent that he or she is in possession of a service animal, or a service animal in training, in any public place. History:1981, Act 82, Imd. Eff. July 1, 1981 ;-- Am. 1984, Act 111, Imd. Eff. May 24, 1984 ;-- Am. 2015, Act 147, Eff. Jan. 18, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 82 of 1981 - Collars, Harnesses, and Leashes on Dogs in Public Places (752.61 - 752.64)Section 752.63 - Violation as Misdemeanor; Penalty.

Sec. 3. A person who knowingly violates this act is guilty of a misdemeanor punishable by 1 or more of the following: (a) Imprisonment for not more than 90 days. (b) A fine of not more than $500.00. (c) Community service for not more than 30 days. History:1981, Act 82, Imd. Eff. July 1, 1981 ;-- Am. 2015, Act 147, Eff. Jan. 18, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesAct 82 of 1981 - Collars, Harnesses, and Leashes on Dogs in Public Places (752.61 - 752.64)Section 752.64 - Telephone Complaint Hotline; Use; Referral to Law Enforcement Agency.

Sec. 4. The department of civil rights shall use its existing telephone complaint hotline to receive reports of a person falsely representing that he or she is in possession of a service animal or a service animal in training. The department may refer an alleged violation of this act to the appropriate law enforcement agency for investigation. History:Add. 2015, Act 147, Eff. Jan. 18, 2016

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesE.R.O. No. 2014-1 - Executive Reorganization Order (752.1091 - 752.1091)Section 752.1091 - Transfer of Child Protection Registry From Department of Licensing and Regulatory Affairs to Michigan Department of State.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power in the Governor; and WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and WHEREAS, there is a continued need to reorganize the functions among state Departments for efficient administration; and WHEREAS, programs, agencies, and commissions should be placed among the principal departments on a consistent, logical basis in order to ensure the most efficient use of public dollars and more streamlined services; and WHEREAS, the Michigan Children's Protection Registry Act, 2004 PA 241, MCL 752.1061 et seq., was created to establish the computer crime of sending certain electronic messages to minors; create a child protection registry; to provide notice of contact points to which a minor has access; to prescribe the powers and duties of certain state agencies and officials; to create a fund and provide for fees; and to provide for penalties and remedies; NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, order the following: I. TRANSFER OF CHILD PROTECTION REGISTRY A. The Child Protection Registry is transferred from the Department of Licensing and Regulatory Affairs ("LARA") to the Michigan Department of State. All the authority, powers, duties, functions and responsibilities granted to LARA or its predecessor agencies pursuant to the Michigan Children's Protection Registry Act, 2004 PA 241, MCL 752.1061 et seq., as amended, are transferred to the Michigan Department of State. B. Any and all statutory or other references to LARA or its predecessor agencies related to the Child Protection Registry not inconsistent with this Order shall be deemed references to the Michigan Department of State. C. All records and property necessary to execute the activities, powers, duties, functions, and responsibilities of the Michigan Children's Protection Registry Act are transferred from LARA to the Michigan Department of State. D. All unexpended balances of appropriations, allocations, and other funds used, held, employed, or to be made available to LARA for the activities, powers, duties, functions, and responsibilities transferred by this Order are transferred to the Michigan Department of State. II. MISCELLANEOUS A. All rules, orders, contracts, plans, and agreements relating to any function exercised pursuant to the Michigan Children's Protection Registry Act transferred from LARA to the Michigan Department of State by this Order that were lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or rescinded. B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred from LARA to the Michigan Department of State by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order. C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order. In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order shall be effective 60 days after the filing of this Order. History:2014, E.R.O. No. 2014-1, Eff. Apr. 22, 2014Compiler's Notes:Executive Reorganization Order No. 2014-1 was promulgated February 20, 2014 as Executive Order No. 2014-5, Eff. Apr. 22, 2014.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesR.S. of 1846 - Revised Statutes of 1846 (752.461 - 752.461)R-S-1846-752-461-158 - Chapter 158 Chapter 158. of Offences Against Chastity, Morality and Decency. (752.461...752.461)Section 752.461 - House of Ill-Fame or Gaming House; Conviction of Lessee; Effect on Lease.

Sec. 11. Whenever the lessee of any dwellinghouse shall be convicted, or shall be guilty of the offense mentioned in the preceding section, or of keeping a common gaming house for the purpose of gaming for money or other property, the lease or contract for letting such house, shall, at the option of the lessor, become void, and such lessor shall thereupon have the like remedy to recover the possession, as against a tenant holding over after the expiration of his term. History:R.S. 1846, Ch. 158 ;-- CL 1857, 5866 ;-- Am. 1865, Act 226, Eff. June 22, 1865 ;-- CL 1871, 7701 ;-- How. 9287 ;-- CL 1897, 11698 ;-- CL 1915, 15472 ;-- CL 1929, 16827 ;-- CL 1948, 752.461Compiler's Notes:For “preceding section,” referred to in this section, see § 10 of Ch. 158 of R.S. 1846 and notes to MCL 750.452 and 750.566.

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesR.S. of 1846 - Revised Statutes of 1846 (752.525 - 752.530)R-S-1846-752-525-158-Continued-2 - Chapter 158-Continued-2 Chapter 158. of Offences Against Chastity, Morality and Decency. (752.525...752.530)Section 752.525 - Religious Meeting, Disturbance, Carrying on Certain Business Within Two Miles, Obstruction of Highway; Prohibited Acts.

Sec. 25. No person shall wilfully disturb, interrupt, or disquiet any assembly of people met for religious worship, by profane discourse, by rude and indecent behavior, or by making a noise either within the place of worship, or so near it as to disturb the order and solemnity of the meeting; nor shall any person within 2 miles of the place where any religious society shall be actually assembled for religious worship, expose to sale or gift, any ardent or distilled liquors, wine, beer, cider, fruit, or any other article of

food or merchandize, or keep open any huxter shop in any other place, inn, stand or grocery, than such as shall be, or have been duly licensed, or in which such person shall have usually carried on such business; nor shall any person within the distance aforesaid, exhibit any shows, or plays, unless the same shall have been duly licensed by the proper authority; nor shall any person within the distance aforesaid, promote, aid, or be engaged in any racing of any animals, or in any gaming of any description; nor shall any person obstruct the free passage of any highway to any place of public worship, within the distance aforesaid. History:R.S. 1846, Ch. 158 ;-- CL 1857, 5880 ;-- CL 1871, 7714 ;-- How. 9300 ;-- CL 1897, 11713 ;-- CL 1915, 15488 ;-- CL 1929, 16839 ;-- CL 1948, 752.525

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesR.S. of 1846 - Revised Statutes of 1846 (752.525 - 752.530)R-S-1846-752-525-158-Continued-2 - Chapter 158-Continued-2 Chapter 158. of Offences Against Chastity, Morality and Decency. (752.525...752.530)Section 752.526 - Violation of MCL 752.525; Fine.

Sec. 26. Whoever shall violate either of the provisions of the foregoing section, may be convicted before the district or municipal court of the judicial district or municipality where the offense was committed, and on such conviction shall be fined a sum not exceeding $25.00, for the benefit of the township libraries. History:R.S. 1846, Ch. 158 ;-- CL 1857, 5881 ;-- CL 1871, 7715 ;-- How. 9301 ;-- CL 1897, 11714 ;-- CL 1915, 15489 ;-- CL 1929, 16840 ;-- CL 1948, 752.526 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesR.S. of 1846 - Revised Statutes of 1846 (752.525 - 752.530)R-S-1846-752-525-158-Continued-2 - Chapter 158-Continued-2 Chapter 158. of Offences Against Chastity, Morality and Decency. (752.525...752.530)Section 752.527 - Duty to Apprehend Offender.

Sec. 27. It shall be the duty of all sheriffs, and their deputies, coroners, marshals, constables, and other peace officers, all presiding elders, and ministers of the gospel, deacons, stewards and official members of any church or religious society, who may be present at the meeting of any assembly for religious worship, which shall be interrupted or disturbed in the manner prohibited, on sight to apprehend the offender, and take him or her before the district or municipal court of the judicial district or municipality, to be proceeded against according to law. History:R.S. 1846, Ch. 158 ;-- CL 1857, 5882 ;-- Am. 1871, Act 61, Eff. July 18, 1871 ;-- CL 1871, 7716 ;-- How. 9302 ;-- CL 1897, 11715 ;-- CL 1915, 15490 ;-- CL 1929, 16841 ;-- CL 1948, 752.527 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesR.S. of 1846 - Revised Statutes of 1846 (752.525 - 752.530)R-S-1846-752-525-158-Continued-2 - Chapter 158-Continued-2 Chapter 158. of Offences Against Chastity, Morality and Decency. (752.525...752.530)Section 752.528 - Ordering Offender Into Custody.

Sec. 28. All judges, mayors, and aldermen, within their respective jurisdictions, upon their own view of any person offending against the provisions of either of the last 3 preceding sections of this chapter, may order the offender into the custody of any officer in the preceding section named, or any official member of the church or society so assembled or disturbed, for safe keeping, until he or she shall be held to bail, or a trial for such offense be had. History:R.S. 1846, Ch. 158 ;-- CL 1857, 5883 ;-- CL 1871, 7717 ;-- How. 9303 ;-- CL 1897, 11716 ;-- CL 1915, 15491 ;-- CL 1929, 16842 ;-- CL 1948, 752.528 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesR.S. of 1846 - Revised Statutes of 1846 (752.525 - 752.530)R-S-1846-752-525-158-Continued-2 - Chapter 158-Continued-2 Chapter 158. of Offences Against Chastity, Morality and Decency. (752.525...752.530)Section 752.529 - Religious Meeting, Disturbance, Carrying on Certain Business Within Two Miles, Obstruction of Highway; Commitment to Jail if Penalty Not Paid.

Sec. 29. If any person convicted of any of the offenses herein prohibited, shall not immediately pay the penalty incurred, with the costs of the conviction, or give security to the satisfaction of the officer before whom the conviction shall be had, for the payment of the said penalty and costs within 20 days thereafter, he shall be committed by warrant to the common jail of the county, until the same be paid, or for such term, not exceeding 30 days, as shall be specified in the warrant. History:R.S. 1846, Ch. 158 ;-- CL 1857, 5884 ;-- CL 1871, 7718 ;-- How. 9304 ;-- CL 1897, 11717 ;-- CL 1915, 15492 ;-- CL 1929, 16843 ;-- CL 1948, 752.529

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Sec. 30. It shall be lawful for any person complained of, for the violation of any of the provisions of either of the last 2 preceding sections of this chapter, before the court shall proceed to investigate the merits of the cause, to demand of such court, that he or she may be tried by a jury; upon such demand, it shall be the duty of such court to issue a venire to any constable of the county or marshal of the city where the case is to be tried, commanding such officer to summon the same number of jurors, and in the same manner as is provided for in the summoning of jurors before the district or municipal court. The court shall proceed to impanel a jury for the trial of the cause, in the same manner, and shall be subject to all the rules and regulations prescribed in the act providing for trial by jury in the district or municipal court. The costs of suit shall be paid by the party offending in case of conviction, and

shall be the same as is allowed by law in civil cases. History:R.S. 1846, Ch. 158 ;-- CL 1857, 5885 ;-- CL 1871, 7719 ;-- How. 9305 ;-- CL 1897, 11718 ;-- CL 1915, 15493 ;-- CL 1929, 16844 ;-- CL 1948, 752.530 ;-- Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991

2024 Michigan Compiled LawsChapter 752 - Crimes and OffensesR.S. of 1846 - Revised Statutes of 1846 (752.73 - 752.73)R-S-1846-752-73-158-Continued - Chapter 158-Continued Chapter 158. of Offences Against Chastity, Morality and Decency (752.73...752.73)Section 752.73 - Unauthorized Construction of Way Through Cemetery.

Sec. 23. If any person shall open or make any highway, or shall construct any railroad, turnpike or canal, or any other thing in the nature of a public easement, over, through, in or upon, such part of any enclosure, being the property of a township, city, religious society, or of any other body corporate, or of private proprietors, as may be used or appropriated for the burial of the dead, unless an authority for that purpose shall be specially granted by law, or unless the consent of such township, city, religious society, body corporate or proprietors respectively, shall be first obtained, he shall be punished by fine not exceeding 2,000 dollars, or imprisonment in the county jail not more than 1 year. History:R.S. 1846, Ch. 158 ;-- CL 1857, 5878 ;-- CL 1871, 7713 ;-- How. 9299 ;-- CL 1897, 11712 ;-- CL 1915, 15486 ;-- CL 1929, 16838 ;-- CL 1948, 752.73

Title: chapters-760-777

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-I - Chapter I Definitions (761.1...761.2)Section 761.1 - Definitions.

Sec. 1. As used in this act: (a) "Act" or "doing of an act" includes an omission to act. (b) "Clerk" means the clerk or a deputy clerk of the court. (c) "Complaint" means a written accusation, under oath or upon affirmation, that a felony, misdemeanor, or ordinance violation has been committed and that the person named or described in the accusation is guilty of the offense. (d) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act, 1998 PA 518, MCL 45.622. (e) "Federal law enforcement officer" means an officer or agent employed by a law enforcement agency of the United States government whose primary responsibility is enforcing laws of the United States. (f) "Felony" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony. (g) "Indictment" means 1 or more of the following: (i) An indictment. (ii) An information. (iii) A presentment. (iv) A complaint. (v) A warrant. (vi) A formal written accusation. (vii) Unless a contrary intention appears, a count contained in any document described in subparagraphs (i) through (vi). (h) "Jail", "prison", or a similar word includes a juvenile facility in which a juvenile has been placed pending trial under section 27a of chapter IV. (i) "Judicial district" means the following: (i) With regard to the circuit court, the county. (ii) With regard to municipal courts, the city in which the municipal court functions or the village served by a municipal court under section 9928 of the revised judicature act of 1961, 1961 PA 236, MCL 600.9928. (iii) With regard to the district court, the county, district, or political subdivision in which venue is proper for criminal actions. (j) "Juvenile" means a person within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606. (k) "Juvenile facility" means a county facility, an institution operated as an agency of the county or family division of the circuit court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which a juvenile has been committed under section 27a of chapter IV. (l) "Magistrate" means a judge of the district court or a judge of a municipal court. Magistrate does not include a district court magistrate, except that a district court magistrate may exercise the powers, jurisdiction, and duties of a magistrate if specifically provided in this act, the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947, or any other statute. This definition does not limit the power of a justice of the supreme court, a circuit judge, or a judge of a court of record having jurisdiction of criminal cases under this act, or deprive him or her of the power to exercise the authority of a magistrate. (m) "Minor offense" means a misdemeanor or ordinance violation for which the maximum permissible imprisonment does not exceed 92 days and the maximum permissible fine does not exceed $1,000.00. (n) "Misdemeanor" means a violation of a penal law of this state that is not a felony or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or a fine that is not a civil fine. (o) "Ordinance violation" means either of the following: (i) A violation of an ordinance or charter of a city, village, township, or county that is punishable by imprisonment or a fine that is not a civil fine. (ii) A violation of an ordinance, rule, or regulation of any other governmental entity authorized by law to enact ordinances, rules, or regulations that is punishable by imprisonment or a fine that is not a civil fine. (p) "Person", "accused", or a similar word means an individual or, unless a contrary intention appears, a public or private corporation, partnership, or unincorporated or voluntary association. (q) "Property" includes any matter or thing upon or in respect to which an offense may be committed. (r) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision or governmental entity that enacted the ordinance, charter, rule, or regulation upon which the ordinance violation is based. (s) "Recidivism" means any rearrest, reconviction, or reincarceration in prison or jail for a felony or misdemeanor offense or a probation or parole violation of an individual as measured first after 3 years and again after 5 years from the date of his or her release from incarceration, placement on probation, or conviction, whichever is later. (t) "Taken", "brought", or "before" a magistrate or judge for purposes of criminal arraignment or the setting of bail means either of the following: (i) Physical presence before a judge or district court magistrate. (ii) Presence before a judge or district court magistrate by use of 2-way interactive video technology. (u) "Technical parole violation" means a violation of the terms of a parolee's parole order that is not a violation of a law of this state, a political subdivision of this state, another state, or

the United States or of tribal law. (v) "Technical probation violation" means a violation of the terms of a probationer's probation order that is not a violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law. (w) "Writing", "written", or a similar term refers to words printed, painted, engraved, lithographed, photographed, copied, traced, or otherwise made visible to the eye. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17118 ;-- CL 1948, 761.1 ;-- Am. 1974, Act 63, Eff. May 1, 1974 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1987, Act 256, Imd. Eff. Dec. 28, 1987 ;-- Am. 1988, Act 49, Imd. Eff. Mar. 11, 1988 ;-- Am. 1988, Act 67, Eff. Oct. 1, 1988 ;-- Am. 1994, Act 229, Imd. Eff. June 30, 1994 ;-- Am. 1996, Act 418, Eff. Jan. 1, 1998 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999 ;-- Am. 1999, Act 76, Eff. Oct. 1, 1999 ;-- Am. 2007, Act 20, Imd. Eff. June 19, 2007 ;-- Am. 2017, Act 2, Eff. June 29, 2017Compiler's Notes:Section 3 of Act 67 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 173 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”Former Law:See sections 18, 20, and 21 of Ch. 161 of R.S. 1846, being CL 1857, §§ 5954, 5956, and 5957; CL 1871, §§ 7820, 7822, and 7823; How., §§ 9430, 9432, and 9433; CL 1897, §§ 11791, 11793, and 11794; CL 1915, §§ 15618, 15620, and 15621.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-I - Chapter I Definitions (761.1...761.2)Section 761.2 - “Major Controlled Substance Offense” Defined.

Sec. 2. As used in this act, "major controlled substance offense" means either or both of the following: (a) A violation of section 7401(2)(a) of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7401 of the Michigan Compiled Laws. (b) A violation of section 7403(2)(a)(i) to (iv) of Act No. 368 of the Public Acts of 1978, being section 333.7403 of the Michigan Compiled Laws. (c) Conspiracy to commit an offense listed in subdivision (a) or (b). History:Add. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1988, Act 90, Imd. Eff. Mar. 30, 1988

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.1 - Jurisdiction; Existing Courts and Persons.

Sec. 1. The various courts and persons of this state now having jurisdiction and powers over criminal causes, shall have such jurisdiction and powers as are now conferred upon them by law, except as such jurisdiction and powers may be hereinafter repealed, enlarged or modified. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17119 ;-- CL 1948, 762.1

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.10 - Jurisdiction; Embezzlement.

Sec. 10. In all prosecutions for the crime of embezzlement said offense may be prosecuted either in the jurisdiction in which the property is received by the person charged or the jurisdiction in which it was the duty of such person to deliver, re-deliver or return said property. History:Add. 1929, Act 24, Imd. Eff. Apr. 2, 1929 ;-- CL 1929, 17128 ;-- CL 1948, 762.10

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.10a - Violation of MCL 750.219a and 750.540g; Jurisdiction.

Sec. 10a. A violation of section 219a or 540g of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.219a and 750.540g of the Michigan Compiled Laws, may be prosecuted in the jurisdiction in which the telecommunication or telecommunications service originated or terminated or in the jurisdiction to which the bill for the telecommunications service was or would have been sent. History:Add. 1996, Act 331, Eff. Apr. 1, 1997

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.10b - Violation of MCL 752.791 to 752.797; Jurisdiction.

Sec. 10b. If a person violates Act No. 53 of the Public Acts of 1979, being sections 752.791 to 752.797 of the Michigan Compiled Laws, by accessing or causing access to be made to a computer, computer program, computer system, or computer network in 1 jurisdiction from another jurisdiction, the offense may be prosecuted in either jurisdiction. History:Add. 1996, Act 332, Eff. Apr. 1, 1997

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.10c - Identity Theft; Prosecution; Jurisdiction.

Sec. 10c. (1) Except as otherwise provided in subsection (3), conduct prohibited by law, or former law, and listed in subsection (2) may be prosecuted in 1 of the following jurisdictions: (a) The jurisdiction in which the offense occurred. (b) The jurisdiction in which the information used to commit the violation was illegally used. (c) The jurisdiction in which the victim resides. (2) Jurisdiction described under subsection (1) applies to conduct prohibited under 1 or more of the following laws and to conduct that

is done in furtherance of or arising from the same transaction as conduct prohibited under 1 or more of the following laws: (a) The identity theft protection act, 2004 PA 452, MCL 445.61 to 445.79c. (b) Former section 285 of the Michigan penal code, 1931 PA 328. (c) Section 5 of 1972 PA 222, MCL 28.295. (d) Section 310(7) or 903 of the Michigan vehicle code, 1949 PA 300, MCL 257.310 and 257.903. (e) Section 157n, 157p, 157q, 157r, 157v, 157w, 218, 219a, 219e, 248, 248a, 249, 362, 363, or 539k of the Michigan penal code, 1931 PA 328, MCL 750.157n, 750.157p, 750.157q, 750.157r, 750.157v, 750.157w, 750.218, 750.219a, 750.219e, 750.248, 750.248a, 750.249, 750.362, 750.363, and 750.539k. (3) If a person is charged with more than 1 violation of the identity theft protection act, 2004 PA 452, MCL 445.61 to 445.79c, or section 539k of the Michigan penal code, 1931 PA 321, MCL 750.539k, and those violations may be prosecuted in more than 1 jurisdiction, any of those jurisdictions is a proper jurisdiction for all of the violations. History:Add. 2004, Act 453, Eff. Mar. 1, 2005 ;-- Am. 2010, Act 316, Eff. Apr. 1, 2011 ;-- Am. 2013, Act 215, Eff. Apr. 1, 2014

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.10d - Bench Warrants; Voluntary Presentment; Arraignment Process; Exceptions; Definitions.

Sec. 10d. (1) Except in cases in which the person is alleged to have committed an assaultive crime or an offense involving domestic violence, a person who is wanted on a bench warrant or a warrant of arrest who voluntarily goes to the court that issued the warrant within 1 year of the warrant issuance must be processed by the court according to this section. (2) If a judicial officer is available to arraign the person on the warrant within 2 hours of the person's appearance, the court must arraign the person and set the case for the next stage of criminal proceedings. It must be presumed that the person is not a flight risk when the court sets bond or other conditions of release at an arraignment under this subsection. (3) If a judicial officer is not available to arraign the person on the warrant within 2 hours of the person's appearance, the court shall recall the warrant and schedule the case for future arraignment. (4) A court may deny a person the benefit of the procedure provided for in this section if the person has already benefitted from the procedure on any pending criminal charges. (5) As used in this section: (a) "Assaultive crime" includes any of the following: (i) A violation described in section 9a of chapter X. (ii) A violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90g, not otherwise included in subparagraph (i). (iii) A violation of section 110a, 136b, 234a, 234b, 234c, 349b, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.110a, 750.136b, 750.234a, 750.234b, 750.234c, 750.349b, and 750.411h, or any other violent felony. (iv) A violation of a law of another state or of a political subdivision of this state or of another state that substantially corresponds to a violation described in subparagraph (i), (ii), or (iii). (b) "Domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501. (c) "Violent felony" means that term as defined in section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236. History:Add. 2020, Act 394, Eff. Apr. 1, 2021 ;-- Am. 2023, Act 208, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.11 - Criminal Offense by Individual Between Ages 17 and 24 Before October 1, 2021 and 18 and 26 Beginning October 1, 2021; Assignment to Status of Youthful Trainee; Consent of Prosecuting Attorney; Exceptions; Employment or School Attendance; Electronic Monitoring; Definitions.

Sec. 11. (1) Until October 1, 2021 and except as provided in subsections (3) and (4), if an individual pleads guilty to a criminal offense, committed on or after the individual's seventeenth birthday but before his or her twenty-fourth birthday, the court of record having jurisdiction of the criminal offense may, without entering a judgment of conviction and with the consent of that individual, consider and assign that individual to the status of youthful trainee. If the offense was committed on or after the individual's twenty-first birthday but before his or her twenty-fourth birthday, the individual must not be assigned to youthful trainee status without the consent of the prosecuting attorney. (2) Beginning October 1, 2021, except as provided in subsections (3) and (4), if an individual pleads guilty to a criminal offense, committed on or after the individual's eighteenth birthday but before his or her twenty-sixth birthday, the court of record having jurisdiction of the criminal offense may, without entering a judgment of conviction and with the consent of that individual, consider and assign that individual to the status of youthful trainee. If the offense was committed on or after the individual's twenty-first birthday but before his or her twenty-sixth birthday, the individual must not be assigned to youthful trainee status without the consent of the prosecuting attorney. If a defendant is charged with an offense listed under subsection (3) and the defendant pleads guilty to any other offense or will be eligible for the status of youthful trainee under subsection (4), the prosecutor shall consult with the victim regarding the applicability of this section. (3) Subsections (1) and (2) do not apply to any of the following: (a) A felony for which the maximum penalty is imprisonment for life. (b) A major controlled substance offense. (c) A traffic offense. (d) A violation, attempted violation, or conspiracy to violate section 520b, 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520e, other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d and 750.520e. (e) A violation, attempted violation, or conspiracy to violate section 520g of the Michigan penal code, 1931 PA 328, MCL 750.520g, with the intent to commit a violation of section 520b, 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520e, other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d and 750.520e. (4) The court shall not assign an individual to the status of youthful trainee if any of the following apply: (a) The individual was previously convicted of or adjudicated for a listed offense for which registration is required under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736. (b) If the individual is charged with a listed offense for which registration is required under the sex

offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the individual fails to carry the burden of proving by clear and convincing evidence that he or she is not likely to engage in further listed offenses. (c) The court determines that the offense involved any of the following: (i) A factor set forth in section 520b(1)(a) to (h) of the Michigan penal code, 1931 PA 328, MCL 750.520b. (ii) A factor set forth in section 520c(1)(a) to (l) of the Michigan penal code, 1931 PA 328, MCL 750.520c. (iii) A factor set forth in section 520d(1)(b) to (f) of the Michigan penal code, 1931 PA 328, MCL 750.520d. (iv) A factor set forth in section 520e(1)(b) to (g) of the Michigan penal code, 1931 PA 328, MCL 750.520e. (5) If the court assigns an individual to the status of youthful trainee under this section, the court may require the individual to maintain employment or to attend a high school, high school equivalency program, community college, college, university, or trade school. If the individual is not employed or attending a high school, community college, college, university, or trade school, the individual may be required to actively seek employment or entry into a high school, high school equivalency program, community college, college, university, or trade school. (6) If the offense for which the individual is assigned to the status of youthful trainee status was committed on or after the individual's twenty-first birthday, the individual may, in addition to the other requirements of this section, be subject to electronic monitoring during his or her probationary term as provided under section 3 of chapter XI. (7) As used in this section: (a) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. (b) "Traffic offense" means a violation of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of a local ordinance substantially corresponding to that act, that involves the operation of a vehicle and, at the time of the violation, is a felony or a misdemeanor. History:Add. 1966, Act 301, Eff. Jan. 1, 1967 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1988, Act 4, Imd. Eff. Feb. 5, 1988 ;-- Am. 1993, Act 293, Eff. Jan. 1, 1994 ;-- Am. 2004, Act 239, Eff. Oct. 1, 2004 ;-- Am. 2015, Act 31, Eff. Aug. 18, 2015 ;-- Am. 2019, Act 100, Eff. Oct. 1, 2021 ;-- Am. 2020, Act 396, Eff. Mar. 24, 2021

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.12 - Termination or Revocation as Youthful Trainee; Effect.

Sec. 12. (1) Subject to subsection (2), the court of record having jurisdiction over the criminal offense referred to in section 11 of this chapter may, at any time, terminate its consideration of the individual as a youthful trainee or, once having assigned the individual to the status of a youthful trainee, may at its discretion revoke that status any time before the individual's final release. (2) If the court assigns an individual to youthful trainee status, the court shall revoke that status if the individual pleads guilty to or is convicted of any of the following during the period of assignment: (a) A felony for which the maximum penalty is imprisonment for life. (b) A major controlled substance offense. (c) A violation, attempted violation, or conspiracy to violate section 82, 84, 88, 110a, 224f, 226, 227, 227a, 227b, 520b, 520c, 520d, 520e, 529a, or 530 of the Michigan penal code, 1931 PA 328, MCL 750.82, 750.84, 750.88, 750.110a, 750.224f, 750.226, 750.227, 750.227a, 750.227b, 750.520b, 750.520c, 750.520d, 750.520e, 750.529a, and 750.530, other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d and 750.520e. (d) A violation, attempted violation, or conspiracy to violate section 520g of the Michigan penal code, 1931 PA 328, MCL 750.520g, with the intent to commit a violation of section 520b, 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520e, other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d and 750.520e. (e) A firearm offense. As used in this subdivision, "firearm offense" means a crime involving a firearm as that term is defined in section 1 of 1927 PA 372, MCL 28.421, whether or not the possession, use, transportation, or concealment of a firearm is an element of the crime. (3) If an individual who is required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, willfully violates that act, the court shall revoke the individual's status as a youthful trainee. Upon termination of consideration or revocation of status as a youthful trainee, the court may enter an adjudication of guilt and proceed as provided by law. If the status of youthful trainee is revoked, an adjudication of guilt is entered, and a sentence is imposed, the court in imposing sentence shall specifically grant credit against the sentence for time served as a youthful trainee in an institutional facility of the department of corrections or in a county jail. History:Add. 1966, Act 301, Eff. Jan. 1, 1967 ;-- Am. 1993, Act 293, Eff. Jan. 1, 1994 ;-- Am. 1994, Act 286, Eff. Oct. 1, 1995 ;-- Am. 2015, Act 32, Eff. Aug. 18, 2015

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.13 - Assignment as Youthful Trainee; Duties of Court; Fees; Waiver of Fee; "Electronic Monitoring Device" Defined.

Sec. 13. (1) If an individual is assigned to the status of a youthful trainee and the underlying charge is an offense punishable by imprisonment for a term of more than 1 year, the court shall do 1 of the following: (a) Except as provided in subsection (2), commit the individual to the department of corrections for custodial supervision and training for not more than 2 years. If the individual is less than 21 years of age, he or she must be committed to an institutional facility designated by the department for that purpose. (b) Place the individual on probation for not more than 3 years subject to probation conditions as provided in section 3 of chapter XI. The terms and conditions of probation may include participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1088. (c) Commit the individual to the county jail for not more than 1 year. (d) Except as provided in subsection (2), commit the individual to the department of corrections under subdivision (a) or to the county jail under subdivision (c), and then place the individual on probation for not more than 1 year subject to probation conditions as provided in section 3 of chapter XI. (2) An individual assigned to the status of youthful trainee must not be committed to the department of corrections for custodial supervision and training under subsection (1)(a) or (d) if the underlying charge is for a

violation of any of the following: (a) Article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545. (b) Section 110, 110a(4), 157n to 157v, 157w(1)(c), 227, 356, 357, 413, 530, or 535(3) or (7) of the Michigan penal code, 1931 PA 328, MCL 750.110, 750.110a, 750.157n to 750.157v, 750.157w, 750.227, 750.356, 750.357, 750.413, 750.530, and 750.535. (3) If an individual is assigned to the status of youthful trainee and the underlying charge is for an offense punishable by imprisonment for 1 year or less, the court shall place the individual on probation for not more than 2 years, subject to probation conditions as provided in section 3 of chapter XI. (4) An individual placed on probation under this section must be under the supervision of a probation officer. Upon commitment to and receipt by the department of corrections, a youthful trainee is subject to the direction of the department of corrections. If an individual is placed on probation following a commitment to the department of corrections under subsection (1)(d), a youthful trainee must be reassigned to the supervision of a probation officer. (5) If an individual is committed to the county jail under subsection (1)(c) or (d) or as a probation condition, the court may authorize work release or release for educational purposes. (6) Except as provided in subsection (7), the court shall include in each order of probation for an individual placed on probation under this section that the department of corrections collect a probation supervision fee of $30.00 multiplied by the number of months of probation ordered, but not more than 36 months, if the individual is placed on probation supervision without an electronic monitoring device. If the individual is placed on probation supervision under this subsection with an electronic monitoring device, the court shall include in its order of probation that the department of corrections collect a probation supervision fee of $60.00 multiplied by the number of months of probation ordered, but not more than 36 months. The fee is payable when the probation order is entered, but the fee may be paid in monthly installments if the court approves installment payments for that probationer. The fee must be collected as provided in section 25a of the corrections code of 1953, 1953 PA 232, MCL 791.225a. A person must not be subject to more than 1 supervision fee at the same time. If a supervision fee is ordered for a person for any month or months during which that person already is subject to a supervision fee, the court shall waive the fee having the shorter remaining duration. (7) The court may waive the fee required to be collected under this section if the court determines the supervised individual is indigent. (8) As used in this section, "electronic monitoring device" includes any electronic device or instrument that is used to track the location of an individual, enforce a curfew, or detect the presence of alcohol in an individual's body. History:Add. 1966, Act 301, Eff. Jan. 1, 1967 ;-- Am. 1993, Act 185, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 293, Eff. Jan. 1, 1994 ;-- Am. 1994, Act 286, Eff. Oct. 1, 1995 ;-- Am. 2002, Act 483, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 226, Eff. Jan. 1, 2005 ;-- Am. 2004, Act 239, Eff. Oct. 1, 2004 ;-- Am. 2015, Act 33, Eff. Aug. 18, 2015 ;-- Am. 2019, Act 165, Eff. Mar. 19, 2020Compiler's Notes:Enacting section 2 of Act 33 of 2015 provides:"Enacting section 2. This amendatory act applies to cases in which an individual is assigned to youthful trainee status on or after the effective date of this amendatory act."

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.14 - Discharge of Individual and Dismissal of Proceedings Upon Final Release; Assignment as Youthful Trainee Not Conviction; Compliance With Sex Offenders Registration; Proceedings Closed to Public Inspection; Inspection by Courts, State Departments, and Law Enforcement Personnel.

Sec. 14. (1) If consideration of an individual as a youthful trainee is not terminated and the status of youthful trainee is not revoked as provided in section 12 of this chapter, upon final release of the individual from the status as youthful trainee, the court shall discharge the individual and dismiss the proceedings. (2) An assignment of an individual to the status of youthful trainee as provided in this chapter is not a conviction for a crime and, except as provided in subsection (3), the individual assigned to the status of youthful trainee shall not suffer a civil disability or loss of right or privilege following his or her release from that status because of his or her assignment as a youthful trainee. (3) An individual assigned to youthful trainee status before October 1, 2004 for a listed offense enumerated in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, is required to comply with the requirements of that act. (4) Unless the court enters a judgment of conviction against the individual for the criminal offense under section 12 of this chapter, all proceedings regarding the disposition of the criminal charge and the individual's assignment as youthful trainee shall be closed to public inspection, but shall be open to the courts of this state, the department of corrections, the family independence agency, law enforcement personnel and, beginning January 1, 2005, prosecuting attorneys for use only in the performance of their duties. History:Add. 1966, Act 301, Eff. Jan. 1, 1967 ;-- Am. 1993, Act 293, Eff. Jan. 1, 1994 ;-- Am. 1994, Act 286, Eff. Oct. 1, 1995 ;-- Am. 2004, Act 226, Eff. Jan. 1, 2005 ;-- Am. 2004, Act 239, Eff. Oct. 1, 2004

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.15 - Applicability to Individuals Over Fourteen.

Sec. 15. This chapter also applies to an individual over 14 years of age whose jurisdiction has been waived under section 27 of chapter IV. History:Add. 1966, Act 301, Eff. Jan. 1, 1967 ;-- Am. 1993, Act 293, Eff. Jan. 1, 1994 ;-- Am. 1996, Act 255, Eff. Jan. 1, 1997

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.16 - Holmes Youthful Trainee Act; Short Title.

Sec. 16. Sections 11 to 15 shall be known as the "Holmes youthful trainee act." History:Add. 1966, Act 301, Eff. Jan. 1, 1967

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.1a - Justices and Judges as Conservators of the Peace.

Sec. 1a. Justices of the supreme court, judges of the court of appeals, judges of the circuit court, judges of the recorder's court of the city of Detroit, judges of the traffic and ordinance division of the recorder's court of the city of Detroit, judges of a common pleas court, judges of the district court, and judges of municipal courts are conservators of the peace within their respective jurisdictions. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.2 - In-State Prosecution for Criminal Offense; Circumstances.

Sec. 2. (1) A person may be prosecuted for a criminal offense he or she commits while he or she is physically located within this state or outside of this state if any of the following circumstances exist: (a) He or she commits a criminal offense wholly or partly within this state. (b) His or her conduct constitutes an attempt to commit a criminal offense within this state. (c) His or her conduct constitutes a conspiracy to commit a criminal offense within this state and an act in furtherance of the conspiracy is committed within this state by the offender, or at his or her instigation, or by another member of the conspiracy. (d) A victim of the offense or an employee or agent of a governmental unit posing as a victim resides in this state or is located in this state at the time the criminal offense is committed. (e) The criminal offense produces substantial and detrimental effects within this state. (2) A criminal offense is considered under subsection (1) to be committed partly within this state if any of the following apply: (a) An act constituting an element of the criminal offense is committed within this state. (b) The result or consequences of an act constituting an element of the criminal offense occur within this state. (c) The criminal offense produces consequences that have a materially harmful impact upon the system of government or the community welfare of this state, or results in persons within this state being defrauded or otherwise harmed. History:Add. 2002, Act 129, Eff. Apr. 22, 2002Compiler's Notes:Former MCL 762.2, which pertained to jurisdiction of justice of peace, was repealed by Act 506 of 1980, Imd. Eff. Jan. 22, 1981.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.3 - Jurisdiction; Offenses Near County Lines.

Sec. 3. (1) Any offense committed on the boundary line of 2 counties, or within 1 mile of the dividing line between them, may be alleged in the indictment to have been committed, and may be prosecuted and punished in either county. (2) If it appears to the attorney general that a felony has been committed within the state and that it is impossible to determine within which county it occurred, the offense may be alleged in the indictment to have been committed and may be prosecuted and punished in such county as the attorney general designates. The state shall bear all expenses of such prosecution. The responsibility and the authority with reference to all steps in the prosecution of such case shall be the same, as between the prosecuting attorney of the county so designated and the attorney general, as though it were an established fact that the alleged criminal acts, if committed at all, were committed within that county. (3) With regard to state offenses cognizable by the examining magistrate and to examinations conducted for offenses not cognizable by the examining magistrate, the following special provisions apply: (a) If an offense is committed on the boundary of 2 or more counties, districts or political subdivisions or within 1 mile thereof, venue is proper in any of the counties, districts or political subdivisions concerned. (b) If an offense is committed in or upon any railroad train, automobile, aircraft, vessel or other conveyance in transit, and it cannot readily be determined in which county, district or political subdivision the offense was committed, venue is proper in any county, district or political subdivision through or over which the conveyance passed in the course of its journey. (c) Except as otherwise provided in subdivision (b), if it appears to the attorney general that the alleged state offense has been committed within the state and that it is impossible to determine within which county, district or political subdivision it occurred, the violation may be alleged to have been committed and may be prosecuted and punished or the examination conducted in such county, district or political subdivision as the attorney general designates. The responsibility and the authority with reference to all steps in the prosecution of such case shall be the same, as between the prosecuting attorney of the county so designated and the attorney general, as though it were an established fact that the alleged criminal acts, if committed at all, were committed within that county, district or political subdivision. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17121 ;-- Am. 1935, Act 151, Imd. Eff. June 4, 1935 ;-- CL 1948, 762.3 ;-- Am. 1970, Act 213, Imd. Eff. Oct. 4, 1970Former Law:See section 6 of Ch. 161 of R.S. 1846, being CL 1857, § 5942; CL 1871, § 7804; How., § 9418; CL 1897, § 11779; CL 1915, § 15606; and Act 399 of 1921.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-II - Chapter II Courts (762.1...762.16)Section 762.4 - Jurisdiction; Court of Record; Offense Near Boundary Line.

Sec. 4. Whenever any court of record having criminal jurisdiction, the boundaries of whose jurisdiction as fixed by statute are not coincident with the boundary lines of a county or counties, shall take jurisdiction or have pending before it any trial or cause arising out of the commission of an offense at, on or near to the boundary line of the jurisdiction of said court, the jurisdiction of said court

shall not be questioned, after the swearing of the jury, unless the evidence shall show the offense to have been committed more than 100 rods outside of the boundary of the jurisdiction of said court as fixed by statute. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17122 ;-- CL 1948, 762.4Former Law:See Act 399 of 1921.

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Sec. 5. If any mortal wound shall be given or other violence or injury shall be inflicted, or any poison shall be administered in 1 county by means whereof death shall ensue in another county, the offense may be prosecuted and punished in either county. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17123 ;-- CL 1948, 762.5Former Law:See section 7 of Ch. 161 of R.S. 1846, being CL 1857, § 5943; CL 1871, § 7805; How., § 9419; CL 1897, § 11780; and CL 1915, § 15607.

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Sec. 6. If any such mortal wound shall be given, or other violence or injury shall be inflicted or poison administered on the high seas, or in any other navigable waters, or on land, either within or without the limits of this state, by means whereof death shall ensue in any county thereof, such offense may be prosecuted and punished in the county where such death shall have ensued. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17124 ;-- CL 1948, 762.6Former Law:See section 8 of Ch. 161 of R.S. 1846, being CL 1857, § 5944; CL 1871, § 7806; How., § 9420; CL 1897, § 11780; and CL 1915, § 15608.

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Sec. 7. Each court of record having jurisdiction of criminal cases upon good cause shown by either party may change the venue in any cause pending therein, and direct the issue to be tried in the circuit court of another county, and make all necessary rules and orders for the certifying and removing such cause, and all matters relating thereto, to the court in which such issue shall be ordered to be tried, and the court to which such cause shall be so removed shall proceed to hear, try and determine the same, and execution may thereupon be had in the same manner as if the same had been prosecuted in the court having original jurisdiction of such cause, except that in all causes when the defendant shall be convicted and be sentenced to imprisonment in the county jail or to pay a fine, or to both such imprisonment and fine, the court awarding such sentence shall have authority to direct and shall direct that the defendant be imprisoned in the county jail of the county in which such prosecution commenced; and that such fine, when paid, shall be paid over to the county treasurer of the county in which such prosecution commenced, in the same manner as is now provided by law for paying over fines to county treasurers; and in every case where a change of venue is ordered, all expenses of such trial shall be a charge upon the county in which the prosecution originated; and when there shall be a disagreement of the jury on the trial of any criminal cause in the circuit court to which such cause was ordered for trial, the circuit judge before whom the same was tried, if he shall deem that the public good requires the same, may, upon cause shown by either party, order and direct the issue to be tried in the circuit court of another county in the state; and the court to which such cause shall be removed shall proceed to hear, try and determine the same in the same manner and with like effect as was pursued by the circuit court making such order: Provided, That in any and all suits, proceedings, causes or actions now pending in any of the circuit courts of this state, whether the court has general or special jurisdiction, a change of venue may be had in the manner provided and in accordance with section 10 of Act No. 157 of the Public Acts of 1851, as amended by Act No. 309 of the Public Acts of 1905 and the provisions of said act shall be continued in full force and effect for such purpose: Provided further, That in all suits, proceedings, causes or actions in which a change of venue has been granted, the court to which such suit, proceeding, cause or action has been transferred, shall retain jurisdiction. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17125 ;-- CL 1948, 762.7Former Law:See section 10 of Act 157 of 1851, being CL 1857, § 3420; CL 1871, § 4946; How., § 6468; CL 1897, § 309; CL 1915, § 14563; Act 12 of 1871; Act 88 of 1879; Act 309 of 1905; Act 161 of 1907; and Act 67 of 1909.

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Sec. 8. Whenever a felony consists or is the culmination of 2 or more acts done in the perpetration of that felony, the felony may be prosecuted in any county where any of those acts were committed or in any county that the defendant intended the felony or acts done in perpetration of the felony to have an effect. History:Add. 1929, Act 24, Imd. Eff. Apr. 2, 1929 ;-- CL 1929, 17126 ;-- CL 1948, 762.8 ;-- Am. 2013, Act 128, Imd. Eff. Oct. 9, 2013

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Sec. 9. Whenever a felony has been committed on a railroad train, automobile, aircraft, vessel or other moving vehicle, said offense may be prosecuted in any county, city or jurisdiction in which such conveyance was during the journey in the course of which said offense was committed. History:Add. 1929, Act 24, Imd. Eff. Apr. 2, 1929 ;-- CL 1929, 17127 ;-- CL 1948, 762.9

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Sec. 1. On the trial of every indictment or other criminal accusation, the party accused shall be allowed to be heard by counsel and may defend himself, and he shall have a right to produce witnesses and proofs in his favor, and meet the witnesses who are produced against him face to face. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17129 ;-- CL 1948, 763.1Former Law:See section 1 of Ch. 150 of R.S. 1846, being CL 1857, § 5704; CL 1871, § 7503; How., § 9068; CL 1897, § 11796; CL 1915, § 15623.

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Sec. 10. A failure to comply with sections 8 and 9 of this chapter does not create a civil cause of action against a department or individual. The requirement in section 8 of this chapter to produce a major felony recording is a directive to departments and law enforcement officials and not a right conferred on an individual who is interrogated. History:Add. 2012, Act 479, Eff. Mar. 28, 2013

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Sec. 11. (1) The Michigan commission on law enforcement standards created under section 3 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.603, shall set quality standards for the audiovisual recording of statements under section 8 of this chapter and standards for geographic accessibility of equipment in the state. The commission shall also conduct an assessment of the initial cost necessary for law enforcement agencies to purchase audiovisual recording equipment. The first assessment shall be conducted By July 26, 2012. The Michigan commission on law enforcement standards shall conduct subsequent assessments regarding the necessary costs of purchasing, upgrading, or replacing the equipment every 2 years. (2) The Michigan commission on law enforcement standards shall recommend to the legislature each year an annual appropriation amount to be determined by the commission's assessment performed under this section. The legislature shall annually appropriate funds to the Michigan commission on law enforcement standards for distribution to law enforcement agencies throughout the state to allow the agencies to purchase audiovisual recording equipment for purposes of this chapter. Any funds appropriated for this purpose shall be in addition to the appropriations provided to the Michigan commission on law enforcement standards and the department of state police in the immediately preceding fiscal year and shall not be appropriated from the Michigan justice training fund created in 1982 PA 302, MCL 18.421 to 18.430, or the department of state police budget. (3) Except as otherwise provided in subsection (4), law enforcement agencies shall implement sections 7 to 10 of this chapter and this section within 120 days after receiving funds under this section from the Michigan commission on law enforcement standards or acquiring access to audiovisual recording equipment as directed by the standards set forth by that commission. (4) Notwithstanding subsection (3), a law enforcement agency shall comply with the provisions of the amendatory act that added this subsection within 60 days after the date the commission adopts the standards for audiovisual recording equipment required by this section if the law enforcement agency has audiovisual recording equipment that complies with those standards on that date, or within 60 days after the date the law enforcement agency subsequently obtains audiovisual recording equipment that complies with the adopted standards. History:Add. 2012, Act 479, Eff. Mar. 28, 2013 ;-- Am. 2016, Act 293, Eff. Jan. 2, 2017

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Sec. 2. No person charged with an offense shall be convicted thereof unless by confession of his guilt in open court or by admitting the truth of the charge against him or after trial by the court or by the verdict of a jury accepted and recorded by the court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17130 ;-- CL 1948, 763.2Former Law:See sections 2 and 4 of Ch. 151 of R.S. 1846, being CL 1857, §§ 5705 and 5707; CL 1871, §§ 7504 and 7506; How., §§ 9069 and 9071; CL 1897, §§ 11797 and 11799; and CL 1915, §§ 15624 and 15626.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-III - Chapter III Rights of Persons Accused (763.1...763.11)Section 763.3 - Waiver of Trial by Jury in Criminal Cases.

Sec. 3. (1) In all criminal cases arising in the courts of this state the defendant may, with the consent of the prosecutor and approval

by the court, waive a determination of the facts by a jury and elect to be tried before the court without a jury. Except in cases of minor offenses, the waiver and election by a defendant shall be in writing signed by the defendant and filed in the case and made a part of the record. The waiver and election shall be entitled in the court and case, and in substance as follows: "I, ..., defendant in the above case, hereby voluntarily waive and relinquish my right to a trial by jury and elect to be tried by a judge of the court in which the case may be pending. I fully understand that under the laws of this state I have a constitutional right to a trial by jury." _____ Signature of defendant. (2) Except in cases of minor offenses, the waiver of trial by jury shall be made in open court after the defendant has been arraigned and has had opportunity to consult with legal counsel. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17131 ;-- CL 1948, 763.3 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1988, Act 89, Eff. June 1, 1988

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Sec. 4. In any case where a defendant waives his right to a trial by jury and elects to be tried by the judge of such court as provided in section 3 of this chapter any judge of the court in which said cause is pending shall have jurisdiction to proceed with the trial of said cause, and shall proceed to hear, try and determine such cause in accordance with the rules and in like manner as if such cause were being tried before a jury. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17132 ;-- CL 1948, 763.4

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Sec. 5. No person shall be held to answer on a second charge or indictment for any offense for which he has been acquitted upon the facts and merits of the former trial but such acquittal may be pleaded or given in evidence by him in bar of any subsequent prosecution for the same offense. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17133 ;-- CL 1948, 763.5Former Law:See section 3 of Ch. 151 of R.S. 1846, being CL 1857, § 5706; CL 1871, § 7505; How., § 9070; CL 1897, § 11798; and CL 1915, § 15625.

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Sec. 6. If any person who is indicted or informed against for any offense shall on his trial be acquitted upon the grounds of a variance between the indictment or information and the proof or upon any insufficiency or irregularity in the form or substance of the indictment, he may be arraigned again on a new indictment for the same offense, notwithstanding such former acquittal. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17134 ;-- CL 1948, 763.6

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Sec. 7. As used in this section and sections 8 to 10 of this chapter: (a) "Custodial detention" means an individual's being in a place of detention because a law enforcement official has told the individual that he or she is under arrest or because the individual, under the totality of the circumstances, reasonably could believe that he or she is under a law enforcement official's control and is not free to leave. (b) "Interrogation" means questioning in a criminal investigation that may elicit a self-incriminating response from an individual and includes a law enforcement official's words or actions that the law enforcement official should know are reasonably likely to elicit a self-incriminating response from the individual. (c) "Law enforcement official" means any of the following: (i) A police officer of this state or a political subdivision of this state as defined in section 2 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.602. (ii) A county sheriff or his or her deputy. (iii) A prosecuting attorney. (iv) A public safety officer of a college or university. (v) A conservation officer of the department of natural resources and environment. (vi) An individual acting under the direction of a law enforcement official described in subparagraphs (i) to (v). (d) "Major felony" means a felony punishable by imprisonment for life, for life or any term of years, or for a statutory maximum of 20 years or more, or a violation of section 520d of the Michigan penal code, 1931 PA 328, MCL 750.520d. (e) "Major felony recording" means the interrogation recording required under section 8 of this chapter or a duplicate of that recording. (f) "Place of detention" means a police station, correctional facility, or prisoner holding facility or another governmental facility where an individual may be held in connection with a criminal charge that has been or may be filed against the individual. History:Add. 2012, Act 479, Eff. Mar. 28, 2013

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-III - Chapter III Rights of Persons Accused (763.1...763.11)Section 763.8 - Audiovisual Recording of Interrogation.

Sec. 8. (1) This section applies if the law enforcement agency has audiovisual recording equipment that is operational or accessible

as provided in section 11(3) or (4) or upon the expiration of the relevant time periods set forth in section 11(3) or (4), whichever occurs first. (2) A law enforcement official interrogating an individual in custodial detention regarding the individual's involvement in the commission of a major felony shall make a time-stamped, audiovisual recording of the entire interrogation. A major felony recording shall include the law enforcement official's notification to the individual of the individual's Miranda rights. (3) An individual who believes the individual's interrogation is being recorded may object to having the interrogation recorded. The individual's objection shall be documented either by the individual's objection stated on the recording or the individual's signature on a document stating the objection. If the individual refuses to document the objection either by recording or signature, a law enforcement official shall document the objection by a recording or signed document. A major felony recording may be made without the consent or knowledge of, or despite the objection of, the individual being interrogated. (4) A major felony recording shall be produced using equipment and procedures that are designed to prevent alteration of the recording's audio or visual record. (5) Pursuant to any request of discovery, the prosecutor shall provide a copy of the recorded statement to the defense counsel of record or to the defendant if he or she is not represented by defense counsel. The court shall not require the police or the prosecutor to prepare or pay for a transcript of a recorded statement. A court or the defense may have a transcript prepared at its own expense. (6) Prior to conviction or acquittal, a statement recorded under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. History:Add. 2012, Act 479, Eff. Mar. 28, 2013

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-III - Chapter III Rights of Persons Accused (763.1...763.11)Section 763.9 - Failure to Record or Preserve Recorded Statement.

Sec. 9. Any failure to record a statement as required under section 8 of this chapter or to preserve a recorded statement does not prevent any law enforcement official present during the taking of the statement from testifying in court as to the circumstances and content of the individual's statement if the court determines that the statement is otherwise admissible. However, unless the individual objected to having the interrogation recorded and that objection was properly documented under section 8(3), the jury shall be instructed that it is the law of this state to record statements of an individual in custodial detention who is under interrogation for a major felony and that the jury may consider the absence of a recording in evaluating the evidence relating to the individual's statement. History:Add. 2012, Act 479, Eff. Mar. 28, 2013

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.1 - Issuance of Processes; Authorization for Issuance of Warrant or Summons; Exception; Making Complaint for Arrest Warrant or Summons by Electronic or Electromagnetic Means; Proof of Signing; Location.

Sec. 1. (1) For the apprehension or summons of persons charged with a felony, misdemeanor, or ordinance violation, a judge or district court magistrate may issue processes to implement this chapter, except that a judge or district court magistrate shall not issue a warrant or summons for other than a minor offense unless an authorization in writing allowing the issuance of the warrant or summons is filed with the judge or district court magistrate and, except as otherwise provided in this act, the authorization is signed by the prosecuting attorney, or unless security for costs is filed with the judge or district court magistrate. (2) A judge or district court magistrate shall not issue a warrant for a minor offense unless an authorization in writing allowing the issuance of the warrant is filed with the judge or district court magistrate and signed by the prosecuting attorney, or unless security for costs is filed with the judge or district court magistrate, except if the warrant is requested by any of the following officials for the following offenses: (a) Agents of the state transportation department, a county road commission, or the public service commission for violations of the motor carrier act, 1933 PA 254, MCL 475.1 to 479.42, or the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25, the enforcement of which has been delegated to them. (b) The director of the department of natural resources, or a special assistant or conservation officer appointed by the director of the department of natural resources and declared by statute to be a peace officer, for a violation of a law that provides for the protection of wild game or fish. (3) A complaint for an arrest warrant or summons may be made and an arrest warrant or summons may be issued by any electronic or electromagnetic means of communication from any location in this state, if all of the following occur: (a) The prosecuting attorney authorizes the issuance of the warrant or summons. Authorization may consist of an electronically or electromagnetically transmitted facsimile of the signed authorization. (b) The judge or district court magistrate orally administers the oath or affirmation, in person or by any electronic or electromagnetic means of communication, to an applicant for an arrest warrant or summons who submits a complaint under this subsection. (c) The applicant signs the complaint. Proof that the applicant has signed the complaint may consist of an electronically or electromagnetically transmitted facsimile of the signed complaint. (4) The person or department receiving an electronically or electromagnetically issued arrest warrant or summons must receive proof that the issuing judge or district court magistrate has signed the warrant or summons before the warrant or summons is executed. Proof that the issuing judge or district court magistrate has signed the warrant or summons may consist of an electronically or electromagnetically transmitted facsimile of the signed warrant or summons. (5) A judge or district court magistrate may sign an electronically or electromagnetically issued arrest warrant or summons when he or she is at any location in this state. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- Am. 1929, Act 290, Eff. Aug. 28, 1929 ;-- CL 1929, 17135 ;-- Am. 1931, Act 173, Imd. Eff. May 27, 1931 ;-- CL 1948, 764.1 ;-- Am. 1978, Act 616, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1990, Act 41, Imd. Eff. Mar. 29, 1990 ;-- Am. 2004, Act 318, Imd. Eff. Aug. 27, 2004 ;-- Am. 2014, Act 389, Imd. Eff. Dec. 22, 2014 ;-- Am. 2020, Act 394, Eff. Apr. 1, 2021Former Law:See

section 1 of Ch. 163 of R.S. 1846, being CL 1857, § 5977; CL 1871, § 7843; How., § 9454; CL 1897, § 11838; CL 1915, § 15665; Act 4 of 1858; and section 1 of Act 108 of 1883, being How., § 7135a; CL 1897, § 1061; and CL 1915, § 15811.

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Sec. 13. A peace officer who has arrested a person for an offense without a warrant shall without unnecessary delay take the person arrested before a magistrate of the judicial district in which the offense is charged to have been committed, and shall present to the magistrate a complaint stating the charge against the person arrested. History:Add. 1964, Act 58, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Compiler's Notes:Former MCL 764.13, pertaining to the taking of persons arrested without warrants before a magistrate without unnecessary delay, was repealed by Act 44 of 1961.

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Sec. 14. A private person who has made an arrest shall without unnecessary delay deliver the person arrested to a peace officer, who shall without unnecessary delay take that person before a magistrate of the judicial district in which the offense is charged to have been committed. The peace officer or private person shall present to the magistrate a complaint stating the charge against the person arrested. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17148 ;-- CL 1948, 764.14 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.15 - Arrest by Officer Without Warrant; Situations; Circumstances.

Sec. 15. (1) A peace officer, without a warrant, may arrest a person in any of the following situations: (a) A felony, misdemeanor, or ordinance violation is committed in the peace officer's presence. (b) The person has committed a felony although not in the peace officer's presence. (c) A felony in fact has been committed and the peace officer has reasonable cause to believe the person committed it. (d) The peace officer has reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days or a felony has been committed and reasonable cause to believe the person committed it. (e) The peace officer has received positive information by written, telegraphic, teletypic, telephonic, radio, electronic, or other authoritative source that another peace officer or a court holds a warrant for the person's arrest. (f) The peace officer has received positive information broadcast from a recognized police or other governmental radio station, or teletype, that affords the peace officer reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days or a felony has been committed and reasonable cause to believe the person committed it. (g) The peace officer has reasonable cause to believe the person is an escaped convict, has violated a condition of parole from a prison, has violated a condition of a pardon granted by the executive, or has violated 1 or more conditions of a conditional release order or probation order imposed by a court of this state, another state, Indian tribe, or United States territory. (h) The peace officer has reasonable cause to believe the person was, at the time of an accident in this state, the operator of a vehicle involved in the accident and was operating the vehicle in violation of section 625(1), (3), (6), or (7) or section 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or a local ordinance substantially corresponding to section 625(1), (3), (6), or (7) or section 625m of that act. (i) The person is found in the driver's seat of a vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of section 625(1), (3), (6), or (7) or section 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or a local ordinance substantially corresponding to section 625(1), (3), (6), or (7) or section 625m of that act. (j) The peace officer has reasonable cause to believe the person was, at the time of an accident, the operator of a snowmobile involved in the accident and was operating the snowmobile in violation of section 82127(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82127, or a local ordinance substantially corresponding to section 82127(1) or (3) of that act. (k) The peace officer has reasonable cause to believe the person was, at the time of an accident, the operator of an ORV involved in the accident and was operating the ORV in violation of section 81134(1) or (2) or 81135 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.81135, or a local ordinance substantially corresponding to section 81134(1) or (2) or 81135 of that act. (l) The peace officer has reasonable cause to believe the person was, at the time of an accident, the operator of a vessel involved in the accident and was operating the vessel in violation of section 80176(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, or a local ordinance substantially corresponding to section 80176(1) or (3) of that act. (m) The peace officer has reasonable cause to believe a violation of section 356c or 356d of the Michigan penal code, 1931 PA 328, MCL 750.356c and 750.356d, has taken place or is taking place and reasonable cause to believe the person committed or is committing the violation, regardless of whether the violation was committed in the peace officer's presence. (n) The peace officer has reasonable cause to believe a misdemeanor has taken place or is taking place on school property and reasonable cause to believe the person committed or is committing the violation, regardless of whether the violation was committed in the peace officer's presence. As used in this subdivision, "school property" means that term as defined in section 7410 of the public health code, 1978 PA 368, MCL 333.7410. (2) An officer in the United States customs

service or the immigration and naturalization service, without a warrant, may arrest a person if all of the following circumstances exist: (a) The officer is on duty. (b) One or more of the following situations exist: (i) The person commits an assault or an assault and battery punishable under section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, on the officer. (ii) The person commits an assault or an assault and battery punishable under section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, on any other person in the officer's presence or commits any felony. (iii) The officer has reasonable cause to believe a felony has been committed and reasonable cause to believe the person committed it, and the reasonable cause is not founded on a customs search. (iv) The officer has received positive information by written, telegraphic, teletypic, telephonic, radio, electronic, or other authoritative source that a peace officer or a court holds a warrant for the person's arrest. (c) The officer has received training in the laws of this state equivalent to the training provided for an officer of a local police agency under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17149 ;-- Am. 1935, Act 84, Imd. Eff. May 27, 1935 ;-- CL 1948, 764.15 ;-- Am. 1978, Act 23, Imd. Eff. Feb. 21, 1978 ;-- Am. 1978, Act 384, Eff. Aug. 1, 1978 ;-- Am. 1980, Act 400, Eff. Mar. 31, 1981 ;-- Am. 1982, Act 311, Eff. Mar. 30, 1983 ;-- Am. 1988, Act 19, Eff. June 1, 1988 ;-- Am. 1996, Act 81, Imd. Eff. Feb. 27, 1996 ;-- Am. 1996, Act 490, Eff. Apr. 1, 1997 ;-- Am. 1999, Act 269, Eff. July 1, 2000 ;-- Am. 2000, Act 208, Eff. Aug. 21, 2000 ;-- Am. 2001, Act 212, Eff. Apr. 1, 2002

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.15a - Arrest Without Warrant for Assault of Individual Having Child in Common, Household Resident, Dating Relationship, or Spouse or Former Spouse.

Sec. 15a. A peace officer may arrest an individual for violating section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or a local ordinance substantially corresponding to section 81 of that act regardless of whether the peace officer has a warrant or whether the violation was committed in his or her presence if the peace officer has or receives positive information that another peace officer has reasonable cause to believe both of the following: (a) The violation occurred or is occurring. (b) The individual has had a child in common with the victim, resides or has resided in the same household as the victim, has or has had a dating relationship with the victim, or is a spouse or former spouse of the victim. As used in this subdivision, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. History:Add. 1978, Act 316, Imd. Eff. July 10, 1978 ;-- Am. 1980, Act 471, Eff. Mar. 31, 1981 ;-- Am. 1994, Act 66, Eff. July 1, 1994 ;-- Am. 1996, Act 138, Imd. Eff. Mar. 21, 1996 ;-- Am. 1999, Act 269, Eff. July 1, 2000 ;-- Am. 2001, Act 208, Eff. Apr. 1, 2002

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.15b - Arrest Without Warrant for Violation of Personal Protection Order; Answering to Charge of Contempt; Hearing; Bond; Show Cause Order; Jurisdiction to Conduct Contempt Proceedings; Prosecution of Criminal Contempt; Prohibited Actions by Court; Definitions.

Sec. 15b. (1) A peace officer, without a warrant, may arrest and take into custody an individual when the peace officer has or receives positive information that another peace officer has reasonable cause to believe all of the following apply: (a) A personal protection order has been issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or is a valid foreign protection order. (b) The individual named in the personal protection order is violating or has violated the order. An individual is violating or has violated the order if that individual commits 1 or more of the following acts the order specifically restrains or enjoins the individual from committing: (i) Assaulting, attacking, beating, molesting, or wounding a named individual. (ii) Removing minor children from an individual having legal custody of the children, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction. (iii) Entering onto premises. (iv) Engaging in conduct prohibited under section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i. (v) Threatening to kill or physically injure a named individual. (vi) Purchasing or possessing a firearm. (vii) Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined. (viii) Interfering with petitioner at petitioner's place of employment or education or engaging in conduct that impairs petitioner's employment or educational relationship or environment. (ix) Any other act or conduct specified by the court in the personal protection order. (c) If the personal protection order was issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, the personal protection order states on its face that a violation of its terms subjects the individual to immediate arrest and either of the following: (i) If the individual restrained or enjoined is 18 years of age or older, to criminal contempt of court and, if found guilty of criminal contempt, to imprisonment for not more than 93 days and to a fine of not more than $500.00. (ii) If the individual restrained or enjoined is less than 18 years of age, to the dispositional alternatives listed in section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18. (2) An individual arrested under this section must be brought before the family division of the circuit court having jurisdiction in the cause within 24 hours after arrest to answer to a charge of contempt for violating the personal protection order, at which time the court shall do each of the following: (a) Set a time certain for a hearing on the alleged violation of the personal protection order. The hearing must be held within 72 hours after arrest, unless extended by the court on the motion of the arrested individual or the prosecuting attorney. (b) Set a reasonable bond pending a hearing of the alleged violation of the personal protection order. (c) Notify the prosecuting attorney of the criminal contempt proceeding. (d) Notify the party who procured the personal protection order and

his or her attorney of record, if any, and direct the party to appear at the hearing and give evidence on the charge of contempt. (3) In circuits in which the circuit court judge may not be present or available within 24 hours after arrest, an individual arrested under this section must be taken before the district court within 24 hours after arrest, at which time the district court shall set bond and order the defendant to appear before the family division of circuit court in the county for a hearing on the charge. If the district court will not be open within 24 hours after arrest, a judge or district court magistrate shall set bond and order the defendant to appear before the circuit court in the county for a hearing on the charge. (4) If a criminal contempt proceeding for violation of a personal protection order is not initiated by an arrest under this section but is initiated as a result of a show cause order or other process or proceedings, the court shall do all of the following: (a) Notify the party who procured the personal protection order and his or her attorney of record, if any, and direct the party to appear at the hearing and give evidence on the contempt charge. (b) Notify the prosecuting attorney of the criminal contempt proceeding. (5) The family division of circuit court in each county of this state has jurisdiction to conduct contempt proceedings based upon a violation of a personal protection order described in this section issued by the circuit court in any county of this state or upon a violation of a valid foreign protection order. The court of arraignment shall notify the court that issued the personal protection order or foreign protection order that the issuing court may request that the defendant be returned to that court for violating the personal protection order or foreign protection order. If the court that issued the personal protection order or foreign protection order requests that the defendant be returned to that court to stand trial, the county of the requesting court shall bear the cost of transporting the defendant to that county. (6) The family division of circuit court has jurisdiction to conduct contempt proceedings based upon a violation of a personal protection order issued under section 2(h) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, by the family division of circuit court in any county of this state or a valid foreign protection order issued against a respondent who is less than 18 years of age at the time of the alleged violation of the foreign protection order in this state. The family division of circuit court that conducts the preliminary inquiry shall notify the court that issued the personal protection order or foreign protection order that the issuing court may request that the respondent be returned to that county for violating the personal protection order or foreign protection order. If the court that issued the personal protection order or foreign protection order requests that the respondent be returned to that court to stand trial, the county of the requesting court shall bear the cost of transporting the respondent to that county. (7) The prosecuting attorney shall prosecute a criminal contempt proceeding initiated by the court under subsection (2) or initiated by a show cause order under subsection (4), unless the party who procured the personal protection order retains his or her own attorney for the criminal contempt proceeding or the prosecuting attorney determines that the personal protection order was not violated or that it would not be in the interest of justice to prosecute the criminal contempt violation. If the prosecuting attorney prosecutes the criminal contempt proceeding, the court shall grant an adjournment for not less than 14 days or a lesser period requested if the prosecuting attorney moves for adjournment. If the prosecuting attorney prosecutes the criminal contempt proceeding, the court may dismiss the proceeding upon motion of the prosecuting attorney for good cause shown. (8) A court shall not rescind a personal protection order, dismiss a contempt proceeding based on a personal protection order, or impose any other sanction for a failure to comply with a time limit prescribed in this section. (9) As used in this section: (a) "Foreign protection order" means that term as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h. (b) "Personal protection order" means a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, and, unless the context indicates otherwise, includes a valid foreign protection order. (c) "Valid foreign protection order" means a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i. History:Add. 1980, Act 471, Eff. Mar. 31, 1981 ;-- Am. 1983, Act 230, Imd. Eff. Nov. 28, 1983 ;-- Am. 1992, Act 251, Eff. Jan. 1, 1993 ;-- Am. 1994, Act 59, Eff. July 1, 1994 ;-- Am. 1994, Act 62, Eff. July 1, 1994 ;-- Am. 1994, Act 418, Eff. Apr. 1, 1995 ;-- Am. 1996, Act 15, Eff. June 1, 1996 ;-- Am. 1998, Act 475, Eff. Mar. 1, 1999 ;-- Am. 1999, Act 269, Eff. July 1, 2000 ;-- Am. 2001, Act 209, Eff. Apr. 1, 2002 ;-- Am. 2019, Act 112, Eff. Oct. 1, 2021

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Sec. 15c. (1) After investigating or intervening in a domestic violence incident, a peace officer shall provide the victim with a copy of the notice in this section. (2) The notice under subsection (1) must be written and, subject to subsection (3), must include all of the following: (a) The name and telephone number of the responding police agency. (b) The name and badge number of the responding peace officer. (c) Substantially the following statement: "You may obtain a copy of the police incident report for your case by contacting this law enforcement agency at the telephone number provided. The domestic violence shelter program and other resources in your area are (include local information). Information about emergency shelter, counseling services, and the legal rights of domestic violence victims is available from these resources. Your legal rights include the right to go to court and file a petition requesting a personal protection order to protect you or other members of your household from domestic abuse which could include restraining or enjoining the abuser from doing the following: (a) Entering onto premises. (b) Assaulting, attacking, beating, molesting, or wounding you. (c) Threatening to kill or physically injure you or another person. (d) Removing minor children from you, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction. (e) Engaging in stalking behavior. (f) Purchasing or possessing a firearm. (g) Interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser. (h) Interfering with you at your place of employment or

education or engaging in conduct that impairs your employment relationship or your employment or educational environment. (i) Engaging in any other specific act or conduct that imposes upon or interferes with your personal liberty or that causes a reasonable apprehension of violence. (j) Having access to information in records concerning any minor child you have with the abuser that would inform the abuser about your address or telephone number, the child's address or telephone number, or your employment address. (k) Injuring, killing, torturing, neglecting, removing, or retaining an animal in which you have an ownership interest to cause you mental distress or to exert control over you. (l) Threatening to injure, kill, torture, or neglect an animal in which you have an ownership interest to cause you mental distress or to exert control over you. Your legal rights also include the right to go to court and file a motion for an order to show cause and a hearing if the abuser is violating or has violated a personal protection order and has not been arrested.". (3) Once the department of the attorney general develops and implements the address confidentiality program as provided in section 19(4) of the address confidentiality program act, the statement in the written notice under subsection (2)(c) must also include substantially the following statement: "If you change your residence and would like to keep your new address confidential, you may apply to the department of the attorney general for certification as a program participant in the address confidentiality program." (4) The peace officer shall prepare a domestic violence report after investigating or intervening in a domestic violence incident. A peace officer shall use the standard domestic violence incident report form developed under subsection (6) or a form substantially similar to that standard form to report a domestic violence incident. The report must contain, but is not limited to containing, all of the following: (a) The address, date, and time of the incident being investigated. (b) The victim's name, address, home and work telephone numbers, race, sex, and date of birth. (c) The suspect's name, address, home and work telephone numbers, race, sex, date of birth, and information describing the suspect and whether an injunction or restraining order covering the suspect exists. (d) The name, address, home and work telephone numbers, race, sex, and date of birth of any witness, including a child of the victim or suspect, and the relationship of the witness to the suspect or victim. (e) The following information about the incident being investigated: (i) The name of the person who called the law enforcement agency. (ii) The relationship of the victim and suspect. (iii) Whether alcohol or controlled substance use was involved in the incident, and by whom it was used. (iv) A brief narrative describing the incident and the circumstances that led to it. (v) Whether and how many times the suspect physically assaulted the victim and a description of any weapon or object used. (vi) A description of all injuries sustained by the victim and an explanation of how the injuries were sustained. (vii) If the victim sought medical attention, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic for treatment, and the name and telephone number of the attending physician. (viii) A description of any property damage reported by the victim or evident at the scene. (f) A description of any previous domestic violence incidents between the victim and the suspect. (g) The date and time of the report and the name, badge number, and signature of the peace officer completing the report. (5) The law enforcement agency shall retain the completed domestic violence report in its files. The law enforcement agency shall also file a copy of the completed domestic violence report with the prosecuting attorney within 48 hours after the domestic violence incident is reported to the law enforcement agency. (6) By June 1, 2002, the department of state police shall develop a standard domestic violence incident report form. (7) As used in this section: (a) "Address confidentiality program" means the program created in the address confidentiality program act. (b) "Dating relationship" means that term as defined in section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950. (c) "Domestic violence incident" means an incident reported to a law enforcement agency involving allegations of 1 or both of the following: (i) A violation of a personal protection order issued under section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950, or a violation of a valid foreign protection order. (ii) A crime committed by an individual against his or her spouse or former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual who resides or has resided in the same household. (d) "Foreign protection order" means that term as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h. (e) "Program participant" means that term as defined in section 3 of the address confidentiality program act. (f) "Valid foreign protection order" means a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i. History:Add. 1985, Act 222, Eff. Mar. 31, 1986 ;-- Am. 1994, Act 60, Eff. July 1, 1994 ;-- Am. 1994, Act 63, Eff. July 1, 1994 ;-- Am. 1994, Act 418, Eff. Apr. 1, 1995 ;-- Am. 1996, Act 15, Eff. June 1, 1996 ;-- Am. 1998, Act 475, Eff. Mar. 1, 1999 ;-- Am. 1999, Act 269, Eff. July 1, 2000 ;-- Am. 2001, Act 207, Eff. Apr. 1, 2002 ;-- Am. 2001, Act 210, Eff. Apr. 1, 2002 ;-- Am. 2020, Act 275, Imd. Eff. Dec. 29, 2020

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Sec. 15d. (1) A federal law enforcement officer may enforce state law to the same extent as a state or local officer only if all of the following conditions are met: (a) The officer is authorized under federal law to arrest a person, with or without a warrant, for a violation of a federal statute. (b) The officer is authorized by federal law to carry a firearm in the performance of his or her duties. (c) One or more of the following apply: (i) The officer possesses a state warrant for the arrest of the person for the commission of a felony. (ii) The officer has received positive information from an authoritative source, in writing or by telegraph, telephone, teletype, radio, computer, or other means, that another federal law enforcement officer or a peace officer possesses a state warrant for the arrest of the person for the commission of a felony. (iii) The officer is participating in a joint investigation conducted by a federal agency and a state or local law enforcement agency. (iv) The officer is acting pursuant to the request of a state or local law enforcement officer or agency. (v) The officer is responding to an emergency. (2) Except as otherwise provided in subsection (3), a

federal law enforcement officer who meets the requirements of subsection (1) has the privileges and immunities of a peace officer of this state. (3) This section does not impose liability upon or require indemnification by the state or a local unit of government for an act performed by a federal law enforcement officer under this section. (4) As used in this section: (a) "Emergency" means a sudden or unexpected circumstance that requires immediate action to protect the health, safety, welfare, or property of an individual from actual or threatened harm or from an unlawful act. (b) "Local unit of government" means a county, city, village, or township. History:Add. 1987, Act 256, Imd. Eff. Dec. 28, 1987 ;-- Am. 1999, Act 64, Eff. Oct. 1, 1999

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Sec. 15e. (1) A peace officer, without a warrant, may arrest and take into custody a defendant whom the peace officer has or receives positive information that another peace officer has reasonable cause to believe is violating or has violated a condition of release imposed under section 6b of chapter V or section 2a of 1961 PA 44, MCL 780.582a. (2) If a peace officer arrests a defendant under subsection (1), the peace officer shall do all of the following: (a) Prepare a complaint of violation of conditional release substantially in the following format:COMPLAINT OF VIOLATION OF CONDITIONAL RELEASEIam a peace officer. I have determined by:(name)L.E.I.N. and verification with the police agency holding the orderCertified or true copy of orderOther (Describe)Thatreleasedsubject to the following(court)(name of defendant)conditions:(state or attach a statement of relevant conditions)I have reasonable cause to believe that onatthe(date)(time)defendant violated those conditions as follows:(state violations)(Signature)(Date)(b) If the arrest occurred within the judicial district of the court that imposed the conditions of release, both of the following: (i) Immediately provide 1 copy of the complaint to the defendant, the original and 1 copy of the complaint to that court, and 1 copy of the complaint to the prosecuting attorney for the case in which the conditional release was granted. The law enforcement agency shall retain 1 copy of the complaint. (ii) Bring the defendant before that court within 1 business day following the defendant's arrest to answer the charge of violating the conditions of release. (c) If the arrest occurred outside the judicial district of the court that imposed the conditions of release, both of the following: (i) Immediately provide 1 copy of the complaint to the defendant, and the original and 1 copy of the complaint to the district court or municipal court in the judicial district in which the violation occurred. The law enforcement agency shall retain 1 copy of the complaint. (ii) Bring the defendant before the district court or municipal court in the judicial district in which the violation occurred within 1 business day following the arrest. The court shall determine conditions of release and promptly transfer the case to the court that released the defendant subject to conditions. The court to which the case is transferred shall notify the prosecuting attorney in writing of the alleged violation. (3) If, in the opinion of the arresting police agency or officer in charge of the jail, it is safe to release the defendant before the defendant is brought before the court under subsection (2), the arresting police agency or officer in charge of the jail may release the defendant on interim bond of not more than $500.00 requiring the defendant to appear at the opening of court the next business day. If the defendant is held for more than 24 hours without being brought before the court under subsection (2), the officer in charge of the jail shall note in the jail records why it was not safe to release the defendant on interim bond under this subsection. (4) The court shall give priority to cases brought under this section in which the defendant is in custody or in which the defendant's release would present an unusual risk to the safety of any person. (5) The hearing and revocation procedures for cases brought under this section shall be governed by Supreme court rules. History:Add. 1993, Act 52, Eff. July 1, 1993 ;-- Am. 1999, Act 269, Eff. July 1, 2000

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Sec. 15f. (1) A peace officer, without a warrant, may arrest and take into custody a person if the peace officer has reasonable cause to believe all of the following exist: (a) The probate court before January 1, 1998 or the family division of circuit court on or after January 1, 1998 has issued an order under section 13a(4) of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.13a of the Michigan Compiled Laws, stating on its face the period of time for which the order is valid. (b) A true copy of the order and proof of service has been filed with the law enforcement agency having jurisdiction of the area in which the person having custody of the child pursuant to section 13a(4) of chapter XIIA of Act No. 288 of the Public Acts of 1939 resides. (c) The person named in the order has received notice of the order. (d) The person named in the order is acting in violation of the order. (e) The order states on its face that a violation of its terms subjects the person to criminal contempt of court and, if found guilty, the person shall be imprisoned for not more than 90 days and may be fined not more than $500.00. (2) If a peace officer arrests a person under this section, the peace officer shall do all of the following: (a) Prepare a complaint of violation of the order substantially in the following format:COMPLAINT OF VIOLATION OF CHILD PROTECTIVE ORDERIam a peace officer. I have determined by:(name)L.E.I.N. and verification with the police agency holding the orderCertified or true copy of orderOther (Describe)Thatfamily division of circuit court ordered(county)(name)NOT TO ENTER THE FOLLOWING PREMISES:I have reasonable cause to believe that onat(date)(time)the person subject to the order violated the order as follows:(state violations)(Signature of officer)(Date)(b) Provide 1 copy of the complaint to the person subject to the order and the original and 1

copy to the court that imposed the conditions. The law enforcement agency shall retain 1 copy of the complaint. (3) A person arrested pursuant to this section shall be brought before the family division of circuit court having jurisdiction in the cause within 24 hours after arrest to answer to a charge of contempt for violation of the order, at which time the court shall do each of the following: (a) Set a time certain for a hearing on the alleged violation of the order. The hearing shall be conducted within 72 hours after arrest, unless extended by the court on the motion of the arrested person. (b) Set a reasonable bond pending a hearing of the alleged violation of the order. (c) Notify the person having custody of the child under section 13a(4) of chapter XIIA of Act No. 288 of the Public Acts of 1939 and direct that person to appear at the hearing and give evidence on the charge of contempt. (4) For purposes of this section, a judge of the family division of circuit court may arraign, take a plea, or sentence the person for criminal contempt in the same manner that the circuit court may arraign, take a plea, or sentence a person in other criminal cases. (5) If a judge of the family division of circuit court is not present or available within 24 hours after arrest, a person arrested under this section shall be taken before the district court within 24 hours after arrest, at which time the district court shall order the defendant to appear before the family division of circuit court that entered or has jurisdiction over the order for a hearing on the charge. The district court shall set bond for the person. (6) Upon receipt of a true copy of an order and proof of service under this section, the law enforcement agency shall enter the order into the law enforcement information network as provided by the L.E.I.N. policy council act of 1974, Act No. 163 of the Public Acts of 1974, being sections 28.211 to 28.216 of the Michigan Compiled Laws. (7) If an order entered under section 13a(4) of chapter XIIA of Act No. 288 of the Public Acts of 1939 is rescinded, the court shall immediately order the law enforcement agency to remove the order from the law enforcement information network. History:Add. 1993, Act 113, Imd. Eff. July 20, 1993 ;-- Am. 1996, Act 418, Eff. Jan. 1, 1998

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Sec. 15g. (1) When a person is arrested and taken into custody with or without a warrant as allowed under this chapter, the peace officer who made the arrest, the law enforcement agency employing that officer, or a central dispatch service for the law enforcement agency shall promptly use the law enforcement information network to determine whether the person arrested is a parolee under the jurisdiction of the department of corrections. If the person arrested is a parolee, the peace officer who made the arrest, the law enforcement agency employing that officer, or a central dispatch service for the law enforcement agency shall promptly give to the department of corrections, by telephonic or electronic means, notice of all of the following: (a) The identity of the person arrested. (b) The fact that information in databases managed by the department of corrections and accessible by the law enforcement information network provides reason to believe the person arrested is a parolee under the jurisdiction of the department of corrections. (c) The charge or charges for which the person was arrested. (2) The requirement to give notice to the department of corrections under subsection (1) is complied with if the notice is transmitted to any of the following: (a) The department by a central toll-free telephone number that is designated by the department for that purpose and that is in operation 24 hours a day and is posted in the department's database of information concerning the status of parolees. (b) A parole agent serving the county where the arrest occurred. (c) The supervisor of the parole office serving the county where the arrest occurred. History:Add. 2006, Act 543, Imd. Eff. Dec. 29, 2006

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Sec. 15h. (1) After responding to an incident involving alleged physical abuse of a vulnerable adult or elder adult, a peace officer may also investigate for financial neglect, abuse, or harm. (2) As used in this section: (a) "Elder adult" means an adult who is 65 years of age or older. (b) "Vulnerable adult" means that term as defined in section 145m of the Michigan penal code, 1931 PA 328, MCL 750.145m. History:Add. 2018, Act 617, Eff. Mar. 28, 2019

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Sec. 16. A private person may make an arrest—in the following situations: (a) For a felony committed in the private person's presence. (b) If the person to be arrested has committed a felony although not in the private person's presence. (c) If the private person is summoned by a peace officer to assist the officer in making an arrest. (d) If the private person is a merchant, an agent of a merchant, an employee of a merchant, or an independent contractor providing security for a merchant of a store and has reasonable cause to believe that the person to be arrested has violated section 356c or 356d of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.356c and 750.356d of the Michigan Compiled Laws, in that store, regardless of whether the violation was committed in the presence of the private person. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17150 ;-- CL 1948, 764.16 ;-- Am. 1988, Act 19, Eff. June 1, 1988

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Sec. 17. An arrest may be made on any day at any time of the day or night. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17151 ;-- CL 1948, 764.17

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Sec. 18. Where an arrest is made under a warrant, it shall not be necessary for the arresting officer personally to have the warrant in his possession but such officer must, if possible, inform the person arrested that there is a warrant for his arrest and, after the arrest is made, shall show such person said warrant if required, as soon as practicable. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17152 ;-- CL 1948, 764.18

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Sec. 19. When arresting a person, without a warrant, the officer making the arrest shall inform the person arrested of his authority and the cause of the arrest, except when the person arrested is engaged in the commission of a criminal offense, or if he flees or if he forcibly resists arrest before the officer has time to inform him. The return of the officer making the arrest, endorsed upon the warrant upon which the accused person shall be subsequently held, affirming compliance with the provisions herein, shall be prima facie evidence of the fact in the trial of any criminal cause. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17153 ;-- CL 1948, 764.19

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Sec. 1a. (1) A magistrate shall issue a warrant or summons upon presentation of a proper complaint alleging the commission of an offense and a finding of reasonable cause to believe that the individual accused in the complaint committed that offense. The complaint must be sworn to before a magistrate or clerk. (2) Except in cases in which any of the following circumstances apply, the magistrate or clerk must issue a summons rather than a warrant: (a) The complaint is for an assaultive crime or an offense involving domestic violence. (b) The clerk or magistrate has reason to believe from the presentation of the complaint that the person against whom the complaint was made will not appear upon a summons. (c) The issuance of summons poses a risk to public safety. (d) The prosecutor has requested a warrant. (3) A summons must be in the same form as a warrant except that it must summon the defendant to appear before a court at a stated date and time. The summons must be served upon a defendant by delivering a copy to the defendant personally, by leaving it at the defendant's dwelling house or usual place of abode with some person of suitable age and discretion residing at that place, or by mailing it to the defendant's last known address. If a defendant fails to appear in response to the summons, a warrant may be issued. (4) The finding of reasonable cause by the magistrate may be based upon 1 or more of the following: (a) Factual allegations of the complainant contained in the complaint. (b) The complainant's sworn testimony. (c) The complainant's affidavit. (d) Any supplemental sworn testimony or affidavits of other individuals presented by the complainant or required by the magistrate. (5) The magistrate may require sworn testimony of the complainant or other individuals. Supplemental affidavits may be sworn to before an individual authorized by law to administer oaths. The factual allegations contained in the complaint, testimony, or affidavits may be based upon personal knowledge, information and belief, or both. (6) The magistrate shall not refuse to accept a complaint alleging a violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or a violation of a local ordinance substantially corresponding to section 81 of the Michigan penal code, 1931 PA 328, MCL 750.81, by the spouse of the victim, a former spouse of the victim, an individual with whom the victim has had a child in common, an individual with whom the victim has or has had a dating relationship, or an individual residing or having resided in the same household as the victim on grounds that the complaint is signed upon information and belief by an individual other than the victim. (7) The magistrate shall not refuse to accept a complaint alleging that a crime was committed in which the victim is a vulnerable adult on the grounds that the complaint is signed upon information and belief by an individual other than the victim. (8) A warrant or summons may be issued under this section only upon compliance with the requirements of section 1 of this chapter. (9) As used in this section: (a) "Assaultive crime" includes any of the following: (i) A violation described in section 9a of chapter X. (ii) A violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90g, not otherwise included in subparagraph (i). (iii) A violation of section 110a, 136b, 234a, 234b, 234c, 349b, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.110a, 750.136b, 750.234a, 750.234b, 750.234c, 750.349b, and 750.411h, or any other violent felony. (iv) A violation of a law of another state or of a political subdivision of this state or of another state that substantially corresponds to a violation described in subparagraph (i), (ii), or (iii). (b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. (c) "Domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501. (d) "Violent felony" means that term as defined in section 36 of the corrections code of 1953, 1953 PA 232,

MCL 791.236. (e) "Vulnerable adult" means that term as defined in section 145m of the Michigan penal code, 1931 PA 328, MCL 750.145m. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1994, Act 70, Eff. July 1, 1994 ;-- Am. 2005, Act 106, Imd. Eff. Sept. 14, 2005 ;-- Am. 2012, Act 177, Imd. Eff. June 19, 2012 ;-- Am. 2020, Act 394, Eff. Apr. 1, 2021 ;-- Am. 2023, Act 208, Eff. Feb. 13, 2024

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Sec. 1b. A warrant issued pursuant to section 1a shall recite the substance of the accusation contained in the complaint. Except as permitted in section 1c of this chapter, the warrant shall be directed to a peace officer; shall command the peace officer immediately to arrest the person accused and to take that person, without unnecessary delay, before a magistrate of the judicial district in which the offense is charged to have been committed, to be dealt with according to law; and shall direct that the warrant, with a proper return noted on the warrant, be delivered to the magistrate before whom the arrested person is to be taken. The warrant may also require the peace officer to summon the witnesses named in the warrant. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 1c. (1) If the accused is in custody upon an arrest without a warrant, a magistrate, upon finding reasonable cause as provided in section 1a of this chapter, shall do either of the following: (a) Issue a warrant as provided in section 1b of this chapter. (b) Endorse upon the complaint a finding of reasonable cause and a direction to take the accused before a magistrate of the judicial district in which the offense is charged to have been committed. (2) As endorsed pursuant to subsection (1)(b), the complaint shall constitute both a complaint and warrant. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 1d. A complaint shall recite the substance of the accusation against the accused. The complaint may contain factual allegations establishing reasonable cause. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 1e. (1) For purposes of sections 1a to 1d of this chapter, a complaint signed by a peace officer shall be treated as made under oath if the offense alleged in the complaint is a misdemeanor or ordinance violation for which the maximum permissible penalty does not exceed 93 days in jail or a fine, or both, that was committed in the signing officer's presence or that was committed under circumstances permitting the officer's issuance of a citation under section 625a or 728(8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625a and 257.728, and if the complaint contains the following statement immediately above the date and signature of the officer: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief." (2) A peace officer who, knowing the statement is false, makes a materially false statement in a complaint signed under subsection (1) is guilty of perjury, a felony punishable by imprisonment for not more than 15 years, and in addition, is in contempt of court. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1999, Act 76, Eff. Oct. 1, 1999

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Sec. 1f. (1) If the prosecuting attorney has reason to believe that a juvenile 14 years of age or older but less than 18 years of age has committed a specified juvenile violation, the prosecuting attorney may authorize the filing of a complaint and warrant on the charge with a magistrate concerning the juvenile. (2) As used in this section, "specified juvenile violation" means any of the following: (a) A violation of section 72, 83, 86, 89, 91, 316, 317, 349, 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317, 750.349, 750.520b, 750.529, 750.529a, and 750.531. (b) A violation of section 84 or 110a(2) of the Michigan penal code, 1931 PA 328, MCL 750.84 and 750.110a, if the juvenile is armed with a dangerous weapon. As used in this subdivision, "dangerous weapon" means 1 or more of the following: (i) A loaded or unloaded firearm, whether operable or inoperable. (ii) A knife, stabbing instrument, brass knuckles, blackjack, club, or other object specifically designed or customarily carried or possessed for use as a weapon. (iii) An object that is likely to cause death or bodily injury when used as a weapon and that is used as a weapon or carried or possessed for use as a weapon. (iv) An object or device that is used or fashioned in a manner to lead a person to believe the object or device is an object or device described in subparagraphs (i)

to (iii). (c) A violation of section 186a of the Michigan penal code, 1931 PA 328, MCL 750.186a, regarding escape or attempted escape from a juvenile facility, but only if the juvenile facility from which the individual escaped or attempted to escape was 1 of the following: (i) A high-security or medium-security facility operated by the family independence agency or a county juvenile agency. (ii) A high-security facility operated by a private agency under contract with the family independence agency or a county juvenile agency. (d) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403. (e) An attempt to commit a violation described in subdivisions (a) to (d). (f) Conspiracy to commit a violation described in subdivisions (a) to (d). (g) Solicitation to commit a violation described in subdivisions (a) to (d). (h) Any lesser included offense of a violation described in subdivisions (a) to (g) if the individual is charged with a violation described in subdivisions (a) to (g). (i) Any other violation arising out of the same transaction as a violation described in subdivisions (a) to (g) if the individual is charged with a violation described in subdivisions (a) to (g). History:Add. 1988, Act 67, Eff. Oct. 1, 1988 ;-- Am. 1994, Act 195, Eff. Oct. 1, 1994 ;-- Am. 1996, Act 255, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999 ;-- Am. 2019, Act 106, Eff. Oct. 1, 2021Compiler's Notes:Section 3 of Act 67 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 173 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”

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Sec. 1g. (1) Before a warrant is issued for the arrest of a person who is not in custody, the law enforcement agency investigating the crime shall use the law enforcement information network to determine whether the person is a parolee under the jurisdiction of the department of corrections. If the person is determined to be a parolee under the jurisdiction of the department of corrections, and the magistrate issues a warrant for the arrest of that person, the investigating law enforcement agency or, if the court is entering arrest warrants into the law enforcement information network and the investigating law enforcement agency informs the court that the person is a parolee, the court shall promptly give to the department of corrections, by telephonic or electronic means, notice of all of the following: (a) The identity of the person named in the warrant. (b) The fact that information in databases managed by the department of corrections and accessible by the law enforcement information network provides reason to believe the person named in the warrant is a parolee under the jurisdiction of the department of corrections. (c) The charge or charges stated in the warrant. (2) If the court has assumed the responsibility for entering arrest warrants into the law enforcement information network and delays issuance or entry of a warrant pending a court appearance by the person named in the warrant, the law enforcement agency submitting the sworn complaint to the court shall promptly give to the department of corrections, by telephonic or electronic means, notice of the following: (a) The identity of the person named in the sworn complaint. (b) The fact that a prosecuting attorney has authorized issuance of a warrant. (c) The fact that information in databases managed by the department of corrections and accessible by the law enforcement information network provides reason to believe the person named in the sworn complaint is a parolee under the jurisdiction of the department of corrections. (d) The charge or charges stated in the sworn complaint. (e) Whether, pending a court appearance by the person named in the sworn complaint, the court has either issued the arrest warrant but delayed entry of the warrant into the law enforcement information network or has delayed issuance of the warrant. (3) The requirement to give notice to the department of corrections under subsection (1) or (2) is complied with if the notice is transmitted to any of the following: (a) To the department by a central toll-free telephone number that is designated by the department for that purpose and that is in operation 24 hours a day and is posted in the department's database of information concerning the status of parolees. (b) To a parole agent serving the county where the warrant is issued or is being sought. (c) To the supervisor of the parole office serving the county where the warrant is issued or is being sought. History:Add. 2006, Act 668, Imd. Eff. Jan. 10, 2007

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Sec. 2. If any person against whom a warrant shall be issued for an alleged offense committed within any county, shall, either before or after the issuing of such warrant, escape from or be out of the county, the sheriff or other officer to whom such warrant may be directed, may pursue and apprehend the party charged, in any county of this state, and for that purpose may command aid and may exercise the same authority as in his own county. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17136 ;-- CL 1948, 764.2Former Law:See section 4 of Ch. 163 of R.S. 1846, being CL 1857, § 5980; CL 1871, § 7846; How., § 9457; CL 1897, § 11841; and CL 1915, § 15668.

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Sec. 20. A private person, before making an arrest, shall inform the person to be arrested of the intention to arrest him and the cause of the arrest, except when he is then engaged in the commission of a criminal offense, or if he flees or forcibly resists arrest before the person making the arrest has opportunity so to inform him. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17154 ;-- CL 1948, 764.20

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Sec. 21. A private person, when making an arrest for a felony committed in his or her presence, or a peace officer or federal law enforcement officer, when making an arrest with a warrant or when making a felony arrest without a warrant as authorized by law, may break open an inner or outer door of a building in which the person to be arrested is located or is reasonably believed to be located if, after announcing his or her purpose, he or she is refused admittance. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17155 ;-- CL 1948, 764.21 ;-- Am. 1987, Act 256, Imd. Eff. Dec. 28, 1987

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Sec. 22. A peace officer, a federal law enforcement officer, or a private person who has lawfully entered a building for the purpose of making an arrest and is detained in the building, may break open a door or window of the building if necessary to escape from the building. A peace officer or federal law enforcement officer may break open a door or window of a building if necessary to liberate a person who lawfully entered the building for the purpose of making an arrest and is detained in the building. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17156 ;-- CL 1948, 764.22 ;-- Am. 1987, Act 256, Imd. Eff. Dec. 28, 1987

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.23 - Escape From Custody or From State Correctional Facility; Pursuit and Retaking or Arrest Without Warrant; Definition.

Sec. 23. (1) If a person who has been lawfully arrested escapes or is rescued, the person from whose custody he or she escaped or was rescued may immediately pursue and retake him or her at any time and in any place within the state without a warrant. (2) If a prisoner escapes from a state correctional facility, or willfully fails to remain within the extended limits of his or her confinement as prescribed in section 65a of 1953 PA 232, MCL 791.265a, the prisoner may be pursued and arrested, without a warrant, by a person who is either of the following: (a) An employee of the department of corrections who is designated by the director of the department of corrections as having the authority to pursue and arrest escaped prisoners. (b) An employee of a private vendor that operates a youth correctional facility under section 20g of 1953 PA 232, MCL 791.20g, if that employee meets the same criteria established by the director of the department of corrections for departmental employees described in subdivision (a). (3) As used in this section, "state correctional facility" means any facility that houses prisoners committed to the jurisdiction of the department of corrections, including a prison, reformatory, camp, community corrections center, halfway house, resident home, or a youth correctional facility operated by the department of corrections or a private vendor under section 20g of 1953 PA 232, MCL 791.232. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17157 ;-- CL 1948, 764.23 ;-- Am. 1988, Act 137, Imd. Eff. June 1, 1988 ;-- Am. 1998, Act 511, Imd. Eff. Jan. 8, 1999

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.23a - Trespass Upon State Correctional Facility; Violation; Arrest Without Warrant; “State Correctional Facility” Defined.

Sec. 23a. (1) A person who trespasses upon a state correctional facility in violation of section 552b of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.552b of the Michigan Compiled Laws, may be arrested without a warrant by any employee of the department of corrections whom the director of the department of corrections designates as having authority to arrest those persons. (2) As used in this section, "state correctional facility" means a facility or institution that houses a prisoner population under the jurisdiction of the department of corrections. State correctional facility does not include a community corrections center or a community residential home. History:Add. 1996, Act 230, Eff. Jan. 1, 1997

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Sec. 24. To retake the person escaping or rescued, the person pursuing may use the same means to retake as are authorized for an arrest. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17158 ;-- CL 1948, 764.24

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Sec. 25. Any person making an arrest shall take from the person arrested, all offensive weapons or incriminating articles which he may have about his person and must deliver them to the sheriff of the county, chief of police of the city or to the magistrate before whom he is taken. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17159 ;-- CL 1948, 764.25

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Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.25a - Strip Search.

Sec. 25a. (1) As used in this section, "strip search" means a search which requires a person to remove his or her clothing to expose underclothing, breasts, buttocks, or genitalia. (2) A person arrested or detained for a misdemeanor offense, or an offense which is punishable only by a civil fine shall not be strip searched unless both of the following occur: (a) The person arrested is being lodged into a detention facility by order of a court or there is reasonable cause to believe that the person is concealing a weapon, a controlled substance, or evidence of a crime. (b) The strip search is conducted by a person who has obtained prior written authorization from the chief law enforcement officer of the law enforcement agency conducting the strip search, or from that officer's designee; or if the strip search is conducted upon a minor in a juvenile detention facility which is not operated by a law enforcement agency, the strip search is conducted by a person who has obtained prior written authorization from the chief administrative officer of that facility, or from that officer's designee. (3) A strip search conducted under this section shall be performed by a person of the same sex as the person being searched and shall be performed in a place that prevents the search from being observed by a person not conducting or necessary to assist with the search. A law enforcement officer who assists in the strip search shall be of the same sex as the person being searched. (4) If a strip search is conducted under this section, the arresting officer shall prepare a report of the strip search. The report shall include the following information: (a) The name and sex of the person subjected to the strip search. (b) The name and sex of the person conducting the strip search. (c) The name and sex of a person who assists in conducting the strip search. (d) The time, date, and place of the strip search. (e) The justification for conducting a strip search. (f) A list of all items recovered from the person who was strip searched. (g) A copy of the written authorization required under subsection (2)(b). (5) A copy of the report required by subsection (4) shall be given without cost to the person who has been searched, subject to deletions permitted by section 13 of the freedom of information act, 1976 PA 442, MCL 15.243. (6) A law enforcement officer, any employee of the law enforcement agency, or a chief administrative officer or employee of a juvenile detention facility who conducts or authorizes a strip search in violation of this section is guilty of a misdemeanor. (7) This section shall not apply to the strip search of a person lodged in a detention facility by an order of a court or in a state correctional facility housing prisoners under the jurisdiction of the department of corrections, including a youth correctional facility operated by the department of corrections or a private vendor under section 20g of 1953 PA 232, MCL 791.220g. History:Add. 1979, Act 185, Eff. Mar. 27, 1980 ;-- Am. 1983, Act 92, Eff. Mar. 29, 1984 ;-- Am. 1999, Act 65, Imd. Eff. June 24, 1999

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Sec. 25b. (1) As used in this section: (a) "Body cavity" means the interior of the human body not visible by normal observation, being the stomach or rectal cavity of a person and the vagina of a female person. (b) "Body cavity search" means a physical intrusion into a body cavity for the purpose of discovering any object concealed in a body cavity. (2) Except as otherwise provided in this section, a search of a body cavity shall not be conducted without a valid search warrant. (3) Subsection (2) does not apply to a body cavity search of a person who is any of the following: (a) A person serving a sentence for a criminal offense in a detention facility or a state correctional facility housing prisoners under the jurisdiction of the department of corrections, including a youth correctional facility operated by the department of corrections or a private vendor under section 20g of 1953 PA 232, MCL 791.220g. (b) A person who, as a result of an order by a court, is lodged in an inpatient facility operated by or under contract with the department of community health or a county community mental health board, if the person is self-abusive and the search is necessary for his or her protection. (c) A person who, as the result of a dispositional order entered after adjudication by the juvenile division of probate court before January 1, 1998 or by the family division of the circuit court on or after January 1, 1998, is residing in a juvenile detention facility. (4) If any of the circumstances described in subsection (3)(a), (b), or (c) applies, a search of a body cavity shall not be conducted unless the person conducting the search has obtained prior written authorization from the chief administrative officer of the facility or from that officer's designee. (5) A body cavity search shall be conducted by a licensed physician or a physician's assistant, licensed practical nurse, or registered professional nurse acting with the approval of a licensed physician. If the body cavity search is conducted by a person of the opposite sex as the person being searched, the search shall be conducted in the presence of a person of the same sex as the person being searched. (6) If a body cavity search is conducted under a valid search warrant, the law enforcement officer who executes the warrant required under subsection (2) shall prepare a report containing all of the following: (a) A copy of the search warrant required under subsection (2). (b) The name and sex of the person searched, if not contained in the warrant. (c) The name of the person who conducted the search. (d) The time, date, and place of the search. (e) A list of all items recovered from the person who was searched. (f) The name and sex of all law enforcement officers or employees of the law enforcement agency present at the search. (7) If a body cavity search is conducted under subsections (3) and (4), the personnel authorized to conduct the body cavity search shall prepare a report containing all of the following: (a) A copy of the written authorization required under subsection (4). (b) The name and sex of the person searched, if not contained in the written authorization. (c) The name of the person who conducted the search. (d) The time, date, and place of the search. (e) A list of all items recovered from the person who was searched. (f) The name and sex of all personnel present at the search. (8) A copy of the report required by subsection (6) or (7) shall be given without cost to the person who has been searched, subject to deletions permitted by section 13 of the freedom of information act, 1976 PA 442, MCL 15.243. (9) A law enforcement officer, an employee of the law enforcement agency, or the chief administrative officer or personnel of a facility described in subsection (3) who conducts or authorizes a body cavity search in violation of this section is guilty of a misdemeanor. History:Add. 1979, Act 185, Eff. Mar. 27,

1980 ;-- Am. 1983, Act 92, Eff. Mar. 29, 1984 ;-- Am. 1996, Act 418, Eff. Jan. 1, 1998 ;-- Am. 1999, Act 65, Imd. Eff. June 24, 1999

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Sec. 26. Every person charged with a felony shall, without unnecessary delay after his arrest, be taken before a magistrate or other judicial officer and, after being informed as to his rights, shall be given an opportunity publicly to make any statement and answer any questions regarding the charge that he may desire to answer. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17160 ;-- CL 1948, 764.26

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Sec. 26a. (1) If an individual is arrested for any crime and the charge or charges are dismissed before trial, both of the following apply: (a) The arrest record shall be removed from the internet criminal history access tool (ICHAT). (b) If the prosecutor of the case agrees at any time after the case is dismissed, or if the prosecutor of the case or the judge of the court in which the case was filed does not object within 60 days from the date an order of dismissal was entered for cases in which the order of dismissal is entered after the effective date of the amendatory act that added this section, all of the following apply: (i) The arrest record, all biometric data, and fingerprints shall be expunged or destroyed, or both, as appropriate. (ii) Any entry concerning the charge shall be removed from LEIN. (iii) Unless a DNA sample or profile, or both, is allowed or required to be retained by the department of state police under section 6 of the DNA identification profiling system act, 1990 PA 250, MCL 28.176, the DNA sample or profile, or both, obtained from the individual shall be expunged or destroyed. (2) The department of state police shall comply with the requirements listed in subsection (1) upon receipt of an appropriate order of the district court or the circuit court. History:Add. 2018, Act 65, Eff. June 12, 2018

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.27 - Arrest of Child Less Than 18 Years of Age; Procedure.

Sec. 27. Except as otherwise provided in section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606, if a child less than 18 years of age is arrested, with or without a warrant, the child must be taken immediately before the family division of circuit court of the county where the offense is alleged to have been committed, and the officer making the arrest shall immediately make and file, or cause to be made and filed, a petition against the child as provided in chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32. Except as otherwise provided in section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606, if during the pendency of a criminal case against a child in a court in this state it is ascertained that the child is less than 18 years of age, the court shall immediately transfer the case, together with all papers connected with the case, to the family division of circuit court of the county where the offense is alleged to have been committed. If a child 14 years of age or older is charged with a felony, the judge of probate, after investigation and examination and upon motion of the prosecuting attorney, may waive jurisdiction under section 4 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.4. If jurisdiction is waived, the child may be tried in the court having general criminal jurisdiction of the offense. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17161 ;-- Am. 1931, Act 309, Eff. Sept. 18, 1931 ;-- CL 1948, 764.27 ;-- Am. 1958, Act 212, Eff. Sept. 13, 1958 ;-- Am. 1972, Act 44, Imd. Eff. Feb. 19, 1972 ;-- Am. 1988, Act 67, Eff. Oct. 1, 1988 ;-- Am. 1996, Act 255, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 418, Eff. Jan. 1, 1998 ;-- Am. 2019, Act 103, Eff. Oct. 1, 2021Compiler's Notes:Section 3 of Act 67 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 173 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”Former Law:See section 6 of Act 6 of 1907 (Ex. Sess.); Act 308 of 1915; CL 1915, § 2016; and Act 105 of 1923.

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Sec. 27a. (1) A juvenile, other than a juvenile confined under subsection (3), must not be confined in a police station, prison, jail, lock-up, or reformatory, or be transported with, or compelled or permitted to associate or mingle with, criminal persons while awaiting trial. (2) A juvenile, other than a juvenile confined under subsection (3), whose habits or conduct are considered to be a menace to other children, or who may not otherwise be safely detained, may be ordered by a court to be placed in a jail or other place of detention for adults, but in a room or ward out of sight and sound from adults. (3) A juvenile or individual less than 18 years of age who is under the jurisdiction of the circuit court for committing a felony may be confined in the county jail pending trial. An individual less than 18 years of age who is under the jurisdiction of the probate court for committing a felony may be held in the county jail pending trial if the case is designated by the court under section 2d of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d, as a case in which the individual is to be tried in the same manner as an adult and the court has

determined that there is probable cause to believe that the felony was committed and that there is probable cause to believe the individual committed that felony. If a juvenile or individual less than 18 years of age is confined in the county jail under this subsection, the juvenile or individual less than 18 years of age must be held physically separate from adult prisoners. A juvenile or individual less than 18 years of age must not be confined in the county jail under this subsection without the prior approval of the county sheriff. As used in this subsection, "felony" means a crime that is designated by law as a felony or that is punishable by imprisonment for more than 1 year. (4) The court, upon motion of a juvenile or individual less than 18 years of age who is subject to confinement under subsection (3) may, for good cause shown, order the juvenile or individual less than 18 years of age to be confined as otherwise provided by law. (5) If a person is convicted of a crime within this state and has served time in a juvenile facility before sentencing because of being denied or being unable to furnish bond for the offense of which he or she is convicted, the trial court in imposing sentence shall specifically grant credit against the sentence for time served in a juvenile facility before sentencing. History:Add. 1988, Act 67, Eff. Oct. 1, 1988 ;-- Am. 1996, Act 254, Eff. Jan. 1, 1997 ;-- Am. 2019, Act 105, Eff. Oct. 1, 2021Compiler's Notes:Section 3 of Act 67 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 173 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”

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Sec. 28. If a person under recognizance on an appeal from a conviction and judgment of a magistrate does not appear according to the condition of the recognizance, and the recognizance is forfeited by reason of the breach of that condition, and the forfeiture is entered on the record by order of the court having jurisdiction of the case, that court may issue a capias or other process for the arrest of the appellant or defendant named in the recognizance, to bring the appellant or defendant before the court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17162 ;-- CL 1948, 764.28 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 2 of Act 209 of 1861, being CL 1871, § 7962; How., § 9575; CL 1897, § 11959; and CL 1915, § 15832.

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Sec. 29. (1) At the time of arraignment of a person on a complaint for a felony or a misdemeanor punishable by imprisonment for more than 92 days, the magistrate shall examine the court file to determine if the person has had fingerprints taken as required by section 3 of Act No. 289 of the Public Acts of 1925, being section 28.243 of the Michigan Compiled Laws. (2) If the person has not had his or her fingerprints taken prior to the time of arraignment for the felony or the misdemeanor punishable by imprisonment for more than 92 days, upon completion of the arraignment, the magistrate shall do either of the following: (a) Order the person to submit himself or herself to the police agency that arrested or obtained the warrant for the arrest of the person so that the person's fingerprints can be taken. (b) Order the person committed to the custody of the sheriff for the taking of the person's fingerprints. History:Add. 1986, Act 232, Eff. June 1, 1987

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Sec. 2a. (1) A peace officer of a county, city, village, township, public airport authority, or university of this state may exercise the authority and powers of a peace officer outside the geographical boundaries of the officer's county, city, village, township, public airport authority, or university under any of the following circumstances: (a) If the officer is enforcing the laws of this state in conjunction with the Michigan state police. (b) If the officer is enforcing the laws of this state in conjunction with a peace officer of any other county, city, village, township, public airport authority, or university in which the officer may be. (c) If the officer has witnessed an individual violate any of the following within the geographical boundaries of the officer's county, city, village, township, public airport authority, or university and immediately pursues the individual outside of the geographical boundaries of the officer's county, city, village, township, public airport authority, or university: (i) A state law or administrative rule. (ii) A local ordinance. (iii) A state law, administrative rule, or local ordinance, the violation of which is a civil infraction, municipal civil infraction, or state civil infraction. (d) If a public airport authority officer has witnessed an individual violate any of the following while the individual is outside the geographical boundaries of the public airport authority but the violation committed by the individual occurs within the airspace above the public airport authority and immediately pursues the individual: (i) A state law or administrative rule. (ii) A local ordinance. (iii) A state law, administrative rule, or local ordinance, the violation of which is a civil infraction, municipal civil infraction, or state civil infraction. (2) The officer pursuing an individual under subsection (1)(c) or (d) may stop and detain the person outside the geographical boundaries of the officer's county, city, village, township, public airport authority, or university for the purpose of enforcing that law, administrative rule, or ordinance or enforcing any other law, administrative rule, or ordinance before, during, or immediately after the detaining of the individual. If the violation or pursuit involves a vessel moving on the waters of this state, the officer pursuing the individual may direct the operator of the vessel to bring the vessel to a stop or maneuver it in a manner that permits the officer to come beside the vessel. (3) As used in this section, "public airport authority" means an authority created under section 110 or a regional authority created under section 139 of the aeronautics

code of the state of Michigan, 1945 PA 327, MCL 259.110 and 259.139, that is a political subdivision and instrumentality of the local government that owns the airport and is considered a public agency of the local government for purposes of state and federal law. History:Add. 1939, Act 100, Imd. Eff. May 16, 1939 ;-- CL 1948, 764.2a ;-- Am. 1975, Act 159, Imd. Eff. July 14, 1975 ;-- Am. 2002, Act 483, Eff. Oct. 1, 2002 ;-- Am. 2016, Act 326, Eff. Feb. 20, 2017

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Sec. 2b. (1) A law enforcement officer of an adjacent state has the same authority and immunity as a law enforcement officer of this state as provided by law if all of the following conditions are met: (a) The law enforcement officer is authorized to arrest a person, with or without a warrant, for a violation of a penal statute or law in the adjacent state. (b) The law enforcement officer is on duty as a law enforcement officer in the adjacent state. (c) The law enforcement officer notifies a law enforcement officer or agency of this state that he or she is in this state and 1 or more of the following apply: (i) The law enforcement officer is engaged in pursuing, arresting, or attempting to arrest an individual for a violation of a law in the adjacent state. (ii) The law enforcement officer is in this state at the request of a law enforcement officer of this state. (iii) The law enforcement officer is working in conjunction with a law enforcement officer of this state. (iv) The law enforcement officer is responding to an emergency. (2) As used in this section: (a) "Adjacent state" means Indiana, Ohio, Minnesota, or Wisconsin. (b) "Emergency" means a sudden or unexpected circumstance that requires immediate action to protect the health, safety, welfare, or property of an individual from actual or threatened harm or from an unlawful act. (c) "Law enforcement officer of this state" means a law enforcement officer as defined in section 2 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.602. History:Add. 2000, Act 311, Imd. Eff. Oct. 17, 2000

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.3 - Failure to Appear; Rebuttable Presumption for First Failure; Revocation of Release Order or Forfeiture of Bail; Issuance of Warrant; Conditions and Reasons.

Sec. 3. (1) Notwithstanding any provision of law to the contrary and except in cases where the complaint is for an assaultive crime or an offense involving domestic violence, in the event that a defendant fails to appear for a court hearing and it is the defendant's first failure to appear in the case, there is a rebuttable presumption that the court must wait 48 hours before issuing a bench warrant to allow the defendant to voluntarily appear. If the defendant does not appear within 48 hours, the court shall issue a bench warrant unless the court believes there is good reason to instead schedule the case for further hearing. (2) When a court delays the issuance of a warrant, the court shall not revoke the release order or declare bail money deposited or the surety bond, if any, forfeited. Upon the issuance of the arrest warrant, the court may then enter an order revoking the release order and declaring the bail money deposited, personal recognizance bond, surety bond, or 10% bond, if any, forfeited. (3) The court may overcome the presumption under subsection (1) and issue an immediate bench warrant for the defendant's failure to appear if the court has a specific articulable reason to suspect that any of the following apply: (a) The defendant has committed a new crime. (b) A person or property will be endangered if a bench warrant is not issued. (c) Prosecution witnesses have been summoned and are present for the proceeding. (d) The proceeding is to impose a sentence for the crime. (e) There are other compelling circumstances that require the immediate issuance of a bench warrant. (4) If the court departs from the presumption under subsection (1) and issues an immediate bench warrant, the court must state on the record its reasons for doing so. (5) As used in this section: (a) "Assaultive crime" includes any of the following: (i) A violation described in section 9a of chapter X. (ii) A violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90g, not otherwise included in subparagraph (i). (iii) A violation of section 110a, 136b, 234a, 234b, 234c, 349b, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.110a, 750.136b, 750.234a, 750.234b, 750.234c, 750.349b, and 750.411h, or any other violent felony. (iv) A violation of a law of another state or of a political subdivision of this state or of another state that substantially corresponds to a violation described in subparagraph (i), (ii), or (iii). (b) "Domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501. (c) "Violent felony" means that term as defined in section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236. History:Add. 2020, Act 394, Eff. Apr. 1, 2021 ;-- Am. 2023, Act 208, Eff. Feb. 13, 2024Compiler's Notes:Former MCL 764.3, which pertained to return of arrest warrant, was repealed by Act 506 of 1980, Imd. Eff. Jan. 22, 1981.

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Sec. 4. If a person is arrested pursuant to a warrant which charges an offense other than an offense for which bail may be denied, if the arrest is made in a county other than that in which the offense is charged to have been committed, and if the person arrested requests that he or she be brought before a magistrate of the judicial district in which the arrest was made, the person arrested shall be taken before a magistrate of that judicial district and shall be dealt with as provided in sections 5, 6, and 7 of this chapter. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17138 ;-- CL 1948, 764.4 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 5 of Ch. 163 of R.S. 1846, being CL 1857, § 5981; CL 1871, § 7847; How., § 9458; CL 1897, § 11842; and CL 1915, § 15669.

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Sec. 5. The magistrate may take from the person arrested, a recognizance with sufficient sureties, for the person's appearance within 10 days before a magistrate of the judicial district in which the offense is charged to have been committed. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- Am. 1929, Act 24, Imd. Eff. Apr. 2, 1929 ;-- CL 1929, 17139 ;-- CL 1948, 764.5 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 6 of Ch. 163 of R.S. 1846, being CL 1857, § 5982; CL 1871, § 7848; How., § 9459; CL 1897, § 11843; CL 1915, § 15670; and Act 302 of 1925.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.6 - Recognizance; Certification; Delivery.

Sec. 6. The magistrate shall certify on the recognizance the fact of having let the defendant post bail and shall deliver the recognizance taken to the person who made the arrest, who shall cause the recognizance to be delivered without unnecessary delay to a magistrate or clerk of the court in the judicial district before which the accused is recognized to appear. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17140 ;-- CL 1948, 764.6 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 7 of Ch. 163 of R.S. 1846, being CL 1857, § 5983; CL 1871, § 7849; How., § 9460; CL 1897, § 11844; and CL 1915, § 15671.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.6f - Communication and Hearing Protocols for Swift Processing of Warrants Originated in Another County.

Sec. 6f. (1) Each district court and county jail shall establish a communication protocol to enable the swift processing of individuals detained on a warrant of arrest that originated in another county. (2) Each district court shall establish a hearing protocol for individuals detained on a warrant of arrest that originated in another county. This protocol must include the use of 2-way interactive video technology, when appropriate. History:Add. 2020, Act 394, Eff. Apr. 1, 2021

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.7 - Taking Arrested Person Before Magistrate of Judicial Circuit in Which Offense Charged to Have Been Committed in Absence of Bail.

Sec. 7. If the magistrate refuses to allow the arrested person to post bail, or if sufficient bail is not offered, the official having charge of the arrested person shall take the arrested person before a magistrate of the judicial district in which the offense is charged to have been committed. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17141 ;-- CL 1948, 764.7 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 8 of Ch. 163 of 1846, being CL 1857, § 5984; CL 1871, § 7850; How., § 9461; CL 1897, § 11845; and CL 1915, § 15672.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.9a - Minor Offense; Written Order for Summons; Contents; Service.

Sec. 9a. (1) As an alternative to filing an order allowing a warrant as provided in section 1 if the arrest is to be for a minor offense, the prosecuting attorney may issue a written order for a summons addressed to a defendant, directing the defendant to appear before a magistrate of the judicial district in which the offense is charged to have been committed, at a designated future time for proceedings as set forth in this act. (2) A summons shall designate the name of the issuing court, the offense charged in the underlying complaint, and the name of the defendant to whom it is addressed, and shall be subscribed by the issuing magistrate. (3) A summons may be served in the same manner as a warrant. History:Add. 1968, Act 147, Eff. Nov. 15, 1968 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IV - Chapter IV Arrest (764.1...764.29)Section 764.9c - Arrest Without Warrant for Misdemeanor or Ordinance Violation; Issuance and Service of Appearance Ticket by Police Officer or Specially Authorized Public Servant; Exceptions; Circumstances for Arrest; Time Period for Charges or Release; Definitions.

Sec. 9c. (1) Except as provided in subsection (3), if a police officer has arrested a person without a warrant for a misdemeanor or ordinance violation, instead of taking the person before a magistrate and promptly filing a complaint as provided in section 13 of this chapter, the officer may issue to and serve upon the person an appearance ticket as defined in section 9f of this chapter and release the person from custody. The appearance ticket issued under this section, or other documentation as requested, must be forwarded to the court, appropriate prosecuting authority, or both, for review without delay. (2) A public servant other than a police officer, who is specially authorized by law or ordinance to issue and serve appearance tickets with respect to a particular class of offenses of less than felony grade, may issue and serve upon a person an appearance ticket if the public servant has reasonable cause to believe that the person has committed an offense. (3) An appearance ticket must not be issued to any of the following: (a) A

person arrested for a domestic violence violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or a local ordinance substantially corresponding to a domestic violence violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or an offense involving domestic violence as that term is defined in section 1 of 1978 PA 389, MCL 400.1501. (b) A person subject to detainment for violating a personal protection order. (c) A person subject to a mandatory period of confinement, condition of bond, or other condition of release until he or she has served that period of confinement or meets that requirement of bond or other condition of release. (d) A person arrested for a serious misdemeanor. (e) A person arrested for any other assaultive crime. (4) Except as provided in subsection (5), a police officer shall issue to and serve upon a person an appearance ticket as defined in section 9f of this chapter and release the person from custody if the person has been arrested for a misdemeanor or ordinance violation that has a maximum permissible penalty that does not exceed 1 year in jail or a fine, or both, and is not a serious misdemeanor, assaultive crime, domestic violence violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, a local ordinance substantially corresponding to a domestic violence violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, an offense involving domestic violence as that term is defined in section 1 of 1978 PA 389, MCL 400.1501, or an operating while intoxicated offense. (5) The police officer may take the arrested person before a magistrate and promptly file a complaint as provided in section 13 of this chapter instead of issuing an appearance ticket as required under subsection (4) if 1 of the following circumstances is present: (a) The arrested person refuses to follow the police officer's reasonable instructions. (b) The arrested person will not offer satisfactory evidence of identification. (c) There is a reasonable likelihood that the offense would continue or resume, or that another person or property would be endangered if the arrested person is released from custody. (d) The arrested person presents an immediate danger to himself or herself or requires immediate medical examination or medical care. (e) The arrested person requests to be taken immediately before a magistrate. (f) Any other reason that the police officer may deem reasonable to arrest the person which must be articulated in the arrest report. (6) If a police officer determines that 1 of the circumstances under subsection (5) applies and he or she takes an arrested person before a magistrate and promptly files a complaint as provided in section 13 of this chapter instead of issuing an appearance ticket, the police officer must specify the reason for not issuing a citation in the arrest report or other documentation, as applicable, and must forward the arrest report or other documentation, as requested, to the appropriate prosecuting authority for review without delay. (7) An arrested person who is taken into custody under subsection (6) instead of being issued an appearance ticket must be charged by the appropriate prosecuting authority or released from custody not later than 3 p.m. the immediately following day during which arraignments may be performed. (8) This section does not create a right to the issuance of an appearance ticket in lieu of an arrest. An arrested person may appeal the legality of his or her arrest as provided by law. However, an arrested person does not have a claim for damages against a police officer or law enforcement agency because he or she was arrested rather than issued an appearance ticket. (9) As used in this section: (a) "Assaultive crime" means that term as defined in section 9a of chapter X. (b) "Operating while intoxicated offense" means a violation of any of the following: (i) Section 625 or 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m. (ii) A local ordinance substantially corresponding to a violation listed in subparagraph (i). (iii) A law of an Indian tribe substantially corresponding to a violation listed in subparagraph (i). (iv) A law of another state substantially corresponding to a violation listed in subparagraph (i). (v) A law of the United States substantially corresponding to a violation listed in subparagraph (i). (c) "Serious misdemeanor" means that term as defined in section 61 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.811. History:Add. 1968, Act 147, Eff. Nov. 15, 1968 ;-- Am. 1970, Act 147, Imd. Eff. Sept. 1, 1970 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1984, Act 366, Eff. Mar. 29, 1985 ;-- Am. 1999, Act 76, Eff. Oct. 1, 1999 ;-- Am. 2001, Act 208, Eff. Apr. 1, 2002 ;-- Am. 2020, Act 393, Eff. Apr. 1, 2021 ;-- Am. 2021, Act 39, Imd. Eff. July 1, 2021

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Sec. 9d. (1) Except as otherwise provided by sections 9f and 9g, a police officer or other public servant who has issued and served an appearance ticket, at or before the time the appearance ticket is returnable, shall file or cause to be filed in the local criminal court in which it is returnable a complaint charging the person named in the appearance ticket with the offense specified therein. (2) If the complaint is not sufficient on its face, and if the court is satisfied that a complaint sufficient on its face cannot be drawn and filed on the basis of the available facts or evidence, it shall dismiss the complaint. History:Add. 1968, Act 147, Eff. Nov. 15, 1968 ;-- Am. 1970, Act 147, Imd. Eff. Sept. 1, 1970

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Sec. 9e. (1) If after the service of an appearance ticket and the filing of a complaint for the offense designated on the appearance ticket the defendant does not appear in the designated local criminal court within the time the appearance ticket is returnable, the court may issue a summons or a warrant as provided in this section. (2) Notwithstanding any provision of law to the contrary, in the event that a defendant fails to appear for a court hearing within the time the appearance ticket is returnable there is a rebuttable presumption that the court must issue an order to show cause why the defendant failed to appear instead of issuing a warrant. (3) The court may overcome the presumption and issue a warrant if it has a specific articulable reason to suspect that any of the

following apply: (a) The defendant committed a new crime. (b) The defendant's failure to appear is the result of a willful intent to avoid or delay the adjudication of the case. (c) Another person or property will be endangered if a warrant is not issued. (4) If the court overcomes the presumption under subsection (2) and issues a warrant, the court must state on the record its reasons for doing so. History:Add. 1968, Act 147, Eff. Nov. 15, 1968 ;-- Am. 2020, Act 394, Eff. Apr. 1, 2021

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Sec. 9f. (1) As used in sections 9c to 9g, "appearance ticket" means a complaint or written notice issued and subscribed by a police officer or other public servant authorized by law or ordinance to issue it directing a designated person to appear in a designated local criminal court at a designated future time in connection with his or her alleged commission of a designated violation or violations of state law or local ordinance. The appearance tickets must be numbered consecutively, provide a space for the defendant's cellular telephone number and electronic mail address, if applicable, be in a form required by the attorney general, the state court administrator, and the director of the department of state police, and consist of the following parts: (a) The original which must be a complaint or notice to appear by the officer and filed with the court. (b) The first copy which must be the abstract of court record. (c) The second copy which must be retained by the local enforcement agency. (d) The third copy which must be delivered to the alleged violator. (2) With the prior approval of the state officials listed in subsection (1), an appearance ticket may be appropriately modified as to content or number of copies to accommodate law enforcement and local court procedures and practices. History:1988, Act 49, Imd. Eff. Mar. 11, 1988 ;-- Am. 1996, Act 81, Imd. Eff. Feb. 27, 1996 ;-- Am. 1998, Act 264, Eff. Mar. 23, 1999 ;-- Am. 1999, Act 76, Eff. Oct. 1, 1999 ;-- Am. 2020, Act 393, Eff. Apr. 1, 2021

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Sec. 9g. (1) When under the provisions of sections 9b or 9c an officer issues an appearance ticket, an examining magistrate may accept a plea of guilty or not guilty upon the appearance ticket, without the necessity of a sworn complaint. If the offender pleads not guilty, no further proceedings may be had until a sworn complaint is filed with the magistrate. A warrant for arrest shall not issue for an offense charged in the appearance ticket until a sworn complaint is filed with the magistrate. (2) A district court magistrate may accept a plea of guilty upon an appearance ticket, without the necessity of a sworn complaint, for those offenses within his jurisdiction as prescribed by section 8511 of Act No. 236 of the Public Acts of 1961, as amended, being section 600.8511 of the Compiled Laws of 1948. History:Add. 1970, Act 147, Imd. Eff. Sept. 1, 1970

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.1 - Authority and Power of Court; Crimes for Which Juvenile to Be Sentenced as Adult; Fingerprints as Condition to Sentencing; Hearing at Juvenile's Sentencing; Determination; Criteria; Waiver; Violation of MCL 333.7403; Statement on Record; Transcript; Notice; Order Directed to Person Responsible for Juvenile's Support; Hearing; Copy of Order; Retention of Jurisdiction Over Juvenile; Annual Review; Examination of Juvenile's Annual Report; Forwarding Report.

Sec. 1. (1) A judge of a court having jurisdiction may pronounce judgment against and pass sentence upon a person convicted of an offense in that court. The sentence must not exceed the sentence prescribed by law. The court shall sentence a juvenile convicted of any of the following crimes in the same manner as an adult: (a) First degree arson in violation of section 72 of the Michigan penal code, 1931 PA 328, MCL 750.72. (b) Assault with intent to commit murder in violation of section 83 of the Michigan penal code, 1931 PA 328, MCL 750.83. (c) Assault with intent to maim in violation of section 86 of the Michigan penal code, 1931 PA 328, MCL 750.86. (d) Attempted murder in violation of section 91 of the Michigan penal code, 1931 PA 328, MCL 750.91. (e) Conspiracy to commit murder in violation of section 157a of the Michigan penal code, 1931 PA 328, MCL 750.157a. (f) Solicitation to commit murder in violation of section 157b of the Michigan penal code, 1931 PA 328, MCL 750.157b. (g) First degree murder in violation of section 316 of the Michigan penal code, 1931 PA 328, MCL 750.316. (h) Second degree murder in violation of section 317 of the Michigan penal code, 1931 PA 328, MCL 750.317. (i) Kidnapping in violation of section 349 of the Michigan penal code, 1931 PA 328, MCL 750.349. (j) First degree criminal sexual conduct in violation of section 520b of the Michigan penal code, 1931 PA 328, MCL 750.520b. (k) Armed robbery in violation of section 529 of the Michigan penal code, 1931 PA 328, MCL 750.529. (l) Carjacking in violation of section 529a of the Michigan penal code, 1931 PA 328, MCL 750.529a. (2) A person convicted of a felony or of a misdemeanor punishable by imprisonment for more than 92 days must not be sentenced until the court has examined the court file and has determined that the person's fingerprints have been taken. (3) Unless a juvenile is required to be sentenced in the same manner as an adult under subsection (1), a judge of a court having jurisdiction over a juvenile shall conduct a hearing at the juvenile's sentencing to determine if the best interests of the public would be served by placing the juvenile on probation and committing the juvenile to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, or by imposing any other sentence provided by law for an adult offender. Except as provided in subsection (5), the court shall sentence the juvenile in the same manner as an adult unless the court determines by a preponderance of the evidence that the interests of the public would be best served by placing the juvenile on probation and committing the juvenile

to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309. The rules of evidence do not apply to a hearing under this subsection. In making the determination required under this subsection, the judge shall consider all of the following, giving greater weight to the seriousness of the alleged offense and the juvenile's prior record of delinquency: (a) The seriousness of the alleged offense in terms of community protection, including, but not limited to, the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm or other dangerous weapon, and the impact on any victim. (b) The juvenile's culpability in committing the alleged offense, including, but not limited to, the level of the juvenile's participation in planning and carrying out the offense and the existence of any aggravating or mitigating factors recognized by the sentencing guidelines. (c) The juvenile's prior record of delinquency including, but not limited to, any record of detention, any police record, any school record, or any other evidence indicating prior delinquent behavior. (d) The juvenile's programming history, including, but not limited to, the juvenile's past willingness to participate meaningfully in available programming. (e) The adequacy of the punishment or programming available in the juvenile justice system. (f) The dispositional options available for the juvenile. (4) With the consent of the prosecutor and the defendant, the court may waive the hearing required under subsection (3). If the court waives the hearing required under subsection (3), the court may place the juvenile on probation and commit the juvenile to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, but shall not impose any other sentence provided by law for an adult offender. (5) If a juvenile is convicted of a violation or conspiracy to commit a violation of section 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7403, the court shall determine whether the best interests of the public would be served by imposing the sentence provided by law for an adult offender, by placing the individual on probation and committing the individual to an institution or agency under subsection (3), or by imposing a sentence of imprisonment for any term of years but not less than 25 years. If the court determines by clear and convincing evidence that the best interests of the public would be served by imposing a sentence of imprisonment for any term of years but not less than 25 years, the court may impose that sentence. In making its determination, the court shall use the criteria specified in subsection (3). (6) The court shall state on the record the court's findings of fact and conclusions of law for the probation and commitment decision or sentencing decision made under subsection (3). If a juvenile is committed under subsection (3) to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, a transcript of the court's findings must be sent to the department of health and human services or county juvenile agency, as applicable. (7) Money collected for juveniles placed with or committed to the department of health and human services or a county juvenile agency must be accounted for and reported on an individual basis. (8) An order directed to a person responsible for the juvenile's support under this section is not binding on the person unless an opportunity for a hearing has been given and until a copy of the order is served on the person, personally or by first-class mail to the person's last known address. (9) If a juvenile is placed on probation and committed under subsection (3) or (4) to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, the court shall retain jurisdiction over the juvenile while the juvenile is on probation and committed to that institution or agency. (10) If the court has retained jurisdiction over a juvenile under subsection (9), the court shall conduct an annual review of the services being provided to the juvenile, the juvenile's placement, and the juvenile's progress in that placement. In conducting this review, the court shall examine the juvenile's annual report prepared under section 3 of the juvenile facilities act, 1988 PA 73, MCL 803.223. The court may order changes in the juvenile's placement or treatment plan including, but not limited to, committing the juvenile to the jurisdiction of the department of corrections, based on the review. (11) If an individual who is under the court's jurisdiction under section 4 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.4, is convicted of a violation or conspiracy to commit a violation of section 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7403, the court shall determine whether the best interests of the public would be served by imposing the sentence provided by law for an adult offender or by imposing a sentence of imprisonment for any term of years but not less than 25 years. If the court determines by clear and convincing evidence that the best interests of the public would be served by imposing a sentence of imprisonment for any term of years but not less than 25 years, the court may impose that sentence. In making its determination, the court shall use the criteria specified in subsection (3) to the extent they apply. (12) If the defendant is sentenced for an offense other than a listed offense as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the court shall determine if the offense is a violation of a law of this state or a local ordinance of a municipality of this state that by its nature constitutes a sexual offense against an individual who is less than 18 years of age. If so, the conviction is for a listed offense as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, and the court shall include the basis for that determination on the record and include the determination in the judgment of sentence. (13) When sentencing a person convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance or a felony, the court shall examine the presentence investigation report and determine if the person being sentenced is licensed or registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838. The court shall also examine the court file and determine if a report of the conviction upon which the person is being sentenced has been forwarded to the department of licensing and regulatory affairs as provided in section 16a of this chapter. If the report has not been forwarded to the department of licensing and regulatory affairs, the court shall order the clerk of the court to immediately prepare and forward the report as provided in section 16a of this chapter. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17329 ;-- CL 1948, 769.1 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1986, Act 232, Eff. June 1, 1987 ;-- Am. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1989, Act 113, Imd. Eff. June 23, 1989 ;-- Am. 1993, Act 85, Eff. Apr. 1, 1994 ;-- Am. 1996, Act 247, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 248, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999 ;-- Am. 1999, Act 87, Eff. Sept. 1, 1999 ;-- Am. 2023, Act 293, Eff. Oct. 1, 2024Compiler's Notes:Section 3 of Act 78 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 181 of 1988 to read as

follows: “This amendatory act shall take effect October 1, 1988.”Former Law:See section 3 of Act 162 of 1850, being CL 1857, § 6113; CL 1871, § 7997; How., § 9613; CL 1897, § 11983; CL 1915, § 15856; and Act 166 of 1851.

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Sec. 10. (1) If a person has been convicted of a felony or an attempt to commit a felony, whether the conviction occurred in this state or would have been for a felony or attempt to commit a felony in this state if obtained in this state, and that person commits a subsequent felony within this state, the person shall be punished upon conviction of the subsequent felony and sentencing under section 13 of this chapter as follows: (a) If the subsequent felony is punishable upon a first conviction by imprisonment for a term less than life, the court, except as otherwise provided in this section or section 1 of chapter XI, may place the person on probation or sentence the person to imprisonment for a maximum term that is not more than 1-1/2 times the longest term prescribed for a first conviction of that offense or for a lesser term. (b) If the subsequent felony is punishable upon a first conviction by imprisonment for life, the court, except as otherwise provided in this section or section 1 of chapter XI, may place the person on probation or sentence the person to imprisonment for life or for a lesser term. (c) If the subsequent felony is a major controlled substance offense, the person shall be punished as provided by part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461. (2) If the court pursuant to this section imposes a sentence of imprisonment for any term of years, the court shall fix the length of both the minimum and maximum sentence within any specified limits in terms of years or a fraction of a year and the sentence so imposed shall be considered an indeterminate sentence. The court shall not fix a maximum sentence that is less than the maximum term for a first conviction. (3) A conviction shall not be used to enhance a sentence under this section if that conviction is used to enhance a sentence under a statute that prohibits use of the conviction for further enhancement under this section. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- Am. 1929, Act 24, Imd. Eff. Apr. 2, 1929 ;-- CL 1929, 17338 ;-- CL 1948, 769.10 ;-- Am. 1949, Act 56, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1988, Act 90, Imd. Eff. Mar. 30, 1988 ;-- Am. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007Former Law:See section 12 of Ch. 161 of R.S. 1846, being CL 1857, § 5948; CL 1871, § 7814; How., § 9424; CL 1897, § 11785; and CL 1915, § 15612.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.11 - Punishment for Subsequent Felony Following Conviction of 2 or More Felonies; Sentence for Term of Years Considered Indeterminate Sentence; Use of Conviction to Enhance Sentence Prohibited.

Sec. 11. (1) If a person has been convicted of any combination of 2 or more felonies or attempts to commit felonies, whether the convictions occurred in this state or would have been for felonies or attempts to commit felonies in this state if obtained in this state, and that person commits a subsequent felony within this state, the person shall be punished upon conviction of the subsequent felony and sentencing under section 13 of this chapter as follows: (a) If the subsequent felony is punishable upon a first conviction by imprisonment for a term less than life, the court, except as otherwise provided in this section or section 1 of chapter XI, may sentence the person to imprisonment for a maximum term that is not more than twice the longest term prescribed by law for a first conviction of that offense or for a lesser term. (b) If the subsequent felony is punishable upon a first conviction by imprisonment for life, the court, except as otherwise provided in this section or section 1 of chapter XI, may sentence the person to imprisonment for life or for a lesser term. (c) If the subsequent felony is a major controlled substance offense, the person shall be punished as provided by part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461. (2) If the court pursuant to this section imposes a sentence of imprisonment for any term of years, the court shall fix the length of both the minimum and maximum sentence within any specified limits in terms of years or a fraction of a year, and the sentence so imposed shall be considered an indeterminate sentence. The court shall not fix a maximum sentence that is less than the maximum term for a first conviction. (3) A conviction shall not be used to enhance a sentence under this section if that conviction is used to enhance a sentence under a statute that prohibits use of the conviction for further enhancement under this section. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- Am. 1929, Act 24, Imd. Eff. Apr. 2, 1929 ;-- CL 1929, 17339 ;-- CL 1948, 769.11 ;-- Am. 1949, Act 56, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1988, Act 90, Imd. Eff. Mar. 30, 1988 ;-- Am. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007Compiler's Notes:Act 196 of 1971, referred to in this section, was repealed by Act 368 of 1978.Former Law:See section 13 of Ch. 161 of R.S. 1846, being CL 1857, § 5949; CL 1871, § 7815; How., § 9425; CL 1897, § 11786; and CL 1915, § 15613.

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Sec. 11a. Whenever any person has been heretofore or hereafter convicted of any crime within this state and has served any time upon a void sentence, the trial court, in imposing sentence upon conviction or acceptance of a plea of guilty based upon facts arising out of the earlier void conviction, shall in imposing the sentence specifically grant or allow the defendant credit against and by reduction of the statutory maximum by the time already served by such defendant on the sentence imposed for the prior erroneous

conviction. Failure of the corrections commission to carry out the terms of said sentence shall be cause for the issuance of a writ of habeas corpus to have the prisoner brought before the court for the taking of such further action as the court may again determine. History:Add. 1954, Act 205, Eff. Aug. 13, 1954 ;-- Am. 1965, Act 67, Imd. Eff. June 22, 1965

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Sec. 11b. Whenever any person is hereafter convicted of any crime within this state and has served any time in jail prior to sentencing because of being denied or unable to furnish bond for the offense of which he is convicted, the trial court in imposing sentence shall specifically grant credit against the sentence for such time served in jail prior to sentencing. History:Add. 1965, Act 73, Eff. Mar. 31, 1966

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Sec. 12. (1) If a person has been convicted of any combination of 3 or more felonies or attempts to commit felonies, whether the convictions occurred in this state or would have been for felonies or attempts to commit felonies in this state if obtained in this state, and that person commits a subsequent felony within this state, the person shall be punished upon conviction of the subsequent felony and sentencing under section 13 of this chapter as follows: (a) If the subsequent felony is a serious crime or a conspiracy to commit a serious crime, and 1 or more of the prior felony convictions are listed prior felonies, the court shall sentence the person to imprisonment for not less than 25 years. Not more than 1 conviction arising out of the same transaction shall be considered a prior felony conviction for the purposes of this subsection only. (b) If the subsequent felony is punishable upon a first conviction by imprisonment for a maximum term of 5 years or more or for life, the court, except as otherwise provided in this section or section 1 of chapter XI, may sentence the person to imprisonment for life or for a lesser term. (c) If the subsequent felony is punishable upon a first conviction by imprisonment for a maximum term that is less than 5 years, the court, except as otherwise provided in this section or section 1 of chapter XI, may sentence the person to imprisonment for a maximum term of not more than 15 years. (d) If the subsequent felony is a major controlled substance offense, the person shall be punished as provided by part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461. (2) If the court imposes a sentence of imprisonment for any term of years under this section, the court shall fix the length of both the minimum and maximum sentence within any specified limits in terms of years or a fraction of a year, and the sentence so imposed shall be considered an indeterminate sentence. The court shall not fix a maximum sentence that is less than the maximum term for a first conviction. (3) A conviction shall not be used to enhance a sentence under this section if that conviction is used to enhance a sentence under a statute that prohibits use of the conviction for further enhancement under this section. (4) An offender sentenced under this section or section 10 or 11 of this chapter for an offense other than a major controlled substance offense is not eligible for parole until expiration of the following: (a) For a prisoner other than a prisoner subject to disciplinary time, the minimum term fixed by the sentencing judge at the time of sentence unless the sentencing judge or a successor gives written approval for parole at an earlier date authorized by law. (b) For a prisoner subject to disciplinary time, the minimum term fixed by the sentencing judge. (5) This section and sections 10 and 11 of this chapter are not in derogation of other provisions of law that permit or direct the imposition of a consecutive sentence for a subsequent felony. (6) As used in this section: (a) "Listed prior felony" means a violation or attempted violation of any of the following: (i) Section 602a(4) or (5) or 625(4) of the Michigan vehicle code, 1949 PA 300, MCL 257.602a and 257.625. (ii) Article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545, that is punishable by imprisonment for more than 4 years. (iii) Section 72, 82, 83, 84, 85, 86, 87, 88, 89, 91, 110a(2) or (3), 136b(2) or (3), 145n(1) or (2), 157b, 197c, 226, 227, 234a, 234b, 234c, 317, 321, 329, 349, 349a, 350, 397, 411h(2)(b), 411i, 479a(4) or (5), 520b, 520c, 520d, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.82, 750.83, 750.84, 750.85, 750.86, 750.87, 750.88, 750.89, 750.91, 750.110a, 750.136b, 750.145n, 750.157b, 750.197c, 750.226, 750.227, 750.234a, 750.234b, 750.234c, 750.317, 750.321, 750.329, 750.349, 750.349a, 750.350, 750.397, 750.411h, 750.411i, 750.479a, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, 750.529a, and 750.530. (iv) A second or subsequent violation or attempted violation of section 227b of the Michigan penal code, 1931 PA 328, MCL 750.227b. (v) Section 2a of 1968 PA 302, MCL 752.542a. (b) "Prisoner subject to disciplinary time" means that term as defined in section 34 of 1893 PA 118, MCL 800.34. (c) "Serious crime" means an offense against a person in violation of section 83, 84, 86, 88, 89, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d, 520g(1), 529, or 529a of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.84, 750.86, 750.88, 750.89, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, and 750.529a. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- Am. 1929, Act 24, Imd. Eff. Apr. 2, 1929 ;-- CL 1929, 17340 ;-- CL 1948, 769.12 ;-- Am. 1949, Act 56, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1988, Act 90, Imd. Eff. Mar. 30, 1988 ;-- Am. 1994, Act 445, Imd. Eff. Jan. 10, 1995 ;-- Am. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007 ;-- Am. 2012, Act 319, Eff. Oct. 1, 2012

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Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.13 - Notice of Intent to Seek Enhanced Sentence; Filing by Prosecuting Attorney; Challenge to Accuracy or Constitutional Validity; Evidence of Existence of Prior Conviction; Determination by Court; Burden of Proof.

Sec. 13. (1) In a criminal action, the prosecuting attorney may seek to enhance the sentence of the defendant as provided under section 10, 11, or 12 of this chapter, by filing a written notice of his or her intent to do so within 21 days after the defendant's arraignment on the information charging the underlying offense or, if arraignment is waived, within 21 days after the filing of the information charging the underlying offense. (2) A notice of intent to seek an enhanced sentence filed under subsection (1) shall list the prior conviction or convictions that will or may be relied upon for purposes of sentence enhancement. The notice shall be filed with the court and served upon the defendant or his or her attorney within the time provided in subsection (1). The notice may be personally served upon the defendant or his or her attorney at the arraignment on the information charging the underlying offense, or may be served in the manner provided by law or court rule for service of written pleadings. The prosecuting attorney shall file a written proof of service with the clerk of the court. (3) The prosecuting attorney may file notice of intent to seek an enhanced sentence after the defendant has been convicted of the underlying offense or a lesser offense, upon his or her plea of guilty or nolo contendere if the defendant pleads guilty or nolo contendere at the arraignment on the information charging the underlying offense, or within the time allowed for filing of the notice under subsection (1). (4) A defendant who has been given notice that the prosecuting attorney will seek to enhance his or her sentence as provided under section 10, 11, or 12 of this chapter, may challenge the accuracy or constitutional validity of 1 or more of the prior convictions listed in the notice by filing a written motion with the court and by serving a copy of the motion upon the prosecuting attorney in accordance with rules of the supreme court. (5) The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing, or at a separate hearing scheduled for that purpose before sentencing. The existence of a prior conviction may be established by any evidence that is relevant for that purpose, including, but not limited to, 1 or more of the following: (a) A copy of a judgment of conviction. (b) A transcript of a prior trial or a plea-taking or sentencing proceeding. (c) A copy of a court register of actions. (d) Information contained in a presentence report. (e) A statement of the defendant. (6) The court shall resolve any challenges to the accuracy or constitutional validity of a prior conviction or convictions that have been raised in a motion filed under subsection (4) at sentencing or at a separate hearing scheduled for that purpose before sentencing. The defendant, or his or her attorney, shall be given an opportunity to deny, explain, or refute any evidence or information pertaining to the defendant's prior conviction or convictions before sentence is imposed, and shall be permitted to present relevant evidence for that purpose. The defendant shall bear the burden of establishing a prima facie showing that an alleged prior conviction is inaccurate or constitutionally invalid. If the defendant establishes a prima facie showing that information or evidence concerning an alleged prior conviction is inaccurate, the prosecuting attorney shall bear the burden of proving, by a preponderance of the evidence, that the information or evidence is accurate. If the defendant establishes a prima facie showing that an alleged prior conviction is constitutionally invalid, the prosecuting attorney shall bear the burden of proving, by a preponderance of the evidence, that the prior conviction is constitutionally valid. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17341 ;-- Am. 1941, Act 310, Eff. Jan. 10, 1942 ;-- CL 1948, 769.13 ;-- Am. 1949, Act 56, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1994, Act 110, Eff. May 1, 1994 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007

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Sec. 14. Any person now incarcerated in any state prison, or on parole from a sentence thereto, who was sentenced under the terms of sections 10, 11, 12 or 13 of this chapter as in effect prior to the effective date of Act No. 56 of the Public Acts of 1949, shall be entitled to a review of sentence upon application to the court in which he was sentenced. Upon such application any judge of such court may vacate the previous sentence and impose any lesser sentence which in his judgment might have been imposed under sections 10, 11, 12 or 13 of this chapter, as amended by Act No. 56 of the Public Acts of 1949, had such sections as amended been in force at the date of the previous sentence imposed upon said prisoner: Provided, That any sentence so imposed shall be deemed to have begun as of the date of the previous sentence, and the rights of such prisoner under the laws shall be governed by the lesser sentence as then imposed. History:Add. 1951, Act 159, Eff. Sept. 28, 1951Constitutionality:This section violates Const 1963, art V, § 14, which, by implication, forbids the judiciary from commuting a sentence and restricts the legislature from passing a law which infringes upon the exclusive power of the governor to commute a sentence. People v Freleigh, 334 Mich 306; 54 NW2d 599 (1952).Former Law:See section 14 of Chapter IX of Act 175 of 1927; and Act 328 of 1931.

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Sec. 16. When any person convicted of an offense shall be sentenced to pay a fine or costs, or to be imprisoned in the county jail, the clerk of the court shall, as soon as may be, make out and deliver to the sheriff of the county or some officer in court, a transcript from the minutes of the court, of the conviction and sentence duly certified by such clerk, which shall be sufficient authority for the sheriff to execute such sentence, and he shall execute the same accordingly. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929,

17344 ;-- CL 1948, 769.16Former Law:See section 7 of Ch. 168 of R.S. 1846, being CL 1857, § 6106; CL 1871, § 7990; How., § 9606; CL 1897, § 11976; and CL 1915, § 15849.

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Sec. 16a. (1) Except as otherwise provided in subsection (3), upon final disposition of an original charge against a person of a felony or a misdemeanor for which the maximum possible penalty exceeds 92 days' imprisonment or a local ordinance for which the maximum possible penalty is 93 days' imprisonment and that substantially corresponds to a violation of state law that is a misdemeanor for which the maximum possible penalty is 93 days' imprisonment, or a misdemeanor in a case in which the appropriate court was notified that fingerprints were forwarded to the department of state police, or upon final disposition of a charge of criminal contempt under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or final disposition of a charge of criminal contempt for violating a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i, the clerk of the court entering the disposition shall immediately report to the department of state police the final disposition of the charge on forms approved by the state court administrator and in a manner consistent with section 3 of 1925 PA 289, MCL 28.243. The report to the department of state police shall include the finding of the judge or jury, including a finding of guilty, guilty but mentally ill, not guilty, or not guilty by reason of insanity, or the person's plea of guilty, nolo contendere, or guilty but mentally ill; if the person was convicted, the offense of which the person was convicted; and a summary of any sentence imposed. The summary of the sentence shall include any probationary term; any minimum, maximum, or alternative term of imprisonment; the total of all fines, costs, and restitution ordered; and any modification of sentence. The report shall include the sentence if imposed under any of the following: (a) Section 7411 of the public health code, 1978 PA 368, MCL 333.7411. (b) Section 1076(4) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1076. (c) Section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a. (d) Section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430. (e) Sections 11 to 15 of chapter II. (f) Section 4a of chapter IX. (2) Upon sentencing a person convicted of a misdemeanor or of a violation of a local ordinance, other than a misdemeanor or local ordinance described in subsection (1), the clerk of the court imposing sentence immediately shall, if ordered by the court, advise the department of state police of the conviction on forms approved by the state court administrator. (3) Except as otherwise provided in subsections (4) and (6), the clerk of a court shall not report a conviction of a misdemeanor offense under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a local ordinance substantially corresponding to a provision of that act unless 1 or more of the following apply: (a) The offense is punishable by imprisonment for more than 92 days. (b) The offense is an offense that would be punishable by more than 92 days as a second conviction. (c) A judge of the court orders the clerk to report the conviction. (4) Unless ordered by the court, the clerk of a court is not required to report a conviction of a misdemeanor offense for a violation of section 904(3)(a) of the Michigan vehicle code, 1949 PA 300, MCL 257.904, or a local ordinance substantially corresponding to section 904(3)(a) of the Michigan vehicle code, 1949 PA 300, MCL 257.904. (5) As part of the sentence for a conviction of an offense described in this section, if fingerprints have not already been taken, the court shall order that the fingerprints of the person convicted be taken and forwarded to the department of state police. (6) As part of the sentence for a conviction of a listed offense as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the court shall order that the fingerprints of the person convicted be taken and forwarded as provided in the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, if fingerprints have not already been taken and forwarded as provided in that act. (7) Within 21 days after the date a person licensed or registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, is convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance or a felony, the clerk of the court entering the conviction shall report the conviction to the department of community health on a form prescribed and furnished by that department. (8) For any conviction that was reported as provided in this section, the clerk of the court entering a subsequent final disposition in the case shall immediately report to the department of state police and the department of corrections if the judgment of conviction is vacated and either the accusatory instrument is dismissed or upon retrial or by court finding, whether appellate or otherwise, the defendant is determined to be not guilty. The final disposition shall be reported on forms approved by the state court administrator. The department of state police and department of corrections shall immediately enter the disposition into each database they maintain concerning criminal convictions and shall remove all information indicating that the person was convicted of the offense from each of those databases that is available to the public. History:Add. 1986, Act 232, Eff. June 1, 1987 ;-- Am. 1993, Act 85, Eff. Apr. 1, 1994 ;-- Am. 1999, Act 87, Eff. Sept. 1, 1999 ;-- Am. 2000, Act 220, Eff. Oct. 1, 2000 ;-- Am. 2001, Act 188, Eff. Apr. 1, 2002 ;-- Am. 2001, Act 204, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 220, Eff. Jan. 1, 2005 ;-- Am. 2005, Act 106, Imd. Eff. Sept. 14, 2005 ;-- Am. 2008, Act 508, Imd. Eff. Jan. 13, 2009

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Sec. 16b. (1) If a person charged with any offense is found not guilty by reason of insanity, the court entering the disposition shall immediately order the department of state police to enter the disposition into the law enforcement information network. (2) The

department of state police shall immediately enter a disposition into the law enforcement information network as ordered by the court under this section. History:Add. 1994, Act 335, Eff. Apr. 1, 1996

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Sec. 17. When any convict shall be sentenced to imprisonment in the state prison, the clerk of the court before whom such conviction was had, shall make out a warrant, under the seal of the court, directed to the sheriff of the county, requiring him to cause such convict, without needless delay, to be removed from the county jail to the state prison, which warrant shall be delivered to such sheriff and be obeyed by him and shall be accompanied by a certified abstract from the minutes of the court, of such conviction and sentence as aforesaid. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17345 ;-- CL 1948, 769.17Former Law:See section 8 of Ch. 168 of R.S. 1846, being CL 1857, § 6107; CL 1871, § 7991; How., § 9607; CL 1897, § 11977; and CL 1915, § 15850.

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Sec. 18. Whenever a person shall be convicted of crime and sentenced to imprisonment pursuant to the provisions of this act, or for life, the clerk of the court shall make and forward to the warden or superintendent of the institution to which the convict is sentenced, and also to the governor, a record containing a copy of the information or complaint, the sentence pronounced by the court, the name and residence of the judge presiding at the trial, prosecuting attorney and sheriff, and the names and postoffice addresses of the jurors and witnesses sworn on the trial, together with a statement of any fact or facts which the presiding judge may deem important or necessary for a full comprehension of the case, and a reference to the statute under which the sentence was imposed. One copy of the said record shall be delivered to the warden or superintendent at the time the prisoner is received into the institution, and 1 copy shall be forwarded to the governor within 10 days thereafter. In each case in which he shall perform the duties required by this act, the clerk of the court shall be entitled to such compensation as shall be certified to be just by the presiding judge at the trial not to exceed 3 dollars for any 1 case, which shall be paid by the county in which the trial is had, as a part of the expenses of such trial. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- Am. 1929, Act 188, Imd. Eff. May 20, 1929 ;-- CL 1929, 17346 ;-- CL 1948, 769.18Former Law:See section 4 of Act 184 of 1905, being CL 1915, § 15862.

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Sec. 1a. (1) As used in this section: (a) "Crime victim services commission" means that term as described in section 2 of 1976 PA 223, MCL 18.352. (b) "Victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a felony, misdemeanor, or ordinance violation. For purposes of subsections (2), (3), (6), (8), (9), and (13), victim includes a sole proprietorship, partnership, corporation, association, governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of a felony, misdemeanor, or ordinance violation. (2) Except as provided in subsection (8), when sentencing a defendant convicted of a felony, misdemeanor, or ordinance violation, the court shall order, in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law, that the defendant make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate. (3) If a felony, misdemeanor, or ordinance violation results in damage to or loss or destruction of property of a victim of the felony, misdemeanor, or ordinance violation or results in the seizure or impoundment of property of a victim of the felony, misdemeanor, or ordinance violation, the order of restitution may require that the defendant do 1 or more of the following, as applicable: (a) Return the property to the owner of the property or to a person designated by the owner. (b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraph (i) or (ii), less the value, determined as of the date the property is returned, of that property or any part of the property that is returned: (i) The fair market value of the property on the date of the damage, loss, or destruction. However, if the fair market value of the property cannot be determined or is impractical to ascertain, then the replacement value of the property shall be utilized in lieu of the fair market value. (ii) The fair market value of the property on the date of sentencing. However, if the fair market value of the property cannot be determined or is impractical to ascertain, then the replacement value of the property shall be utilized in lieu of the fair market value. (c) Pay the cost of the seizure or impoundment, or both. (4) If a felony, misdemeanor, or ordinance violation results in physical or psychological injury to a victim, the order of restitution may require that the defendant do 1 or more of the following, as applicable: (a) Pay an amount equal to the cost of actual medical and related professional services and devices relating to physical and psychological care. (b) Pay an amount equal to the cost of actual physical and occupational therapy and rehabilitation. (c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the felony, misdemeanor, or ordinance violation. (d) Pay an amount equal to the cost of psychological and medical treatment for members of the victim's family that has been incurred as a result of the felony, misdemeanor, or ordinance violation. (e) Pay an amount equal to the cost of actual homemaking and child care expenses incurred as a result of the felony, misdemeanor, or ordinance violation. (5) If a felony, misdemeanor, or ordinance violation resulting in bodily injury also results in the death of a victim, the order of restitution may require that the defendant pay an

amount equal to the cost of actual funeral and related services. (6) If the victim or the victim's estate consents, the order of restitution may require that the defendant make restitution in services in lieu of money. (7) If the victim is deceased, the court shall order that the restitution be made to the victim's estate. (8) The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the felony, misdemeanor, or ordinance violation. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or a victim's estate under the order be made before any restitution to any other person or entity under that order is made. The court shall not order restitution to be paid to a victim or victim's estate if the victim or victim's estate has received or is to receive compensation for that loss, and the court shall state on the record with specificity the reasons for its action. If an entity entitled to restitution under this subsection for compensating the victim or the victim's estate cannot or refuses to be reimbursed for that compensation, the restitution paid for that entity shall be deposited by the state treasurer in the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904, or its successor fund. (9) Any amount paid to a victim or a victim's estate under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim or the victim's estate in any federal or state civil proceeding and shall reduce the amount payable to a victim or a victim's estate by an award from the crime victim services commission made after an order of restitution under this section. (10) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the defendant make restitution under this section within a specified period or in specified installments. (11) If the defendant is placed on probation or paroled or the court imposes a conditional sentence under section 3 of this chapter, any restitution ordered under this section shall be a condition of that probation, parole, or sentence. The court may revoke probation or impose imprisonment under the conditional sentence and the parole board may revoke parole if the defendant fails to comply with the order and if the defendant has not made a good faith effort to comply with the order. In determining whether to revoke probation or parole or impose imprisonment, the court or parole board shall consider the defendant's employment status, earning ability, and financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay. (12) A defendant who is required to pay restitution and who is not in willful default of the payment of the restitution may at any time petition the sentencing judge or his or her successor to modify the method of payment. If the court determines that payment under the order will impose a manifest hardship on the defendant or his or her immediate family, the court may modify the method of payment. (13) An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the defendant for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim's estate, or any other person or entity named in the order to receive the restitution in the same manner as a judgment in a civil action or a lien. (14) Notwithstanding any other provision of this section, a defendant shall not be imprisoned, jailed, or incarcerated for a violation of probation or parole or otherwise for failure to pay restitution as ordered under this section unless the court or parole board determines that the defendant has the resources to pay the ordered restitution and has not made a good faith effort to do so. (15) In each case in which payment of restitution is ordered as a condition of probation, the probation officer assigned to the case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. The final review shall be conducted not less than 60 days before the probationary period expires. If the probation officer determines that restitution is not being paid as ordered, the probation officer shall file a written report of the violation with the court on a form prescribed by the state court administrative office. The report shall include a statement of the amount of the arrearage and any reasons for the arrearage known by the probation officer. The probation officer shall immediately provide a copy of the report to the prosecuting attorney. If a motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered by the court, the court shall promptly take action necessary to compel compliance. (16) If a defendant who is ordered to pay restitution under this section is remanded to the jurisdiction of the department of corrections, the court shall provide a copy of the order of restitution to the department of corrections when the defendant is ordered remanded to the department's jurisdiction. History:Add. 1985, Act 89, Imd. Eff. July 10, 1985 ;-- Am. 1993, Act 343, Eff. May 1, 1994 ;-- Am. 1996, Act 122, Eff. May 1, 1996 ;-- Am. 1996, Act 560, Eff. June 1, 1997 ;-- Am. 1998, Act 231, Imd. Eff. July 3, 1998 ;-- Am. 2009, Act 27, Eff. July 1, 2009Compiler's Notes:For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.Effective Date:Enacting section 1 of Act 27 of 2009 provides:"Enacting section 1. This amendatory act takes effect July 1, 2009, and applies only to crimes committed on or after that date."

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.1b - Review Hearing for Juvenile Placed on Probation and Committed; Determination; Considerations; Time of Review Hearing; Notice; Legal Counsel; Costs; Commitment Reports; Final Review; Imposition of Sentence for Adult Offender; Notice; Cost of Appointed Counsel; Credit for Time Served.

Sec. 1b. (1) If a juvenile is placed on probation and committed under section 1(3) or (4) of this chapter to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, the court shall conduct a review hearing

to determine whether the juvenile has been rehabilitated and whether the juvenile presents a serious risk to public safety. If the court determines that the juvenile has not been rehabilitated or that the juvenile presents a serious risk to public safety, jurisdiction over the juvenile shall be continued or the court may commit the juvenile to the department of corrections as provided in this section. In making this determination, the court shall consider the following: (a) The extent and nature of the juvenile's participation in education, counseling, or work programs. (b) The juvenile's willingness to accept responsibility for prior behavior. (c) The juvenile's behavior in his or her current placement. (d) The juvenile's prior record and character and his or her physical and mental maturity. (e) The juvenile's potential for violent conduct as demonstrated by prior behavior. (f) The recommendations of the institution or agency charged with the juvenile's care for the juvenile's release or continued custody. (g) Other information the prosecuting attorney or juvenile may submit. (2) A review hearing shall be scheduled and held unless adjourned for good cause as near as possible to, but before, the juvenile's nineteenth birthday. If the institution or agency to which the juvenile was committed believes that the juvenile has been rehabilitated and that the juvenile does not present a serious risk to public safety, that institution or agency may petition the court to conduct a review hearing at any time before the juvenile becomes 19 years of age or, if the court has continued jurisdiction under subsection (1), at any time before the juvenile becomes 21 years of age. (3) Not less than 14 days before a review hearing is to be conducted, the prosecuting attorney, juvenile, and, if addresses are known, the juvenile's parent or guardian shall be notified. The notice shall state that the court may extend jurisdiction over the juvenile and shall advise the juvenile and the juvenile's parent or guardian of the right to legal counsel. If legal counsel has not been retained or appointed to represent the juvenile, the court shall appoint legal counsel and may assess the cost of providing counsel as costs against the juvenile or those responsible for the juvenile's support, or both, if the persons to be assessed are financially able to comply. (4) The institution or agency charged with the care of the juvenile shall prepare commitment reports as provided in section 5 of the juvenile facilities act, 1988 PA 73, MCL 803.225, for use by the court at a review hearing held under this section. (5) The court shall conduct a final review of the juvenile's probation and commitment under section 1(3) or (4) of this chapter not less than 3 months before the end of the period that the juvenile is on probation and committed to the institution or agency. If the court determines at this review that the best interests of the public would be served by imposing any other sentence provided by law for an adult offender, the court may impose the sentence. In making its determination, the court shall consider the criteria specified in subsection (1) and all of the following criteria: (a) The effect of treatment on the juvenile's rehabilitation. (b) Whether the juvenile is likely to be dangerous to the public if released. (c) The best interests of the public welfare and the protection of public security. (6) Not less than 14 days before a final review hearing under subsection (5) is to be conducted, the prosecuting attorney, juvenile, and, if addresses are known, the juvenile's parent or guardian shall be notified. The notice shall state that the court may impose a sentence upon the juvenile under subsection (5) and shall advise the juvenile and the juvenile's parent or guardian of the right to legal counsel. If legal counsel has not been retained or appointed to represent the juvenile, the court shall appoint legal counsel and may assess the cost of providing counsel as costs against the juvenile or those responsible for the juvenile's support, or both, if the persons to be assessed are financially able to comply. (7) After a sentence is imposed under subsection (1) or (5), the juvenile shall receive credit for the period of time served on probation and committed to an agency or institution under section 1(3) or (4) of this chapter. History:Add. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1996, Act 247, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999Compiler's Notes:Section 3 of Act 78 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 181 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.1c - Psychiatrist; Definition; Aid From State Hospitals.

Sec. 1c. A psychiatrist under the meaning of the foregoing sections and sections 22-a and 22-b of chapter 14 of this act is a physician, duly licensed to practice in the state of Michigan, who has had at least 5 years experience in actual practice, including either (a) 3 years' full time practice since January 1, 1933, in the care and treatment of persons suffering from nervous or mental disease or mental defect, in an institution provided for the care of such persons, or (b) has devoted 5 years prior to the case in which his services are requested, to a practice confined wholly or substantially to the diagnosis, care or treatment of persons suffering from nervous and mental disease or mental defect. If no qualified psychiatrist is immediately available for the purposes of aiding the court in any investigation under the foregoing sections or sections 22-a and 22-b of chapter 14 of this act, the nearest state hospital shall be required to furnish, upon request of the court, without charge, a competent psychiatrist within the meaning of this act. History:Add. 1937, Act 196, Imd. Eff. July 14, 1937 ;-- CL 1948, 769.1cCompiler's Notes:For provisions of sections 22a and 22b of chapter 14, referred to in this section, see MCL 774.22a and 774.22b.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.1d - Expense of Confinement in State Institutions.

Sec. 1d. The expenses of confinement of any person confined to a state hospital or other state institution as provided for in the foregoing sections and sections 22-a and 22-b of chapter 14 of this act, shall be defrayed by the state and may be recovered from such person or his estate. History:Add. 1937, Act 196, Imd. Eff. July 14, 1937 ;-- CL 1948, 769.1dCompiler's Notes:For provisions of sections 22a and 22b of chapter 14, referred to in this section, see MCL 774.22a and 774.22b.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.1e - Violations of Criminal Law; Licensing Sanctions; Report of Finding to Secretary of State; "License" Defined.

Sec. 1e. (1) If a law of this state requires the court to deny the issuance of a license to a person, or revoke, suspend, or restrict the license of a person, for a violation of a criminal law of this state or a local ordinance that substantially corresponds to a criminal law of this state, the court shall impose the licensing sanctions as provided by law for the violation. (2) A court shall report a finding made by a jury or the court to the secretary of state as required under section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625. (3) As used in this section, "license" means that term as defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25. History:Add. 1993, Act 360, Eff. Sept. 1, 1994 ;-- Am. 2000, Act 220, Eff. Oct. 1, 2000 ;-- Am. 2020, Act 381, Eff. Mar. 24, 2021

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.1f - Expenses for Which Court May Order Person Convicted to Reimburse State or Local Unit of Government; Payment; Reimbursement as Condition of Probation or Parole; Enforcement of Order; Failure to Make Order Reimbursement; Definitions.

Sec. 1f. (1) As part of the sentence for a conviction of any of the following offenses, in addition to any other penalty authorized by law, the court may order the person convicted to reimburse the state or a local unit of government for expenses incurred in relation to that incident including, but not limited to, expenses for an emergency response and expenses for prosecuting the person, as provided in this section: (a) A violation or attempted violation of section 601d, section 625(1), (3), (4), (5), (6), or (7), section 625m, or section 626(3) or (4) of the Michigan vehicle code, 1949 PA 300, MCL 257.601d, 257.625, 257.625m, and 257.626, or of a local ordinance substantially corresponding to section 601d(1), 625(1), (3), or (6) or section 625m or 626 of the Michigan vehicle code, 1949 PA 300, MCL 257.601d, 257.625, 257.625m, and 257.626. (b) Felonious driving, negligent homicide, manslaughter, or murder, or attempted felonious driving, negligent homicide, manslaughter, or murder, resulting from the operation of a motor vehicle, snowmobile, ORV, aircraft, vessel, or locomotive engine while the person was impaired by or under the influence of intoxicating liquor or a controlled substance, as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104, or a combination of intoxicating liquor and a controlled substance, or had an unlawful blood alcohol content. (c) A violation or attempted violation of section 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82127. (d) A violation or attempted violation of section 81134 or former section 81135 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134. (e) A violation or attempted violation of section 185 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.185. (f) A violation or attempted violation of section 80176(1), (3), (4), or (5) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, or a local ordinance substantially corresponding to section 80176(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176. (g) A violation or attempted violation of section 353 of the railroad code of 1993, 1993 PA 354, MCL 462.353. (h) A violation or attempted violation of section 411a(1), (2), or (4) of the Michigan penal code, 1931 PA 328, MCL 750.411a. (i) A finding of guilt for criminal contempt for a violation of a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or for a violation of a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i. (j) A violation or attempted violation of section (4) of the public threat alert system act, 2016 PA 235, MCL 28.674. (k) A violation or attempted violation of section 356c or 535 of the Michigan penal code, 1931 PA 328, MCL 750.356c and 750.535, or a second or subsequent violation of section 356d of the Michigan penal code, 1931 PA 328, MCL 750.356d. (l) A finding of guilt for criminal contempt for failing to appear in court as ordered by the court. (2) The expenses for which reimbursement may be ordered under this section include all of the following: (a) The salaries or wages, including overtime pay, of law enforcement personnel for time spent responding to the incident from which the conviction arose, arresting the person convicted, processing the person after the arrest, preparing reports on the incident, investigating the incident, transportation costs, and collecting and analyzing evidence, including, but not limited to, determining bodily alcohol content and determining the presence of and identifying controlled substances in the blood, breath, or urine. (b) The salaries, wages, or other compensation, including overtime pay, of fire department and emergency medical service personnel, including volunteer fire fighters or volunteer emergency medical service personnel, for time spent in responding to and providing fire fighting, rescue, and emergency medical services in relation to the incident from which the conviction arose. (c) The cost of medical supplies lost or expended by fire department and emergency medical service personnel, including volunteer fire fighters or volunteer emergency medical service personnel, in providing services in relation to the incident from which the conviction arose. (d) The salaries, wages, or other compensation, including, but not limited to, overtime pay of prosecution personnel for time spent investigating and prosecuting the crime or crimes resulting in conviction. (e) The cost of extraditing a person from another state to this state including, but not limited to, all of the following: (i) Transportation costs. (ii) The salaries or wages of law enforcement and prosecution personnel, including overtime pay, for processing the extradition and returning the person to this state. (3) If police, fire department, or emergency medical service personnel from more than 1 unit of government incurred expenses as described in subsection (2), the court may order the person convicted to reimburse each unit of government for the expenses it incurred. (4) The amount ordered to be paid under this section shall be paid to the clerk of the court, who shall transmit the appropriate amount to the unit or units of government named in the order to receive reimbursement. If not otherwise provided by the court under this

subsection, the reimbursement ordered under this section shall be made immediately. However, the court may require that the person make the reimbursement ordered under this section within a specified period or in specified installments. (5) If the person convicted is placed on probation or paroled, any reimbursement ordered under this section shall be a condition of that probation or parole. The court may revoke probation and the parole board may revoke parole if the person fails to comply with the order and if the person has not made a good faith effort to comply with the order. In determining whether to revoke probation or parole, the court or parole board shall consider the person's employment status, earning ability, number of dependents, and financial resources, the willfulness of the person's failure to pay, and any other special circumstances that may have a bearing on the person's ability to pay. (6) An order for reimbursement under this section may be enforced by the prosecuting attorney or the state or local unit of government named in the order to receive the reimbursement in the same manner as a judgment in a civil action. (7) Notwithstanding any other provision of this section, a person shall not be imprisoned, jailed, or incarcerated for a violation of parole or probation, or otherwise, for failure to make a reimbursement as ordered under this section unless the court determines that the person has the resources to pay the ordered reimbursement and has not made a good faith effort to do so. (8) A local unit of government may elect to be reimbursed for expenses under this section or a local ordinance, or a combination of this section and a local ordinance. This subsection does not allow a local unit of government to be fully reimbursed more than once for any expense incurred by that local unit of government. (9) As part of the sentence for a conviction of any violation or attempted violation of chapter XXXIII, section 327, 327a, 328, or 436, or chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.200 to 750.212a, 750.327, 750.327a, 750.328, and 750.436, and 750.543a to 750.543z, or of the organized retail crime act, 2012 PA 455, MCL 752.1081 to 752.1087, in addition to any other penalty authorized by law, the court shall order the person convicted to reimburse any government entity for expenses incurred in relation to that incident including, but not limited to, expenses for an emergency response and expenses for prosecuting the person, as provided in subsections (2) to (8). As used in this subsection, "government entity" means this state, a local unit of government, or the United States government. (10) As used in this section: (a) "Aircraft" means that term as defined in section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2. (b) "Local unit of government" means any of the following: (i) A city, village, township, or county. (ii) A local or intermediate school district. (iii) A public school academy. (iv) A community college. (c) "Motor vehicle" means that term as defined in section 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33. (d) "ORV" means that term as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101. (e) "Snowmobile" means that term as defined in section 82101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101. (f) "State" includes a state institution of higher education. (g) "Vessel" means that term as defined in section 80104 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80104. History:Add. 1998, Act 345, Eff. Oct. 1, 1999 ;-- Am. 2000, Act 372, Eff. Apr. 1, 2001 ;-- Am. 2001, Act 208, Eff. Apr. 1, 2002 ;-- Am. 2002, Act 120, Eff. Apr. 22, 2002 ;-- Am. 2008, Act 466, Eff. Oct. 31, 2010 ;-- Am. 2012, Act 331, Eff. Jan. 1, 2013 ;-- Am. 2016, Act 236, Eff. Sept. 22, 2016 ;-- Am. 2017, Act 241, Eff. Mar. 21, 2018Compiler's Notes:For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.1g - Offense Relating to Riot, Incitement to Riot, Unlawful Assembly or Civil Disorder Within Public Community College, College, or University Campus.

Sec. 1g. (1) As part of the sentence for a conviction for any offense that the court determines was directly related to a riot, incitement to riot, unlawful assembly or civil disorder on or within 2,500 feet of a public community college, public college, or public university campus in this state, the following apply: (a) The court may order the individual not to enter upon any public community college, public college, or public university campus in this state as follows: (i) If the offense is a felony, for 2 years following the imposition of sentence or, if the person is ordered imprisoned for the violation, the completion of the term of imprisonment. (ii) If the offense is a misdemeanor, for 1 year following the imposition of sentence or, if the person is ordered incarcerated for the violation, the completion of the term of incarceration. (b) The court may order the individual to reimburse the public community college, public college, or public university, or this state, or a local unit of government of this state for expenses incurred as a result of the riot, incitement to riot, unlawful assembly, or civil disorder. The amount shall be reasonable and shall not exceed the individual's pro rata share of the costs. Reimbursement under this section shall otherwise be made in the same manner as reimbursement is made under section 1f of this chapter. (2) If the prosecuting attorney or the attorney for a city, village, or township intends to seek an order under subsection (1), the prosecuting attorney or the attorney for that city, village, or township shall include on the complaint or information the following statement: "Take notice that if convicted, the defendant may be subject to the provisions of MCL 769.1g.". (3) The existence of the facts resulting in the issuance of an order under this section shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. (4) If a complaint or amended complaint is filed under this section after a plea but before sentencing, the defendant shall be given an opportunity to withdraw his or her plea before sentencing. (5) An order issued under this section shall not apply to any of the following: (a) Entering onto a public community college, public college, or public university campus to obtain medical treatment. (b) Traveling on a public highway situated on a public community college, public college, or public university campus for purposes of traveling to a location other than that public community college, public college, or public university. (6) If the individual is placed in the jurisdiction of the department of corrections for the violation, the court may request the parole board to prohibit the individual from

entering onto a public community college, public college, or public university campus in this state for 2 years as provided in subsection (1) as a condition of parole. (7) An order imposed under subsection (1) may be in addition to any other penalty or condition of probation imposed for the violation. (8) This section does not require any person to be convicted of riot, incitement to riot, unlawful assembly, or civil disorder. (9) As used in this section: (a) "Civil disorder" means conduct proscribed under section 528 or 528a of the Michigan penal code, 1931 PA 328, MCL 750.528 and 750.528a. (b) "Felony" means that term as defined in section 1 of chapter I. (c) "Incitement to riot" means conduct proscribed under section 2 of 1968 PA 302, MCL 752.542. (d) "Misdemeanor" means that term as defined in section 1 of chapter I. (e) "Riot" means conduct proscribed under section 1 of 1968 PA 302, MCL 752.541. (f) "Unlawful assembly" means conduct proscribed under section 3 of 1968 PA 302, MCL 752.543. History:Add. 2000, Act 51, Eff. June 1, 2000Compiler's Notes:For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.1h - Consecutive or Concurrent Sentence.

Sec. 1h. (1) A judgment of sentence committing an individual to the jurisdiction of the department of corrections shall specify whether the sentence is to run consecutively to or concurrently with any other sentence the defendant is or will be serving, as provided by law. (2) Upon sentencing a defendant, the court shall provide a copy of the judgment of sentence to the prosecuting attorney, the defendant, and the defendant's counsel. (3) The prosecuting attorney or the defendant's counsel, or the defendant if he or she is not represented, may file an objection to the judgment of sentence on the issue of whether the sentence is to run consecutively to or concurrent with any other sentence the defendant is or will be serving. The court shall promptly hold a hearing on any objection filed. The procedure for reviewing a judgment of sentence provided in this subsection is in addition to any other review procedure authorized by statute or court rule. History:Add. 2000, Act 220, Eff. Oct. 1, 2000

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.1j - Court Ordered Fine, Costs, or Assessments; Minimum Amounts; Definitions.

Sec. 1j. (1) Beginning October 1, 2003, if the court orders a person convicted of an offense to pay any combination of a fine, costs, or applicable assessments, the court shall order that the person pay costs of not less than the following amount, as applicable: (a) $68.00, if the defendant is convicted of a felony. (b) $50.00, if the defendant is convicted of a misdemeanor or ordinance violation. (2) Of the costs ordered to be paid by a person convicted of an offense, the clerk shall pay to the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181, the applicable amount specified as a minimum cost under subsection (1). (3) Payment of the minimum state cost is a condition of probation under chapter XI of this act. (4) If a defendant who is ordered to pay a minimum state cost under subsection (1) posts a cash bond or bail deposit in connection with the case, the court shall order that the minimum state cost be collected out of the bond or deposit as provided in section 15 of chapter V of this act or section 6 or 7 of 1966 PA 257, MCL 780.66 and 780.67. (5) If a defendant who is ordered to pay a minimum state cost under this section is subject to any combination of fines, costs, restitution, assessments, or payments arising out of the same criminal prosecution, money collected from that person for the payment of fines, costs, restitution, assessments, or other payments shall be allocated as provided in section 22 of chapter XV. A fine imposed for a felony, misdemeanor, or ordinance violation shall not be waived unless costs, other than the minimum cost ordered under subsection (2), are waived. (6) On the last day of each month, the clerk of the court shall transmit the minimum state cost or portions of minimum state cost collected under this section to the department of treasury for deposit in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. (7) As used in this section: (a) "Felony" means a violation of a penal law of this state for which the offender may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony. (b) "Minimum state cost" means the applicable minimum cost to be ordered for a conviction under subsection (1). History:Add. 2003, Act 70, Eff. Oct. 1, 2003 ;-- Am. 2008, Act 547, Eff. Apr. 1, 2009 ;-- Am. 2011, Act 293, Eff. Apr. 1, 2012

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.1k - Imposition of Fine, Cost, or Assessment; Availability of Information to Defendant; Reports; Nonpayment of Costs.

Sec. 1k. (1) If a defendant enters a plea of guilty or nolo contendere or if the court determines after a hearing or trial that the defendant is guilty, both of the following apply at the time of the sentencing or at the time entry of judgment of guilt is deferred by statute or sentencing is delayed by statute: (a) The court shall impose the minimum state costs as set forth in section 1j of this chapter. (b) The court may impose any or all of the following: (i) Any fine authorized by the statute for a violation of which the defendant entered a plea of guilty or nolo contendere or the court determined that the defendant was guilty. (ii) Any cost authorized by the statute for a violation of which the defendant entered a plea of guilty or nolo contendere or the court determined that the defendant was guilty. (iii) Until December 31, 2026, any cost reasonably related to the actual costs incurred by the trial court without separately calculating those costs involved in the particular case, including, but not limited to, the following: (A) Salaries and benefits for relevant court personnel. (B) Goods and services necessary for the operation of the court. (C) Necessary expenses

for the operation and maintenance of court buildings and facilities. (iv) The expenses of providing legal assistance to the defendant. (v) Any assessment authorized by law. (vi) Reimbursement under section 1f of this chapter. (2) In addition to any fine, cost, or assessment imposed under subsection (1), the court may order the defendant to pay any additional costs incurred in compelling the defendant's appearance. (3) Subsections (1) and (2) apply even if the defendant is placed on probation, probation is revoked, or the defendant is discharged from probation. (4) The court may require the defendant to pay any fine, cost, or assessment ordered to be paid under this section by wage assignment. (5) The court may provide for the amounts imposed under this section to be collected at any time. (6) Except as otherwise provided by law, the court may apply payments received on behalf of a defendant that exceed the total of any fine, cost, fee, or other assessment imposed in the case to any fine, cost, fee, or assessment that the same defendant owes in any other case. (7) The court shall make available to a defendant information about any fine, cost, or assessment imposed under subsection (1), including information about any cost imposed under subsection (1)(b)(iii). However, the information is not required to include the calculation of the costs involved in a particular case. (8) If the court imposes any cost under subsection (1)(b)(iii), no later than March 31 of each year the clerk of the court shall transmit a report to the state court administrative office in a manner prescribed by the state court administrative office that contains all of the following information for the previous calendar year: (a) The name of the court. (b) The total number of cases in which costs under subsection (1)(b)(iii) were imposed by that court. (c) The total amount of costs that were imposed by that court under subsection (1)(b)(iii). (d) The total amount of costs imposed under subsection (1)(b)(iii) that were collected by that court. (9) No later than July 1 of each year, the state court administrative office shall compile all data submitted under subsection (8) during the preceding calendar year and submit a written report to the governor, the secretary of the senate, and the clerk of the house of representatives. The report described in this subsection must be made available to the public by the secretary of the senate and the clerk of the house of representatives. (10) A defendant must not be imprisoned, jailed, or incarcerated for the nonpayment of costs ordered under this section unless the court determines that the defendant has the resources to pay the ordered costs and has not made a good-faith effort to do so. History:Add. 2005, Act 316, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007 ;-- Am. 2014, Act 352, Imd. Eff. Oct. 17, 2014 ;-- Am. 2017, Act 64, Imd. Eff. June 30, 2017 ;-- Am. 2020, Act 151, Imd. Eff. Sept. 17, 2020 ;-- Am. 2022, Act 199, Imd. Eff. Oct. 7, 2022 ;-- Am. 2024, Act 38, Imd. Eff. Apr. 30, 2024Compiler's Notes:Enacting section 1 of Act 352 of 2014 provides:"Enacting section 1. This amendatory act applies to all fines, costs, and assessments ordered or assessed under section 1k of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1k, before June 18, 2014, and after the effective date of this amendatory act."Enacting section 2 of Act 352 of 2014 provides:"Enacting section 2. This amendatory act is a curative measure that addresses the authority of courts to impose costs under section 1k of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1k, before the issuance of the supreme court opinion in People v Cunningham, 496 Mich 145 (2014)."

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Sec. 1l. If a prisoner under the jurisdiction of the department of corrections has been ordered to pay any sum of money as described in section 1k and the department of corrections receives an order from the court on a form prescribed by the state court administrative office, the department of corrections shall deduct 50% of the funds received by the prisoner in a month over $50.00 and promptly forward a payment to the court as provided in the order when the amount exceeds $100.00, or the entire amount if the prisoner is paroled, is transferred to community programs, or is discharged on the maximum sentence. The department of corrections shall give an order of restitution under section 20h of the corrections code of 1953, 1953 PA 232, MCL 791.220h, or the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, priority over an order received under this section. History:Add. 2005, Act 325, Eff. Jan. 1, 2006

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Sec. 24. Whenever, in any criminal case, the defendant shall be adjudged guilty and a punishment by fine or imprisonment shall be imposed in excess of that allowed by law, the judgment shall not for that reason alone be judged altogether void, nor be wholly reversed and annulled by any court of review, but the same shall be valid and effectual to the extent of the lawful penalty, and shall only be reversed or annulled on writ of error or otherwise, in respect to the unlawful excess. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17352 ;-- CL 1948, 769.24Former Law:See Act 170 of 1867, being CL 1871, § 7998; How., § 9614; CL 1897, § 11984; and CL 1915, § 15857.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.25 - Criminal Defendant Less Than 18 Years; Circumstances; Imprisonment for Life Without Possibility of Parole; Violations; Motion; Response; Hearing; Record; Sentence.

Sec. 25. (1) This section applies to a criminal defendant who was less than 18 years of age at the time he or she committed an offense described in subsection (2) if either of the following circumstances exists: (a) The defendant is convicted of the offense on or after the effective date of the amendatory act that added this section. (b) The defendant was convicted of the offense before the

effective date of the amendatory act that added this section and either of the following applies: (i) The case is still pending in the trial court or the applicable time periods for direct appellate review by state or federal courts have not expired. (ii) On June 25, 2012 the case was pending in the trial court or the applicable time periods for direct appellate review by state or federal courts had not expired. (2) The prosecuting attorney may file a motion under this section to sentence a defendant described in subsection (1) to imprisonment for life without the possibility of parole if the individual is or was convicted of any of the following violations: (a) A violation of section 17764(7) of the public health code, 1978 PA 368, MCL 333.17764. (b) A violation of section 16(5), 18(7), 316, 436(2)(e), or 543f of the Michigan penal code, 1931 PA 328, MCL 750.16, 750.18, 750.316, 750.436, and 750.543f. (c) A violation of chapter XXXIII of the Michigan penal code, 1931 PA 328, MCL 750.200 to 750.212a. (d) Any violation of law involving the death of another person for which parole eligibility is expressly denied under state law. (3) If the prosecuting attorney intends to seek a sentence of imprisonment for life without the possibility of parole for a case described in subsection (1)(a), the prosecuting attorney shall file the motion within 21 days after the defendant is convicted of that violation. If the prosecuting attorney intends to seek a sentence of imprisonment for life without the possibility of parole for a case described under subsection (1)(b), the prosecuting attorney shall file the motion within 90 days after the effective date of the amendatory act that added this section. The motion shall specify the grounds on which the prosecuting attorney is requesting the court to impose a sentence of imprisonment for life without the possibility of parole. (4) If the prosecuting attorney does not file a motion under subsection (3) within the time periods provided for in that subsection, the court shall sentence the defendant to a term of years as provided in subsection (9). (5) If the prosecuting attorney files a motion under subsection (2) requesting that the individual be sentenced to imprisonment for life without parole eligibility, the individual shall file a response to the prosecution's motion within 14 days after receiving notice of the motion. (6) If the prosecuting attorney files a motion under subsection (2), the court shall conduct a hearing on the motion as part of the sentencing process. At the hearing, the trial court shall consider the factors listed in Miller v Alabama, 576 US_____; 183 L Ed 2d 407; 132 S Ct 2455 (2012), and may consider any other criteria relevant to its decision, including the individual's record while incarcerated. (7) At the hearing under subsection (6), the court shall specify on the record the aggravating and mitigating circumstances considered by the court and the court's reasons supporting the sentence imposed. The court may consider evidence presented at trial together with any evidence presented at the sentencing hearing. (8) Each victim shall be afforded the right under section 15 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.765, to appear before the court and make an oral impact statement at any sentencing or resentencing of the defendant under this section. (9) If the court decides not to sentence the individual to imprisonment for life without parole eligibility, the court shall sentence the individual to a term of imprisonment for which the maximum term shall be not less than 60 years and the minimum term shall be not less than 25 years or more than 40 years. (10) A defendant who is sentenced under this section shall be given credit for time already served but shall not receive any good time credits, special good time credits, disciplinary credits, or any other credits that reduce the defendant's minimum or maximum sentence. History:Add. 2014, Act 22, Imd. Eff. Mar. 4, 2014Compiler's Notes:Former MCL 769.25, which pertained to authorized imprisonment in reformatory at Ionia or Detroit house of correction instead of state prison of any male person convicted for first time of any offense other than rape, murder, or treason, was repealed by Act 256 of 1964, Eff. Aug. 28, 1964.

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Sec. 25a. (1) Except as otherwise provided in subsections (2) and (3), the procedures set forth in section 25 of this chapter do not apply to any case that is final for purposes of appeal on or before June 24, 2012. A case is final for purposes of appeal under this section if any of the following apply: (a) The time for filing an appeal in the state court of appeals has expired. (b) The application for leave to appeal is filed in the state supreme court and is denied or a timely filed motion for rehearing is denied. (c) If the state supreme court has granted leave to appeal, after the court renders its decision or after a timely filed motion for rehearing is denied. (2) If the state supreme court or the United States supreme court finds that the decision of the United States supreme court in Miller v Alabama, 576 US ___; 183 L Ed 2d 407; 132 S Ct 2455 (2012), applies retroactively to all defendants who were under the age of 18 at the time of their crimes, and that decision is final for appellate purposes, the determination of whether a sentence of imprisonment for a violation set forth in section 25(2) of this chapter shall be imprisonment for life without parole eligibility or a term of years as set forth in section 25(9) of this chapter shall be made by the sentencing judge or his or her successor as provided in this section. For purposes of this subsection, a decision of the state supreme court is final when either the United States supreme court denies a petition for certiorari challenging the decision or the time for filing that petition passes without a petition being filed. (3) If the state supreme court or the United States supreme court finds that the decision of the United States supreme court in Miller v Alabama, 576 US ___; 183 L Ed 2d 407; 132 S Ct 2455 (2012), applies retroactively to all defendants who were convicted of felony murder under section 316(1)(b) of the Michigan penal code, 1931 PA 328, MCL 750.316, and who were under the age of 18 at the time of their crimes, and that the decision is final for appellate purposes, the determination of whether a sentence of imprisonment shall be imprisonment for life without parole eligibility or a term of years as set forth in section 25(9) of this chapter shall be made by the sentencing judge or his or her successor as provided in this section. For purposes of this subsection, a decision of the state supreme court is final when either the United States supreme court denies a petition for certiorari challenging the decision with regard to the retroactive application of Miller v Alabama, 576 US___; 183 L Ed 2d 407; 132 S Ct 2455 (2012), to

defendants who committed felony murder and who were under the age of 18 at the time of their crimes, or when the time for filing that petition passes without a petition being filed. (4) The following procedures apply to cases described in subsections (2) and (3): (a) Within 30 days after the date the supreme court's decision becomes final, the prosecuting attorney shall provide a list of names to the chief circuit judge of that county of all defendants who are subject to the jurisdiction of that court and who must be resentenced under that decision. (b) Within 180 days after the date the supreme court's decision becomes final, the prosecuting attorney shall file motions for resentencing in all cases in which the prosecuting attorney will be requesting the court to impose a sentence of imprisonment for life without the possibility of parole. A hearing on the motion shall be conducted as provided in section 25 of this chapter. (c) If the prosecuting attorney does not file a motion under subdivision (b), the court shall sentence the individual to a term of imprisonment for which the maximum term shall be 60 years and the minimum term shall be not less than 25 years or more than 40 years. Each victim shall be afforded the right under section 15 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.765, to appear before the court and make an oral impact statement at any resentencing of the defendant under this subdivision. (5) Resentencing hearings under subsection (4) shall be held in the following order of priority: (a) Cases involving defendants who have served 20 or more years of imprisonment shall be held first. (b) Cases in which the prosecuting attorney has filed a motion requesting a sentence of imprisonment for life without the possibility of parole shall be held after cases described in subdivision (a) are held. (c) Cases other than those described in subdivisions (a) and (b) shall be held after the cases described in subdivisions (a) and (b) are held. (6) A defendant who is resentenced under subsection (4) shall be given credit for time already served, but shall not receive any good time credits, special good time credits, disciplinary credits, or any other credits that reduce the defendant's minimum or maximum sentence. History:Add. 2014, Act 22, Imd. Eff. Mar. 4, 2014

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Sec. 26. No judgment or verdict shall be set aside or reversed or a new trial be granted by any court of this state in any criminal case, on the ground of misdirection of the jury, or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless in the opinion of the court, after an examination of the entire cause, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17354 ;-- CL 1948, 769.26Former Law:See Act 89 of 1915, being CL 1915, § 14565.

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Sec. 27. If the court changes any sentence imposed under this act in any respect, the clerk of the court shall give written notice of the change to the prosecuting attorney, the defendant, and the defendant's counsel. The prosecuting attorney, the defendant's counsel, or the defendant may file an objection to the change. The court shall promptly hold a hearing on any objection filed. History:Add. 1935, Act 144, Eff. Sept. 21, 1935 ;-- CL 1948, 769.27 ;-- Am. 2000, Act 220, Eff. Oct. 1, 2000

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Sec. 28. Notwithstanding any provision of law to the contrary, if a person convicted of a crime or contempt of court is committed or sentenced to imprisonment for a maximum of 1 year or less, the commitment or sentence shall be to the county jail of the county in which the person was convicted and not to a state penal institution. This section does not apply to a juvenile placed on probation and committed to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, under section 1(3) or (4) of this chapter. History:Add. 1953, Act 119, Imd. Eff. May 25, 1953 ;-- Am. 1954, Act 32, Imd. Eff. Mar. 31, 1954 ;-- Am. 1955, Act 202, Imd. Eff. June 17, 1955 ;-- Am. 1985, Act 47, Imd. Eff. June 14, 1985 ;-- Am. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999Compiler's Notes:Section 3 of Act 78 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 181 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”

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Sec. 2a. (1) If a person is sentenced by a court to imprisonment, or is serving a sentence of imprisonment, for any of the following crimes, the person shall not be eligible for custodial incarceration outside a state correctional facility or a county jail: (a) Sections 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of the Michigan Compiled Laws. (b) Former section 520 of Act No. 328 of the Public Acts of 1931. (c) Murder in connection with sexual misconduct. (d) An attempt to commit a crime described in subdivision (a), (b),

or (c). (2) As used in this section, "state correctional facility" means a facility or institution which is maintained and operated, or contracted for, by the department of corrections, other than a community corrections center, halfway house, resident home, prison farm housing unit, camp, the Cassidy lake technical school, or the Michigan reformatory trustee division, located at Ionia. (3) A prisoner who receives a security classification waiver shall not be housed in a prison farm housing unit, or the Michigan reformatory trustee division located at Ionia. History:Add. 1953, Act 130, Eff. Oct. 2, 1953 ;-- Am. 1986, Act 110, Imd. Eff. May 23, 1986

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Sec. 3. (1) If a person is convicted of an offense punishable by a fine or imprisonment, or both, the court may impose a conditional sentence and order the person to pay a fine, with or without the costs of prosecution, and restitution as provided under section 1a of this chapter or the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, within a limited time stated in the sentence and, in default of payment, sentence the person as provided by law. (2) Except for a person who is convicted of criminal sexual conduct in the first or third degree, the court may also place the offender on probation with the condition that the offender pay a fine, costs, damages, restitution, or any combination in installments with any limited time and may, upon default in any of those payments, impose sentence as provided by law. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17331 ;-- CL 1948, 769.3 ;-- Am. 1982, Act 470, Eff. Mar. 30, 1983 ;-- Am. 1998, Act 231, Imd. Eff. July 3, 1998Former Law:See section 2 of Ch. 163 of R.S. 1846, being CL 1857, § 6101; CL 1871, § 7985; How., § 9601; CL 1897, § 11971; and CL 1915, § 15844.

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Sec. 31. As used in this section and section 34 of this chapter: (a) "Departure" means a sentence imposed that is not within the appropriate minimum sentence range established under the sentencing guidelines set forth in chapter XVII. (b) "Intermediate sanction" means probation or any sanction, other than imprisonment in a county jail, state prison, or state reformatory, that may lawfully be imposed. Intermediate sanction includes, but is not limited to, 1 or more of the following: (i) Inpatient or outpatient drug treatment or participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1082. (ii) Probation with any probation conditions required or authorized by law. (iii) Residential probation. (iv) Probation with special alternative incarceration. (v) Mental health treatment. (vi) Mental health or substance abuse counseling. (vii) Participation in a community corrections program. (viii)Community service. (ix) Payment of a fine. (x) House arrest. (xi) Electronic monitoring. (c) "Offender characteristics" means only the prior criminal record of an offender. (d) "Offense characteristics" means the elements of the crime and the aggravating and mitigating factors relating to the offense that the legislature determines are appropriate. For purposes of this subdivision, an offense described in section 33b of the corrections code of 1953, 1953 PA 232, MCL 791.233b, that resulted in a conviction and that arose out of the same transaction as the offense for which the sentencing guidelines are being scored shall be considered as an aggravating factor. (e) "Prior criminal record" means all of the following: (i) Misdemeanor and felony convictions. (ii) Probation and parole violations involving criminal activity. (iii) Dispositions entered under section 18 of chapter XIIA of 1939 PA 288, MCL 712A.18, for acts that would have been crimes if committed by an adult. (iv) Assignment to youthful trainee status under sections 11 to 15 of chapter II. (v) A conviction set aside under 1965 PA 213, MCL 780.621 to 780.624. (vi) Dispositions described in subparagraph (iii) that have been set aside under section 18e of chapter XIIA of 1939 PA 288, MCL 712A.18e, or expunged. History:Add. 1994, Act 445, Imd. Eff. Jan. 10, 1995 ;-- Am. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2002, Act 31, Eff. Apr. 1, 2002 ;-- Am. 2004, Act 220, Eff. Jan. 1, 2005 ;-- Am. 2020, Act 395, Eff. Mar. 24, 2021

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Sec. 34. (1) The sentencing guidelines promulgated by order of the Michigan supreme court do not apply to felonies enumerated in part 2 of chapter XVII committed on or after January 1, 1999. (2) Except as otherwise provided in this subsection or for a departure from the appropriate minimum sentence range provided for under subsection (3), the minimum sentence imposed by a court of this state for a felony enumerated in part 2 of chapter XVII committed on or after January 1, 1999 may be within the appropriate sentence range under the version of those sentencing guidelines in effect on the date the crime was committed. Both of the following apply to minimum sentences under this subsection: (a) If a statute mandates a minimum sentence for an individual sentenced to the jurisdiction of the department of corrections, the court shall impose a sentence in accordance with that statute. Imposing a mandatory minimum sentence is not a departure under this section. If a statute mandates a minimum sentence for an individual sentenced to the jurisdiction of the department of corrections and the statute authorizes the sentencing judge to depart from that minimum sentence, imposing a sentence that exceeds the recommended sentence range but is less than the mandatory minimum sentence is not a departure under this section. If the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, mandates a minimum sentence for an individual sentenced to the jurisdiction of the department of corrections and the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, authorizes the sentencing judge to impose a sentence that is less than that minimum sentence, imposing a sentence that exceeds the recommended sentence range but is less than the mandatory minimum sentence is not a departure under this section. (b) The court shall not impose a minimum sentence, including a departure, that exceeds 2/3 of the

statutory maximum sentence. (3) A court may depart from the appropriate sentence range established under the sentencing guidelines set forth in chapter XVII if the departure is reasonable and the court states on the record the reasons for departure. All of the following apply to a departure: (a) The court shall not use an individual's gender, race, ethnicity, alienage, national origin, legal occupation, lack of employment, representation by appointed legal counsel, representation by retained legal counsel, appearance in propria persona, or religion to depart from the appropriate sentence range. (b) The court shall not base a departure on an offense characteristic or offender characteristic already taken into account in determining the appropriate sentence range unless the court finds from the facts contained in the court record, including the presentence investigation report, that the characteristic has been given inadequate or disproportionate weight. (4) Intermediate sanctions must be imposed under this chapter as follows: (a) If the upper limit of the recommended minimum sentence range for a defendant determined under the sentencing guidelines set forth in chapter XVII is 18 months or less, the court shall impose an intermediate sanction unless the court states on the record reasonable grounds to sentence the individual to incarceration in a county jail for not more than 12 months or to the jurisdiction of the department of corrections for any sentence over 12 months. (b) If an attempt to commit a felony designated in offense class H in part 2 of chapter XVII is punishable by imprisonment for more than 1 year, the court shall impose an intermediate sanction upon conviction of that offense absent a departure. (c) If the upper limit of the recommended minimum sentence exceeds 18 months and the lower limit of the recommended minimum sentence is 12 months or less, the court shall sentence the offender as follows absent a departure: (i) To imprisonment with a minimum term within that range. (ii) To an intermediate sanction with or without a term of jail incarceration of not more than 12 months. (5) If a crime has a mandatory determinant penalty or a mandatory penalty of life imprisonment, the court shall impose that penalty. This section does not apply to sentencing for that crime. (6) As part of the sentence, the court may also order the defendant to pay any combination of a fine, costs, or applicable assessments. The court shall order payment of restitution as provided by law. (7) If the trial court imposes on a defendant a minimum sentence that is longer or more severe than the appropriate sentence range, as part of the court's advice of the defendant's rights concerning appeal, the court shall advise the defendant orally and in writing that he or she may appeal the sentence as provided by law on grounds that it is longer or more severe than the appropriate sentence range. (8) All of the following must be part of the record filed for an appeal of a sentence under this section: (a) An entire record of the sentencing proceedings. (b) The presentence investigation report. Any portion of the presentence investigation report exempt from disclosure by law is not a public record. (c) Any other reports or documents the sentencing court used in imposing sentence. (9) An appeal of a sentence under this section does not stay execution of the sentence. (10) If a minimum sentence is within the appropriate guidelines sentence range, the court of appeals shall affirm that sentence and shall not remand for resentencing absent an error in scoring the sentencing guidelines or inaccurate information relied upon in determining the defendant's sentence. A party shall not raise on appeal an issue challenging the scoring of the sentencing guidelines or challenging the accuracy of information relied upon in determining a sentence that is within the appropriate guidelines sentence range unless the party has raised the issue at sentencing, in a proper motion for resentencing, or in a proper motion to remand filed in the court of appeals. (11) Time served on the sentence appealed under this section is considered time served on any sentence imposed after remand. History:Add. 1994, Act 445, Eff. Dec. 15, 1998 ;-- Am. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 227, Imd. Eff. Dec. 28, 1999 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 666, Eff. Mar. 1, 2003 ;-- Am. 2020, Act 395, Eff. Mar. 24, 2021

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Sec. 35. The department of corrections shall operate a jail reimbursement program that provides funding to counties for housing offenders in county jails who otherwise would have been sentenced to prison. The criteria for reimbursement, including but not limited to criteria for determining those offenders who otherwise would have been sentenced to prison, and the rate of reimbursement shall be established in the annual appropriations acts for the department of corrections. History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 36. (1) A person may be charged with and convicted of any of the following for each death arising out of the same criminal transaction, and the court may order the terms of imprisonment to be served consecutively to each other: (a) Section 602a(5), 617(3), 625(4), or 904(4) of the Michigan vehicle code, 1949 PA 300, MCL 257.602a, 257.617, 257.625, and 257.904. (b) Section 317 or 321 of the Michigan penal code, 1931 PA 328, MCL 750.317 and 750.321, where death results from the operation of a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive, or section 479a(5) of the Michigan penal code, 1931 PA 328, MCL 750.479a. (c) Section 80176(4), 81134(7), or 82127(4) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127. (d) Section 185(4) of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.185. (e) Section 353(6) of the railroad code of 1993, 1993 PA 354, MCL 462.353. (2) As used in this section: (a) "Aircraft" means that term as defined in section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2. (b) "ORV" means that term as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101. (c)

"Snowmobile" means that term as defined in section 82101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101. (d) "Vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79. (e) "Vessel" means that term as defined in section 80104 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80104. History:Add. 2001, Act 246, Eff. Mar. 1, 2002 ;-- Am. 2002, Act 659, Eff. Apr. 1, 2003

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Sec. 4. The person against whom any such conditional sentence shall be awarded, shall be forthwith committed to the custody of an officer in court or to the county jail, to be detained until the sentence be complied with; and if he shall not pay the fine within the time limited, the sheriff shall cause the other part of the sentence to be executed forthwith. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17332 ;-- CL 1948, 769.4Former Law:See section 3 of Ch. 163 of R.S. 1846, being CL 1857, § 6102; CL 1871, § 7986; How., § 9602; CL 1897, § 11972; and CL 1915, § 15845.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-IX - Chapter IX Judgment and Sentence (769.1...769.36)Section 769.4a - Assault on Spouse, Former Spouse, Individual With Child in Common, Dating Relationship, or Household Resident; Plea or Finding of Guilty; Deferral of Proceedings; Order of Probation; Previous Convictions; Adjudication of Guilt Upon Violation of Probation; Mandatory Counseling Program; Costs; Circumstances for Entering Adjudication of Guilt; Discharge and Dismissal; Limitation; Court Proceedings Open to Public; Retention of Nonpublic Record by Department of State Police; Definitions.

Sec. 4a. (1) When an individual who has not been convicted previously of an assaultive crime pleads guilty to, or is found guilty of, a violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, and the victim of the assault is the offender's spouse or former spouse, an individual who has had a child in common with the offender, an individual who has or has had a dating relationship with the offender, or an individual residing or having resided in the same household as the offender, the court, without entering a judgment of guilt and with the consent of the accused and of the prosecuting attorney in consultation with the victim, may defer further proceedings and place the accused on probation as provided in this section. However, before deferring proceedings under this subsection, the court shall contact the department of state police and determine whether, according to the records of the department of state police, the accused has previously been convicted of an assaultive crime or has previously had proceedings deferred under this section. If the search of the records reveals an arrest for an assaultive crime but no disposition, the court shall contact the arresting agency and the court that had jurisdiction over the violation to determine the disposition of that arrest for purposes of this section. (2) Upon a violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided in this chapter. (3) An order of probation entered under subsection (1) may include any condition of probation authorized under section 3 of chapter XI, including, but not limited to, requiring the accused to participate in a mandatory counseling program. The court may order the accused to pay the reasonable costs of the mandatory counseling program. The court also may order the accused to participate in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1088. The court may order the defendant to be imprisoned for not more than 12 months at the time or intervals, which may be consecutive or nonconsecutive and within the period of probation, as the court determines. However, the period of imprisonment must not exceed the maximum period of imprisonment authorized for the offense if the maximum period is less than 12 months. The court may permit day parole as authorized under 1962 PA 60, MCL 801.251 to 801.258. The court may permit a work or school release from jail. (4) The court shall enter an adjudication of guilt and proceed as otherwise provided in this chapter if any of the following circumstances exist: (a) The accused commits an assaultive crime during the period of probation. (b) The accused violates an order of the court that the accused receive counseling regarding the accused's violent behavior. (c) The accused violates an order of the court that the accused have no contact with a named individual. (5) Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this section must be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, but it is a prior conviction in a prosecution under sections 81(4) and (5) and 81a(3) of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a. There must be only 1 discharge and dismissal under this section with respect to any individual. (6) All court proceedings under this section must be open to the public. Except as provided in subsection (7), if the record of proceedings as to the defendant is deferred under this section, the record of proceedings during the period of deferral must be closed to public inspection. (7) Unless the court enters a judgment of guilt under this section, the department of state police shall retain a nonpublic record of the arrest, court proceedings, and disposition of the criminal charge under this section. However, the nonpublic record must be open to the following individuals and entities for the purposes noted: (a) The courts of this state, law enforcement personnel, the department of corrections, and prosecuting attorneys for use only in the performance of their duties or to determine whether an employee of the court, law enforcement agency, department of corrections, or prosecutor's office has violated the conditions of employment or whether an applicant meets criteria for employment with the court, law enforcement agency, department of corrections, or prosecutor's office. (b) The courts of this state, law enforcement personnel, and prosecuting attorneys for either of the following purposes: (i) Showing that a defendant in a criminal action under section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or

a local ordinance substantially corresponding to section 81 of that act has already once had proceedings deferred under this section. (ii) Determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under section 1076(5) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1076. (c) The department of health and human services for enforcing child protection laws and vulnerable adult protection laws or ascertaining the preemployment criminal history of any individual who will be engaged in the enforcement of child protection laws or vulnerable adult protection laws. (8) As used in this section: (a) "Assaultive crime" means 1 or more of the following: (i) That term as defined in section 9a of chapter X. (ii) A violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90g. (iii) A violation of a law of another state or of a local ordinance of a political subdivision of this state or of another state substantially corresponding to a violation described in subparagraph (i) or (ii). (b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. History:Add. 1978, Act 353, Imd. Eff. July 14, 1978 ;-- Am. 1980, Act 471, Eff. Mar. 31, 1981 ;-- Am. 1994, Act 68, Eff. July 1, 1994 ;-- Am. 2001, Act 208, Eff. Apr. 1, 2002 ;-- Am. 2004, Act 220, Eff. Jan. 1, 2005 ;-- Am. 2006, Act 663, Imd. Eff. Jan. 10, 2007 ;-- Am. 2012, Act 364, Eff. Apr. 1, 2013 ;-- Am. 2012, Act 550, Eff. Apr. 1, 2013 ;-- Am. 2013, Act 222, Eff. Jan. 1, 2014 ;-- Am. 2019, Act 115, Eff. Feb. 6, 2020 ;-- Am. 2023, Act 208, Eff. Feb. 13, 2024

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Sec. 5. (1) Subject to subsection (3), if a statute provides that an offense is punishable by imprisonment and a fine, the court may impose imprisonment without the fine or the fine without imprisonment. (2) Subject to subsection (3), if a statute provides that an offense is punishable by fine or imprisonment, the court may impose both the fine and imprisonment in its discretion. (3) There is a rebuttable presumption that the court shall sentence an individual convicted of a misdemeanor, other than a serious misdemeanor, with a fine, community service, or other nonjail or nonprobation sentence. (4) The court may depart from the presumption under subsection (3) if the court finds reasonable grounds for the departure and states on the record the grounds for the departure. (5) If the court finds that the sentenced person has not complied with his or her sentence, including a nonjail or nonprobation sentence, the court may issue an order for the person to show cause why he or she should not be held in contempt of court for not complying with the sentence. If the court finds the person in contempt, it may impose an additional sentence, including jail or probation if appropriate. (6) If the finding of contempt of court under subsection (5) is for nonpayment of fines, costs, or other legal financial obligations, the court must find on the record that the person is able to comply with the payments without manifest hardship, and that the person has not made a good-faith effort to do so, before imposing an additional sentence. (7) As used in this section, "serious misdemeanor" means that term as defined in section 61 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.811. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17333 ;-- CL 1948, 769.5 ;-- Am. 2015, Act 216, Eff. Mar. 14, 2016 ;-- Am. 2020, Act 395, Eff. Mar. 24, 2021Former Law:See Act 115 of 1839; and Sec. 4 of Ch. 163 of R.S. 1846, being CL 1857, § 6103; CL 1871, § 7987; How., § 9603; CL 1897, § 11973; CL 1915, § 15846.

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Sec. 6. Every court before whom any person shall be convicted upon an indictment for any offense not punishable with death or by imprisonment in the state prison may, in addition to the punishment prescribed by law, require such person to recognize with sufficient sureties in a reasonable sum, to keep the peace or to be of good behavior, or both, for any time not exceeding 2 years and to stand committed until he shall so recognize. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17334 ;-- CL 1948, 769.6Former Law:See section 5 of Ch. 163 of R.S. 1846, being 1857, § 6104; CL 1871, § 7988; How., § 9604; CL 1897, § 11974; and CL 1915, § 15847.

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Sec. 7. In case of a breach of the condition of any such recognizance the same proceedings shall be had as are prescribed in relation to recognizances to keep the peace in other cases. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17335 ;-- CL 1948, 769.7Former Law:See section 6 of Ch. 163 of R.S. 1846, being CL 1857, § 6105; CL 1871, § 7989; How., § 9605; CL 1897, § 11975; and CL 1915, § 15848.

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Sec. 8. (1) When a person is convicted for the first time for committing a felony and the punishment prescribed by law for that offense may be imprisonment in a state prison, the court imposing sentence shall not fix a definite term of imprisonment, but shall fix a minimum term, except as otherwise provided in this chapter. The maximum penalty provided by law shall be the maximum sentence in all cases except as provided in this chapter and shall be stated by the judge in imposing the sentence. (2) Before or at the time of imposing sentence, the judge shall ascertain by examining the defendant under oath, or otherwise, and by other evidence as can be obtained tending to indicate briefly the causes of the defendant's criminal character or conduct, which facts and other facts that appear to be pertinent in the case the judge shall cause to be entered upon the minutes of the court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17336 ;-- CL 1948, 769.8 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1994, Act 322, Eff. (pending) ;-- Am. 1998, Act 317, Eff. Dec. 15, 1998Former Law:See section 1 of Act 184 of 1905, being CL 1915, § 15859; and Act 259 of 1921.

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Sec. 9. (1) The provisions of this chapter relative to indeterminate sentences shall not apply to a person convicted for the commission of an offense for which the only punishment prescribed by law is imprisonment for life. (2) In all cases where the maximum sentence in the discretion of the court may be imprisonment for life or any number or term of years, the court may impose a sentence for life or may impose a sentence for any term of years. If the sentence imposed by the court is for any term of years, the court shall fix both the minimum and the maximum of that sentence in terms of years or fraction thereof, and sentences so imposed shall be considered indeterminate sentences. The court shall not impose a sentence in which the maximum penalty is life imprisonment with a minimum for a term of years included in the same sentence. (3) In cases involving a major controlled substance offense for which the court is directed by law to impose a sentence which cannot be less than a specified term of years nor more than a specified term of years, the court in imposing the sentence shall fix the length of both the minimum and maximum sentence within those specified limits, in terms of years or fraction thereof, and the sentence so imposed shall be considered an indeterminate sentence. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17337 ;-- CL 1948, 769.9 ;-- Am. 1957, Act 193, Eff. Sept. 27, 1957 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978Former Law:See section 3 of Act 184 of 1905, being CL 1915, § 15861; and Act 259 of 1921.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-TITLE-AND-CONSTRUCTION - Title and Construction (760.1...760.2)Section 760.1 - Code of Criminal Procedure; Short Title.

Sec. 1. This act shall be known and may be cited as "The Code of Criminal Procedure". History:1927, Act 175, Eff. Sept. 5, 1927 ;-- Am. 1929, Act 47, Eff. Aug. 28, 1929 ;-- CL 1929, 17116 ;-- CL 1948, 760.1

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Sec. 2. This act is hereby declared to be remedial in character and as such shall be liberally construed to effectuate the intents and purposes thereof. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17117 ;-- CL 1948, 760.2

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Sec. 1. (1) A judge of the circuit court, of the recorder's court of the city of Detroit, of the traffic and ordinance division of the recorder's court of the city of Detroit, of the district court, and of a municipal court, and a district court magistrate, shall have power to let an accused person brought before the judge or district court magistrate to bail pursuant to section 15 of article 1 of the state constitution of 1963 . (2) A recognizance for the appearance of an accused person may be taken and entered into by and before the clerks of the courts listed in subsection (1), subject to the direction of the court if the amount of bail has been set by the judge. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17163 ;-- CL 1948, 765.1 ;-- Am. 1951, Act 3, Imd. Eff. Mar. 6, 1951 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 26 of Ch. 163 of R.S. 1846, being CL 1857, § 6002; CL 1871, § 7868; How., § 9479; CL 1897, § 11863; CL 1915, § 15690; and Act 4 of 1858.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.12 - Deposit of Cash; Certified Check or Certain Securities in Lieu of Bond or Bail; Right.

Sec. 12. In any criminal cause or proceeding where bond or bail of any character is required or permitted for any purpose, the party or parties required or permitted to furnish such bail or bond may deposit, in lieu thereof, in the manner herein provided, cash,

certified check on any state or national bank in this state, obligations of the United States government negotiable by delivery or bonds of any municipality of this state negotiable by delivery, equal in amount to the amount of the bond or bail so required or permitted. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17174 ;-- CL 1948, 765.12Former Law:See section 1 of Act 332 of 1919.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.12a - Money Collected in Addition to Bail or Bond Money; Disposition; Purpose.

Sec. 12a. (1) A law enforcement agency that obtains bail or bond money from or on behalf of a person arrested pursuant to a warrant issued by a court may collect, in addition to the bail or bond money, an amount not more than $10.00 from the person arrested or from another person on behalf of the person arrested. (2) A law enforcement agency collecting the amount of money under subsection (1) shall promptly deposit the money into an account created for that purpose in the treasury of the law enforcement agency's governing body. (3) The money in the account created under subsection (2) may be expended by the governing body to defray the expense of receiving, depositing, and delivering bail or bond money. History:Add. 2002, Act 631, Imd. Eff. Dec. 23, 2002

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Sec. 13. Such cash, check or security shall be deposited with the clerk of the court, if under bond, or with the treasurer of the county, city, village or township within which the bail or bond is to be furnished or, in any case, with the state treasurer. Such treasurer or clerk shall accept such cash, check or security and deliver to the depositor thereof a receipt, in duplicate, reciting the fact and purpose of such deposit. In case such bail or bond be required after the office hours of the treasurer or clerk with whom the deposit should be made, such deposit may be made with the officer who has the function of approving the bond or bail or with the sheriff of the county or his deputy in charge of the county jail or sheriff's office, who shall accept the same, give duplicate receipts therefor and cause the cash, check or security to be delivered to the proper treasurer or clerk within 48 hours thereafter. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17175 ;-- CL 1948, 765.13 ;-- Am. 1970, Act 78, Imd. Eff. July 16, 1970Former Law:See section 4 of Act 332 of 1919.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.14 - Deposit of Cash; Filing Duplicate Receipts in Court, Effect.

Sec. 14. The filing of 1 of such duplicate receipts in the court in which such bond or bail is required or permitted to be filed shall have the same effect as the furnishing of such bond or bail and shall be taken and given effect by such court and its officers in lieu of such bond or bail. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17176 ;-- CL 1948, 765.14Former Law:See section 3 of Act 332 of 1919.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.15 - Bail; Cash, Check, or Security; Disposition Upon Forfeiture or Discharge of Bond or Bail.

Sec. 15. (1) If bond or bail is forfeited, the court shall enter an order upon its records directing the disposition of the cash, check, or security within 45 days of the order. The treasurer or clerk, upon presentation of a certified copy of such order, shall dispose of the cash, check, or security pursuant to the order. The court shall set aside the forfeiture and discharge the bail or bond, within 1 year from the time of the forfeiture judgment, in accordance with subsection (2) if the person who forfeited bond or bail is apprehended, the ends of justice have not been thwarted, and the county has been repaid its costs for apprehending the person. (2) If bond or bail is discharged, the court shall enter an order with a statement of the amount to be returned to the depositor. If the court ordered the defendant to pay a fine, costs, restitution, assessment, or other payment, the court shall order the fine, costs, restitution, assessment, or other payment collected out of cash bond or bail personally deposited by the defendant under this chapter, and the cash bond or bail used for that purpose shall be allocated as provided in section 22 of chapter XV. Upon presentation of a certified copy of the order, the treasurer or clerk having the cash, check, or security shall pay or deliver it as provided in the order to the person named in the order or to that person's order. (3) If the cash, check, or security is in the hands of the sheriff or any officer other than the treasurer or clerk, the officer holding it shall dispose of the cash, check, or security as the court orders upon presentation of a certified copy of the court's order. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17177 ;-- CL 1948, 765.15 ;-- Am. 1970, Act 78, Imd. Eff. July 16, 1970 ;-- Am. 1970, Act 226, Eff. Apr. 1, 1970 ;-- Am. 1993, Act 343, Eff. May 1, 1994Former Law:See section 4 of Act 332 of 1919.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.16 - Subjection to Legal Process; Assignment.

Sec. 16. Cash, checks or securities deposited hereunder shall not be subject to garnishment or attachment. No assignment thereof shall be valid unless it be in writing, signed by the depositor, before 2 witnesses, acknowledged before an officer having authority to take the acknowledgment of deeds, and specifically stating the desired disposition of the whole of the deposit. An assignment made before the order of the court directing the disposition of such cash, check or security shall be contingent upon the discharge of the same and shall not be valid or effective unless and until it is filed with the court having jurisdiction to discharge the bond or bail. No assignment made after the order of the court discharging such bail or bond shall be valid unless it is indorsed upon or attached to the certified copy of the discharge order presented to the treasurer, clerk or officer having custody of the cash, check or security. In case 1 or more assignments be filed with the court before the order discharging the bail or bond, the court shall, in the order, determine the persons to whom such cash shall be paid or securities delivered. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17178 ;-- CL 1948, 765.16 ;-- Am. 1970, Act 78, Imd. Eff. July 16, 1970Former Law:See section 4 of Act 332 of 1919.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.17 - Deposit in Special Fund; Interest.

Sec. 17. Any cash or securities received by any treasurer or clerk under the provisions of this chapter shall be deposited in a special fund, or place of deposit subject to the order of the proper court. Any interest accumulating upon such fund shall be paid into the general fund or corresponding fund of the state, county, city, village or township according to the nature of the case or in accordance with the order of the proper court. When bonds or other securities are deposited the interest coupons shall not be detached therefrom but shall follow the disposition of the securities. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17179 ;-- CL 1948, 765.17 ;-- Am. 1970, Act 78, Imd. Eff. July 16, 1970Former Law:See section 5 of Act 332 of 1919.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.18 - Deposit of Cash; Redemption Before Forfeiture by Substitution of Bond.

Sec. 18. Any person, firm or corporation availing himself or itself of the provisions of this chapter may, at any time before forfeiture of the same, redeem any cash or securities so deposited by substituting the bond originally required or permitted. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17180 ;-- CL 1948, 765.18Former Law:See section 6 of Act 332 of 1919.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.20 - Administering Oath to Proposed Surety to Ascertain Financial Condition; Requiring Surety Upon Criminal Recognizance to Pledge Real Estate; Value of Surety's Interest in Real Estate; Executing Recognizance and Affidavit of Justification; Form; Deposition of Surety.

Sec. 20. (1) A judge listed in section 1(1) of this chapter or a district court magistrate may administer an oath to a proposed surety upon a recognizance given for the release of a person accused of a felony, misdemeanor, or ordinance violation, to ascertain his or her financial condition. A judge or district court magistrate may require a surety upon a criminal recognizance taken before the judge or magistrate, to pledge to the people of the state, real estate owned by the surety and located in the county in which the court is established. The value of the interest of the surety in the real estate shall be at least equal to the penal amount of the recognizance. If a pledge of real estate is required, the surety shall execute the usual form of recognizance and, in addition, there shall be included in the recognizance, as a part of the recognizance, an affidavit of justification in substantially the following form. The affidavit shall be executed by the proposed surety under an oath administered by the clerk, a district court magistrate, or a judge of the court.STATE OF MICHIGAN))ss.COUNTY OF)..... residing at..... who offers himself or herself as surety for..... being first duly sworn, deposes and says that he or she owns in his or her own right real estate subject to levy of execution located in the county of ..... state of Michigan, consisting of ..... and described as follows, to-wit: .....; that the title to the real estate is in his or her name only; that the value of the real estate is not less than $..... and is subject to no encumbrances whatever except ..... mortgage of $.....; that he or she is not surety upon any unpaid or forfeited recognizance and that he or she is not party to any unsatisfied judgment upon any recognizance; that he or she is worth in good property no less than $..... over and above all debts, liabilities, and lawful claims against him or her and all liens, encumbrances, and lawful claims against his or her property...Subscribed and sworn to before me this..day of .. 19___...Judge/district court magistrate/clerk of the court..county(2) The judge or district court magistrate, in addition to the affidavit, may require the proposed surety to depose under oath that he or she is not at the time of executing the recognizance and affidavit a surety upon another recognizance and that there are no unsatisfied judgments or executions against the proposed surety. The judge or district court magistrate may require the proposed surety to depose to any other fact which is relevant and material to a correct determination of the proposed surety's sufficiency to act as bail. However, a lien upon real estate shall not be required for a minor offense. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17182 ;-- CL 1948, 765.20 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 1 of Act 17 of 1926.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.21 - Surety on Recognizance; Attachment of Lien; Record Notice of Lien, Form, Effect.

Sec. 21. Upon the execution of any recognizance in the usual form and an affidavit of justification containing a description of real estate there shall immediately attach to the said real estate, described in said affidavit of justification, a lien in favor of the people of the state of Michigan in the penal amount of the recognizance, which lien shall remain in full force and effect during the time that said recognizance remains effective, or until the further order of said court. Upon the acceptance by any of the judges of any such court of a recognizance in the usual form containing the above described affidavit of justification, and description of real estate, the said recognizance shall be immediately filed with the clerk of such court. The clerk of such court shall forthwith upon the filing with him of said recognizance, record with the register of deeds of the county in which said real estate is located, a notice of lien in writing in substantially the following form:To Whom It May Concern:TAKE NOTICE that the hereinafter described real estate located in the county of ..... has been pledged for the sum of ..... dollars ($.....) to the people of the state of Michigan, by ..... surety upon the recognizance of ..... in a certain cause pending in ..... court for the city of.....countyto-wit:People of the state of Michigan, Plaintiff, vs.Defendant, known and identified in said court as Cause No.Description of Real Estate.....cityClerk of the ..... Court.For the county ofDatedSaid notice of lien, when recorded, shall constitute notice to everyone that the real estate therein described has been pledged to the people of the state of Michigan as security for the performance of the conditions of a criminal recognizance, in the penal amount set forth in said recognizance. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17183 ;-- CL 1948, 765.21 ;-- Am. 1958, Act 122, Eff. Sept. 13, 1958Former Law:See section 2 of Act 17 of 1926.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.22 - Surety on Recognizance; Discharge; Notice, Form.

Sec. 22. Whenever by the order of such court a recognizance in the above form shall have been cancelled, discharged or set aside, or the cause in which said recognizance is given shall have been dismissed, the clerk of such court shall forthwith record with the register of deeds of the county in which the real estate is located, a notice of discharge in writing in substantially the following form:To Whom it May Concern:TAKE NOTICE that by the order of theof the citycounty of ..... the recognizance of ..... as principal and ..... as surety, given in the cause of the people of the state of Michigan, Plaintiff, vs. ..... Defendant, known and identified as Cause No. ..... in said court, is cancelled, discharged and set aside and the lien of the people of the state of Michigan to the real estate therein pledged as security is hereby waived, discharged and set aside.Description of Real Estate.....Clerk of the .....Court.For the citycounty of ..Dated History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17184 ;-- CL 1948, 765.22 ;-- Am. 1958, Act 122, Eff. Sept. 13, 1958Former Law:See section 3 of Act 17 of 1926.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.23 - Surety on Recognizance; Register of Deeds; Duty as to Notices of Lien and Discharges; Fees.

Sec. 23. The register of deeds of the county in which such court is located shall properly keep and record all such notices of lien and notices of discharge as hereinbefore provided as may be recorded with him, and shall keep in addition thereto a book or record in which he shall properly index such notice of lien and notices of discharge as may be recorded with him. The register of deeds shall receive for such service the same fee as is provided by law for the recording of deeds. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17185 ;-- CL 1948, 765.23 ;-- Am. 1958, Act 122, Eff. Sept. 13, 1958Former Law:See section 4 of Act 17 of 1926.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.24 - Effect of Chapter on Certain Recognizances; Order Releasing Lien.

Sec. 24. Nothing in this chapter shall be construed as limiting or qualifying in any way the power of any such courts or any of the judges thereof to release any accused person upon his personal recognizance, or upon a recognizance executed by a surety in accordance with the provisions of Act No. 229 of the Public Acts of 1923, or upon the deposit with the clerk of such court of any cash bail or other security in accordance with the provisions of section 6 of Act No. 369, of the Public Acts of 1919. Whenever such surety deposits with the clerk of such court the penal amount of such recognizance in cash or in other security satisfactory to such court, an order shall issue releasing the lien on the real estate. Nothing in this act shall be construed as qualifying or in any way changing the usual and legal and existing procedure of collecting upon forfeited recognizances, as provided by law. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17186 ;-- CL 1948, 765.24Compiler's Notes:For provisions of Act 229 of 1923, referred to in this section, see MCL 550.101. For provisions of section 6 of Act 369 of 1919, referred to in this section, see § 725.6.Former Law:See section 5 of Act 17 of 1926.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.25 - Perjury in Affidavit of Justification; Penalty.

Sec. 25. Any surety who shall swear falsely to any of the material facts set up in his affidavit of justification shall be deemed guilty

of perjury and upon conviction thereof, shall be punished in accordance with the law in such case made and provided. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17187 ;-- CL 1948, 765.25Former Law:See section 6 of Act 17 of 1926.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.26 - Release of Surety; Arrest or Detention of Accused; Mittimus.

Sec. 26. (1) In all criminal cases where a person has entered into any recognizance for the personal appearance of another and such bail and surety afterwards desires to be relieved from responsibility, he or she may, with or without assistance, arrest or detain the accused and deliver him or her to any jail or to the sheriff of any county. In making the arrest or detainment, he or she is entitled to the assistance of any peace officer. (2) The sheriff or keeper of any jail is authorized to receive the principal and detain him or her in jail until he or she is discharged. Upon delivery of his or her principal at the jail by the surety or his or her agent or any officer, the surety shall be released from the conditions of his or her recognizance. (3) Whenever the prosecuting attorney of a county is satisfied that a person who has been recognized to appear for trial has absconded, or is about to abscond, and that his or her sureties or either of them have become worthless, or are about to dispose or have disposed of their property for the purpose of evading the payment or the obligation of such bond or recognizance or with intent to defraud their creditors, and that prosecuting attorney makes a satisfactory showing to this effect to the court having jurisdiction of that person, the court or judge shall promptly grant a mittimus to the sheriff or any peace officer of that county, commanding him or her forthwith to arrest the person so recognized and bring him or her before the officer issuing the mittimus and on the return of that mittimus may, after a hearing on the merits, order him or her to be recommitted to the county jail until such time as he or she gives additional and satisfactory sureties, or is otherwise discharged. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17188 ;-- CL 1948, 765.26 ;-- Am. 2002, Act 659, Eff. Apr. 1, 2003Former Law:See Act 98 of 1840, being CL 1857, § 6009; CL 1871, § 7877; How., § 9488; CL 1897, § 11872; CL 1915, § 15699; and Act 82 of 1877.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.27 - Action on Recognizance; Technicality as Bar.

Sec. 27. No action brought upon any recognizance entered into in any criminal prosecution, either to appear and answer, or to testify in any court, shall be barred or defeated nor shall judgment thereon be arrested, by reason of any neglect or omission to note or record the default of any principal or surety at the time when such default shall happen, nor by reason of any defect in the form of the recognizance, if it sufficiently appear, from the tenor thereof, at what court the party or witness was bound to appear, and that the court or a magistrate before whom it was taken was authorized by law to require and take such recognizance. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17189 ;-- CL 1948, 765.27Former Law:See section 32 of Ch. 163 of R.S. 1846, being CL 1857, § 6008; CL 1871, § 7874; How., § 9485; CL 1897, § 11869; and CL 1915, § 15696.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.28 - Failure to Appear; Notice to Surety; Service; Judgment; Execution; Set Aside of Forfeiture Order; Discharge of Bail or Surety Bond; Conditions.

Sec. 28. (1) If a defendant fails to appear, within 7 days after the date of the failure to appear the court shall serve each surety notice of the failure to appear. The notice must be served upon each surety in person, left at the surety's last known business address, electronically mailed to an electronic mail address provided to the court by the surety, or mailed by first-class mail to the surety's last known business address. However, if the notice is served by first-class mail, it must be mailed separately from the notice of intent to enter judgment. Each surety must be given an opportunity to appear before the court on a day certain and show cause why judgment should not be entered against the surety for the full amount of the bail or surety bond. If good cause is not shown for the defendant's failure to appear, the court shall enter judgment against the surety on the recognizance for an amount determined appropriate by the court but not more than the full amount of the bail, or if a surety bond has been posted the full amount of the surety bond. If the amount of a forfeited surety bond is less than the full amount of the bail, the defendant shall continue to be liable to the court for the difference, unless otherwise ordered by the court. Execution must be awarded and executed upon the judgment in the manner provided for in personal actions. (2) Except as provided in subsection (3), the court shall set aside the forfeiture and discharge the bail or surety bond within year from the date of forfeiture judgment if the defendant has been apprehended, the ends of justice have not been thwarted, and the county has been repaid its costs for apprehending the person. If the bond or bail is discharged, the court shall enter an order to that effect with a statement of the amount to be returned to the surety. (3) Subsection (2) does not apply if the defendant was apprehended more than 56 days after the bail or bond was ordered forfeited and judgment entered and the surety did not fully pay the forfeiture judgment within that 56-day period. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17190 ;-- CL 1948, 765.28 ;-- Am. 2002, Act 659, Eff. Apr. 1, 2003 ;-- Am. 2004, Act 332, Imd. Eff. Sept. 23, 2004 ;-- Am. 2017, Act 174, Eff. Feb. 19, 2018Compiler's Notes:In subsection (2), the words “within year from the date of forfeiture judgment” evidently should read “within 1 year from the date of forfeiture judgment.”

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.29 - Witness in Criminal Case; Necessity

of Giving Bail for Appearance.

Sec. 29. A witness in a criminal case need not give bail for his or her appearance as a witness unless required to do so by the order of a judge of a court of record as provided in section 35 of chapter 7. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17191 ;-- CL 1948, 765.29 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See sections 19 and 22 of Ch. 163 of R.S. 1846, being CL 1857, §§ 5995 and 5998; CL 1871, §§ 7861 and 7864; How., §§ 9472 and 9476; CL 1897, §§ 11856 and 11859; CL 1915, §§ 15683 and 15686; Act 77 of 1871; Act 302 of 1925; Act 177 of 1875, being How., § 9453; CL 1897, § 11817; CL 1915, § 15644; and Act 141 of 1879.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.3 - Judges Empowered to Permit Committed Prisoners to Post Bail; Notice to Prosecuting Attorney; Inquiry.

Sec. 3. A judge of the circuit court, the recorder's court of the city of Detroit, the traffic and ordinance division of the recorder's court of the city of Detroit, the district court, or a municipal court, on application of a prisoner committed for a bailable offense, and after due notice to the prosecuting attorney for the county, may inquire into the case and permit the prisoner to post bail. Any person committed for not finding sureties to recognize for him or her also may be permitted to post bail by any of the judges listed in this section. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17165 ;-- CL 1948, 765.3 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 23 of Ch. 163 of R.S. 1846, being CL 1857, § 5999; CL 1871, § 7865; How., § 9476; CL 1897, § 11860; CL 1915, § 15687; and Act 134 of 1873.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.30 - Minor or Material Witness; Recognizance.

Sec. 30. If a material witness in a criminal case is a minor, any other person may be allowed to recognize for the appearance of the minor. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17192 ;-- CL 1948, 765.30 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 21 of Ch. 163 of R.S. 1846, being CL 1857, § 5996; CL 1871, § 7863; How., § 9474; CL 1897, § 11858; and CL 1915, § 15685.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.31 - Proceeding to Enforce Recognizance; Venue; Service of Process.

Sec. 31. Any proceeding to enforce a recognizance taken, as provided in this act, may be brought in the county where the offense is charged to have been committed, and service of process issued in any such proceeding may be made upon the principal or surety or both anywhere in the state, by any person authorized to serve process issued from a court of record. History:Add. 1931, Act 309, Eff. Sept. 18, 1931 ;-- CL 1948, 765.31

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.4 - Admission to Bail; Procedure for Information, Same as Under Indictment.

Sec. 4. Any person who may, according to law, be committed to jail or become recognized or held to bail with sureties for his appearance in court to answer to any indictment may, in like manner so be committed to jail, or become recognized and held to bail for his appearance, to answer to any information or indictment as the case may be. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17166 ;-- CL 1948, 765.4Former Law:See section 5 of Act 138 of 1859, being CL 1871, § 7941; How., § 9552; CL 1897, § 11937; and CL 1915, § 15764.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.5 - Admission to Bail; Persons Not Entitled.

Sec. 5. No person charged with treason or murder shall be admitted to bail if the proof of his guilt is evident or the presumption great. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17167 ;-- CL 1948, 765.5

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.6 - Accused Persons Entitled to Bail; Amount of Bail; Considerations and Findings; Surety Bond; Surrender by Defendant of Operator's or Chauffeur's License as Security; Receipt; Expiration Date; Extension; Written Notice; Return of License.

Sec. 6. (1) Except as otherwise provided by law, a person accused of a criminal offense is entitled to bail. The amount of bail shall not be excessive. The court in fixing the amount of the bail shall consider and make findings on the record as to each of the following: (a) The seriousness of the offense charged. (b) The protection of the public. (c) The previous criminal record and the dangerousness of the person accused. (d) The probability or improbability of the person accused appearing at the trial of the cause.

(2) If the court fixes a bail amount under subsection (1) and allows for the posting of a 10% deposit bond, the person accused may post bail by a surety bond in an amount equal to 1/4 of the full bail amount fixed under subsection (1) and executed by a surety approved by the court. (3) If a person is arrested for an ordinance violation or a misdemeanor and if the defendant's operator's or chauffeur's license is not expired, suspended, revoked, or cancelled, the court may require the defendant, in place of other security for the defendant's appearance in court for trial or sentencing or, as a condition for release of the defendant on personal recognizance, to surrender to the court his or her operator's or chauffeur's license. The court shall issue to the defendant a receipt for the license, as provided in section 311a of the Michigan vehicle code, 1949 PA 300, MCL 257.311a. If the trial date is set at the arraignment, the court shall specify on the receipt the date on which the defendant is required to appear for trial. If a trial date is not set at the arraignment, the court shall specify on the receipt a date on which the receipt expires. By written notice the court may extend the expiration date of the receipt, as needed, to secure the defendant's appearance for trial and sentencing. The written notice shall instruct the person to whom the receipt was issued to attach the notice to the receipt. Upon its attachment to the receipt, the written notice shall be considered a part of the receipt for purposes of determining the expiration date. At the conclusion of the trial or imposition of sentence, as applicable, the court shall return the license to the defendant unless other disposition of the license is authorized by law. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17168 ;-- CL 1948, 765.6 ;-- Am. 1969, Act 222, Imd. Eff. Aug. 6, 1969 ;-- Am. 1983, Act 56, Eff. Mar. 29, 1984 ;-- Am. 1988, Act 46, Eff. June 1, 1988 ;-- Am. 2004, Act 167, Imd. Eff. June 24, 2004

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.6a - Cash Bond or Surety as Condition of Granting Application for Bail.

Sec. 6a. Before granting an application for bail, a court shall require a cash bond or a surety other than the applicant if the applicant (1) Is charged with a crime alleged to have occurred while on bail pursuant to a bond personally executed by him; or (2) Has been twice convicted of a felony within the preceding 5 years. History:Add. 1974, Act 252, Imd. Eff. Aug. 1, 1974

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.6b - Release of Defendant Subject to Protective Conditions; Contents of Order; Purchase or Possession of Firearm; Entering or Removing Order From Lein; Order to Wear Electronic Monitoring Device; Other Orders; Definitions; Authority to Impose Other Conditions Not Limited; "Lein" Defined.

Sec. 6b. (1) A judge or district court magistrate may release a defendant under this subsection subject to conditions reasonably necessary for the protection of 1 or more named persons. If a judge or district court magistrate releases a defendant under this subsection subject to protective conditions, the judge or district court magistrate shall make a finding of the need for protective conditions and inform the defendant on the record, either orally or by a writing that is personally delivered to the defendant, of the specific conditions imposed and that if the defendant violates a condition of release, he or she will be subject to arrest without a warrant and may have his or her bail forfeited or revoked and new conditions of release imposed, in addition to the penalty provided under section 3f of chapter XI and any other penalties that may be imposed if the defendant is found in contempt of court. (2) An order or amended order issued under subsection (1) shall contain all of the following: (a) A statement of the defendant's full name. (b) A statement of the defendant's height, weight, race, sex, date of birth, hair color, eye color, and any other identifying information the judge or district court magistrate considers appropriate. (c) A statement of the date the conditions become effective. (d) A statement of the date on which the order will expire. (e) A statement of the conditions imposed. (3) An order or amended order issued under this subsection and subsection (1) may impose a condition that the defendant not purchase or possess a firearm. However, if the court orders the defendant to carry or wear an electronic monitoring device as a condition of release as described in subsection (6), the court shall also impose a condition that the defendant not purchase or possess a firearm. (4) The judge or district court magistrate shall immediately direct the issuing court or a law enforcement agency within the jurisdiction of the court, in writing, to enter an order or amended order issued under subsection (1) or subsections (1) and (3) into LEIN. If the order or amended order is rescinded, the judge or district court magistrate shall immediately order the issuing court or law enforcement agency to remove the order or amended order from LEIN. (5) The issuing court or a law enforcement agency within the jurisdiction of the court shall immediately enter an order or amended order into LEIN or shall remove the order or amended order from the law enforcement information network upon expiration of the order or as directed by the court under subsection (4). (6) If a defendant who is charged with a crime involving domestic violence, or any other assaultive crime, is released under this subsection and subsection (1), the judge or district court magistrate may order the defendant to wear an electronic monitoring device as a condition of release. With the informed consent of the victim, the court may also order the defendant to provide the victim of the charged crime with an electronic receptor device capable of receiving the global positioning system information from the electronic monitoring device worn by the defendant that notifies the victim if the defendant is located within a proximity to the victim as determined by the judge or district court magistrate in consultation with the victim. The victim shall also be furnished with a telephone contact with the local law enforcement agency to request immediate assistance if the defendant is located within that proximity to the victim. In addition, the victim may provide the court with a list of areas from which he or she would like the defendant excluded. The court shall consider the victim's request and shall determine which areas the defendant shall be prohibited from accessing. The court shall instruct the entity monitoring the defendant's position to notify the proper authorities if the defendant

violates the order. In determining whether to order a defendant to wear an electronic monitoring device, the court shall consider the likelihood that the defendant's participation in electronic monitoring will deter the defendant from seeking to kill, physically injure, stalk, or otherwise threaten the victim prior to trial. The victim may request the court to terminate the victim's participation in the monitoring of the defendant at any time. The court shall not impose sanctions on the victim for refusing to participate in monitoring under this subsection. A defendant described in this subsection shall only be released if he or she agrees to pay the cost of the device and any monitoring as a condition of release or to perform community service work in lieu of paying that cost. An electronic monitoring device ordered to be worn under this subsection shall provide reliable notification of removal or tampering. As used in this subsection: (a) "Assaultive crime" means that term as defined in section 9a of chapter X. (b) "Domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501. (c) "Electronic monitoring device" includes any electronic device or instrument that is used to track the location of an individual or to monitor an individual's blood alcohol content, but does not include any technology that is implanted or violates the corporeal body of the individual. (d) "Informed consent" means that the victim was given information concerning all of the following before consenting to participate in electronic monitoring: (i) The victim's right to refuse to participate in that monitoring and the process for requesting the court to terminate the victim's participation after it has been ordered. (ii) The manner in which the monitoring technology functions and the risks and limitations of that technology, and the extent to which the system will track and record the victim's location and movements. (iii) The boundaries imposed on the defendant during the monitoring program. (iv) Sanctions that the court may impose on the defendant for violating an order issued under this subsection. (v) The procedure that the victim is to follow if the defendant violates an order issued under this subsection or if monitoring equipment fails to operate properly. (vi) Identification of support services available to assist the victim to develop a safety plan to use if the court's order issued under this subsection is violated or if the monitoring equipment fails to operate properly. (vii) Identification of community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other help in addressing the consequences and effects of domestic violence. (viii) The nonconfidential nature of the victim's communications with the court concerning electronic monitoring and the restrictions to be imposed upon the defendant's movements. (7) A judge or district court magistrate may release under this subsection a defendant subject to conditions reasonably necessary for the protection of the public if the defendant has submitted to a preliminary roadside analysis that detects the presence of alcoholic liquor, a controlled substance, or other intoxicating substance, or any combination of them, and that a subsequent chemical test is pending. The judge or district court magistrate shall inform the defendant on the record, either orally or by a writing that is personally delivered to the defendant, of all of the following: (a) That if the defendant is released under this subsection, he or she shall not operate a motor vehicle under the influence of alcoholic liquor, a controlled substance, or another intoxicating substance, or any combination of them, as a condition of release. (b) That if the defendant violates the condition of release under subdivision (a), he or she will be subject to arrest without a warrant, shall have his or her bail forfeited or revoked, and shall not be released from custody prior to arraignment. (8) The judge or district court magistrate shall immediately direct the issuing court or a law enforcement agency within the jurisdiction of the court, in writing, to enter an order or amended order issued under subsection (7) into LEIN. If the order or amended order is rescinded, the judge or district court magistrate shall immediately order the issuing court or law enforcement agency to remove the order or amended order from LEIN. (9) The issuing court or a law enforcement agency within the jurisdiction of the court shall immediately enter an order or amended order into LEIN. If the order or amended order is rescinded, the court or law enforcement agency shall immediately remove the order or amended order from LEIN upon expiration of the order under subsection (8). (10) This section does not limit the authority of judges or district court magistrates to impose protective or other release conditions under other applicable statutes or court rules, including ordering a defendant to wear an electronic monitoring device. (11) As used in this section, "LEIN" means the law enforcement information network regulated under the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215, or by the department of state police. History:Add. 1993, Act 53, Eff. July 1, 1993 ;-- Am. 1994, Act 335, Eff. Apr. 1, 1996 ;-- Am. 2008, Act 192, Imd. Eff. July 10, 2008 ;-- Am. 2013, Act 54, Imd. Eff. June 11, 2013 ;-- Am. 2014, Act 316, Eff. Jan. 12, 2015Compiler's Notes:Enacting section 1 of Act 192 of 2008 provides:"Enacting section 1. This amendatory act shall be known and cited as 'Mary's Law' ".

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.6c - Bail; Cash Deposit; Use.

Sec. 6c. If a defendant for whom bail or bond is required personally fulfills that requirement by a cash deposit, the defendant shall be notified that upon the defendant's conviction the cash deposit may be used to collect a fine, costs, restitution, assessment, or other payment pursuant to section 15(2) of this chapter. History:Add. 1993, Act 343, Eff. May 1, 1994

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.6d - Release on Bail; Waiver of Extradition.

Sec. 6d. (1) Except as provided in subsection (2), the court may require an individual to sign a written waiver of extradition to this state before releasing the individual on bail under this chapter. If the individual fails to sign the waiver, the court may consider the failure in determining the amount of bail to be posted by the individual. (2) The court shall require an individual charged with a crime for which bail may be denied under section 15 of article I of the state constitution of 1963 to sign a written waiver of extradition to this state before releasing the individual on bail under this chapter. History:Add. 2002, Act 583, Eff. Jan. 1, 2003

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.6e - Detainment Period for Individual Arrested on Warrant That Originated in Another County; Exceptions.

Sec. 6e. (1) Except in cases in which the person is alleged to have committed an assaultive crime or an offense involving domestic violence, a person who is detained on warrant of arrest in a county other than the county from which the warrant originated must be released from custody if the county from which the warrant originated does not make arrangements within 48 hours from the time the person was detained to pick the person up and does not in fact pick the person up within 72 hours after the time the person was detained. If a person is released from custody under this section, the releasing facility must contact the originating court and obtain a court date for the defendant to appear. (2) As used in this section: (a) "Assaultive crime" includes any of the following: (i) A violation described in section 9a of chapter X. (ii) A violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90g, not otherwise included in subparagraph (i). (iii) A violation of section 110a, 136b, 234a, 234b, 234c, 349b, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.110a, 750.136b, 750.234a, 750.234b, 750.234c, 750.349b, and 750.411h, or any other violent felony. (iv) A violation of a law of another state or of a political subdivision of this state or of another state that substantially corresponds to a violation described in subparagraph (i), (ii), or (iii). (b) "Domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501. (c) "Violent felony" means that term as defined in section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236. History:Add. 2020, Act 394, Eff. Apr. 1, 2021 ;-- Am. 2023, Act 208, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.7 - Permitting Defendant to Post Bail on Own Recognizance if Appeal Taken by or on Behalf of State; Exception.

Sec. 7. If an appeal is taken by or on behalf of the people of the state of Michigan from a court of record, the defendant shall be permitted to post bail on his or her own recognizance, pending the prosecution and determination of the appeal, unless the trial court determines and certifies that the character of the offense, the respondent, and the questions involved in the appeal, render it advisable that bail be required. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17169 ;-- CL 1948, 765.7 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 3 of Act 159 of 1917.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.8 - Surety or Bail Posted by Attorney or Counselor Prohibited.

Sec. 8. A practicing attorney or counselor shall not become a surety or post bail for the appearance of a person charged with a felony, a misdemeanor, or an ordinance violation. A surety or bail posted by an attorney or counselor in violation of this section, taken by a judge or other officer authorized by law to take a recognizance, is void. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17170 ;-- CL 1948, 765.8 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 75 of Chapter 1 of Act 314 of 1915, being CL 1915, § 12080; and section 1 of Act 61 of 1865, being CL 1871, § 5645; How., § 7196; CL 1897, § 1143.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-V - Chapter V Bail (765.1...765.31)Section 765.9 - Surety; Person Acting in Same Capacity on Other Bond.

Sec. 9. Any magistrate or judge of any court shall have authority in his discretion to refuse to accept as surety upon a bond any person who shall, at the time of so offering himself, be acting as surety on any other bond pending in his court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17171 ;-- CL 1948, 765.9

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.1 - Right of State and Defendant to Prompt Examination and Determination; Authority of District Court Magistrate.

Sec. 1. The state and the defendant are entitled to a prompt examination and determination by the examining magistrate in all criminal causes and it is the duty of all courts and public officers having duties to perform in connection with an examination, to bring it to a final determination without delay except as necessary to secure to the defendant a fair and impartial examination. A district court magistrate appointed under chapter 85 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8501 to 600.8551, shall not preside at a preliminary examination or accept a plea of guilty or nolo contendere to an offense or impose a sentence except as otherwise authorized by section 8511(a), (b), or (c) of the revised judicature act of 1961, 1961 PA 236, MCL 600.8511. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17193 ;-- CL 1948, 766.1 ;-- Am. 2014, Act 123, Imd. Eff. May 20, 2014Constitutionality:There is no federal constitutional right to a preliminary examination or hearing in a criminal prosecution. The procedure is left to the states. In Michigan, the right is statutory. People v Johnson, 427 Mich 98; 398 NW2d 219 (1986).Compiler's Notes:Enacting section 1 of Act 123 of 2014 provides:"Enacting section 1. This amendatory act applies to cases in which the defendant is arraigned in district court or municipal court on or after January 1, 2015."

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal

Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.10 - Exclusion of Persons From Examination; Witness Not Examined, Minor; Separation of Witnesses.

Sec. 10. The magistrate while conducting such examination may exclude from the place of the examination all the witnesses who have not been examined; and he may also, if requested or if he sees cause, direct the witnesses whether for or against the prisoner, to be kept separate so that they cannot converse with each other until they shall have been examined. And such magistrate may in his discretion, also exclude from the place of examination any or all minors during the examination of such witnesses. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17202 ;-- CL 1948, 766.10Former Law:See section 15 of Ch. 163 of R.S. 1846, being CL 1857, § 5991; CL 1871, § 7857; How., § 9468; CL 1897, § 11852; CL 1915, § 15679; and Act 178 of 1885.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.11 - Subpoena of Witnesses; Taking Down Evidence in Shorthand; Appointment, Oath, and Fees of Stenographer; Signing of Testimony Not Required; Testimony to Be Typewritten, Certified, Received, and Filed; Testimony as Prima Facie Evidence.

Sec. 11. (1) Witnesses may be compelled to appear before the magistrate by subpoenas issued by the magistrate, or by an officer of the court authorized to issue subpoenas, in the same manner and with the same effect and subject to the same penalties for disobedience, or for refusing to be sworn or to testify, as in cases of trials in the circuit court. (2) Unless otherwise provided by law, the evidence given by the witnesses examined in a municipal court shall be taken down in shorthand by a county stenographer where one has been appointed under the provision of a local act of the legislature or by the county board of commissioners of the county in which the examination is held, or the magistrate for cause shown may appoint some other suitable stenographer at the request of the prosecuting attorney of the county with the consent of the respondent or the respondent's attorney to act as official stenographer pro tempore for the court of the magistrate to take down in shorthand the testimony of an examination. A stenographer so appointed shall take the constitutional oath as the official stenographer and shall be entitled to the following fees: $6.00 for each day and $3.00 for each half day while so employed in taking down the testimony and 10 cents per folio for typewriting the testimony taken down in shorthand, or other compensation and fees as shall be fixed by the county board of commissioners appointing the stenographer. The fees may be allowed and paid out of the treasury of the county in which the testimony is taken. It shall not be necessary for a witness or witnesses whose testimony is taken in shorthand by the stenographer to sign the testimony. Except as provided in section 15 of this chapter, the testimony so taken under this subsection, shall be typewritten, certified, received, and filed in the court to which the accused is held for trial. (3) Testimony taken by a stenographer appointed pursuant to subsection (2) or taken by shorthand or recorded by a court stenographer or district court recorder as provided by law, when transcribed, shall be considered prima facie evidence of the testimony of the witness or witnesses at the examination. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17203 ;-- CL 1948, 766.11 ;-- Am. 1954, Act 19, Imd. Eff. Mar. 22, 1954 ;-- Am. 1978, Act 155, Eff. July 1, 1978Former Law:See section 16 of Ch. 163 of R.S. 1846, being CL 1857, § 5992; CL 1871, § 7858; How., § 9469; CL 1897, § 11853; CL 1915, § 15680; Act 168 of 1863; Act 160 of 1915; and Act 329 of 1917.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.11a - Testimony of Witness; Conduct by Telephonic, Voice, or Video Conferencing.

Sec. 11a. On motion of either party, the magistrate shall permit the testimony of any witness, except the complaining witness, an alleged eyewitness, or a law enforcement officer to whom the defendant is alleged to have made an incriminating statement, to be conducted by means of telephonic, voice, or video conferencing. The testimony taken by video conferencing shall be admissible in any subsequent trial or hearing as otherwise permitted by law. History:Add. 2004, Act 20, Imd. Eff. Mar. 4, 2004 ;-- Am. 2014, Act 123, Imd. Eff. May 20, 2014Compiler's Notes:Enacting section 1 of Act 123 of 2014 provides:"Enacting section 1. This amendatory act applies to cases in which the defendant is arraigned in district court or municipal court on or after January 1, 2015."

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.11b - Rules of Evidence; Exception; Hearsay Testimony; "Controlled Substance" Defined.

Sec. 11b. (1) The rules of evidence apply at the preliminary examination except that the following are not excluded by the rule against hearsay and shall be admissible at the preliminary examination without requiring the testimony of the author of the report, keeper of the records, or any additional foundation or authentication: (a) A report of the results of properly performed drug analysis field testing to establish that the substance tested is a controlled substance. (b) A certified copy of any written or electronic order, judgment, decree, docket entry, register of actions, or other record of any court or governmental agency of this state. (c) A report other than a law enforcement report that is made or kept in the ordinary course of business. (d) Except for the police investigative report, a report prepared by a law enforcement officer or other public agency. Reports permitted under this subdivision include, but are not limited to, a report of the findings of a technician of the division of the department of state police concerned with forensic science, a laboratory report, a medical report, a report of an arson investigator, and an autopsy report. (2) The magistrate shall allow the prosecuting attorney or the defense to subpoena and call a witness from whom hearsay testimony was introduced under this section on a satisfactory showing to the magistrate that live testimony will be relevant to the magistrate's decision whether there is

probable cause to believe that a felony has been committed and probable cause to believe that the defendant committed the felony. (3) As used in this section, "controlled substance" means that term as defined under section 7104 of the public health code, 1978 PA 368, MCL 333.7104. History:Add. 2007, Act 89, Eff. Dec. 29, 2007 ;-- Am. 2014, Act 123, Imd. Eff. May 20, 2014Compiler's Notes:Enacting section 1 of Act 123 of 2014 provides:"Enacting section 1. This amendatory act applies to cases in which the defendant is arraigned in district court or municipal court on or after January 1, 2015."

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.12 - Evidence for Defense; Examination, Cross-Examination of Witnesses.

Sec. 12. After the testimony in support of the prosecution has been given, the witnesses for the prisoner, if he have any, shall be sworn, examined and cross-examined and he may be assisted by counsel in such examination and in the cross-examination of the witnesses in support of the prosecution. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17204 ;-- CL 1948, 766.12Former Law:See section 14 of Ch. 163 of R.S. 1846, being CL 1857, § 5990; CL 1871, § 7856; How., § 9467; CL 1897, § 11851; and CL 1915, § 15678.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.13 - Discharge of Defendant or Reduction of Charge; Binding Defendant to Appear for Arraignment.

Sec. 13. If the magistrate determines at the conclusion of the preliminary examination that a felony has not been committed or that there is not probable cause for charging the defendant with committing a felony, the magistrate shall either discharge the defendant or reduce the charge to an offense that is not a felony. If the magistrate determines at the conclusion of the preliminary examination that a felony has been committed and that there is probable cause for charging the defendant with committing a felony, the magistrate shall forthwith bind the defendant to appear within 14 days for arraignment before the circuit court of that county, or the magistrate may conduct the circuit court arraignment as provided by court rule. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17205 ;-- CL 1948, 766.13 ;-- Am. 1974, Act 63, Eff. May 1, 1974 ;-- Am. 2014, Act 123, Imd. Eff. May 20, 2014Compiler's Notes:Section 2 of Act 63 of 1974 provides:“Effective date.“Section 2. To give judges, prosecutors, and defense counsel a reasonable opportunity to become aware of and familiar with the time periods and sequence prescribed in this amendatory act and the effects of noncompliance, sections 20 and 21 of chapter 8 of Act No. 175 of the Public Acts of 1927, being sections 768.20 and 768.21 of the Michigan Compiled Laws, as amended by this amendatory act shall take effect May 1, 1974, and apply to cases in which the arraignment on an information occurs on or after that date. The other provisions of this amendatory act shall take effect May 1, 1974 and apply to offenses committed on or after that date.”Enacting section 1 of Act 123 of 2014 provides:"Enacting section 1. This amendatory act applies to cases in which the defendant is arraigned in district court or municipal court on or after January 1, 2015."Former Law:See section 17 of Ch. 163 of R.S. 1846, being CL 1857, § 5993; CL 1871, § 7859; How., § 9470; CL 1897, § 11854; and CL 1915, § 15681.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.14 - Proceedings Where Offense Charged Not Felony; Transfer of Case to Family Division of Circuit Court; Waiver of Jurisdiction; “Specified Juvenile Violation” Defined.

Sec. 14. (1) If the court determines at the conclusion of the preliminary examination of a person charged with a felony that the offense charged is not a felony or that an included offense that is not a felony has been committed, the accused shall not be dismissed but the magistrate shall proceed in the same manner as if the accused had initially been charged with an offense that is not a felony. (2) If at the conclusion of the preliminary examination of a juvenile the magistrate finds that a specified juvenile violation did not occur or that there is not probable cause to believe that the juvenile committed the violation, but that there is probable cause to believe that some other offense occurred and that the juvenile committed that other offense, the magistrate shall transfer the case to the family division of circuit court of the county where the offense is alleged to have been committed. (3) A transfer under subsection (2) does not prevent the family division of circuit court from waiving jurisdiction over the juvenile under section 4 of chapter XIIA of 1939 PA 288, MCL 712A.4. (4) As used in this section, "specified juvenile violation" means any of the following: (a) A violation of section 72, 83, 86, 89, 91, 316, 317, 349, 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.83, 750.89, 750.91, 750.316, 750.317, 750.349, 750.520b, 750.529, 750.529a, and 750.531. (b) A violation of section 84 or 110a(2) of the Michigan penal code, 1931 PA 328, MCL 750.84 and 750.110a, if the juvenile is armed with a dangerous weapon. As used in this subdivision, "dangerous weapon" means 1 or more of the following: (i) A loaded or unloaded firearm, whether operable or inoperable. (ii) A knife, stabbing instrument, brass knuckles, blackjack, club, or other object specifically designed or customarily carried or possessed for use as a weapon. (iii) An object that is likely to cause death or bodily injury when used as a weapon and that is used as a weapon or carried or possessed for use as a weapon. (iv) An object or device that is used or fashioned in a manner to lead a person to believe the object or device is an object or device described in subparagraphs (i) to (iii). (c) A violation of section 186a of the Michigan penal code, 1931 PA 328, MCL 750.186a, regarding escape or attempted escape from a juvenile facility, but only if the juvenile facility from which the individual escaped or attempted to escape was 1 of the following: (i) A high-security or medium-security facility operated by the family independence agency or a county juvenile agency. (ii) A

high-security facility operated by a private agency under contract with the family independence agency or a county juvenile agency. (d) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403. (e) An attempt to commit a violation described in subdivisions (a) to (d). (f) Conspiracy to commit a violation described in subdivisions (a) to (d). (g) Solicitation to commit a violation described in subdivisions (a) to (d). (h) Any lesser included offense of a violation described in subdivisions (a) to (g) if the individual is charged with a violation described in subdivisions (a) to (g). (i) Any other violation arising out of the same transaction as a violation described in subdivisions (a) to (g) if the individual is charged with a violation described in subdivisions (a) to (g). History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17206 ;-- CL 1948, 766.14 ;-- Am. 1974, Act 63, Eff. May 1, 1974 ;-- Am. 1988, Act 67, Eff. Oct. 1, 1988 ;-- Am. 1994, Act 195, Eff. Oct. 1, 1994 ;-- Am. 1996, Act 255, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 418, Eff. Jan. 1, 1998 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999Compiler's Notes:Section 2 of Act 63 of 1974 provides:“Effective date.“Section 2. To give judges, prosecutors, and defense counsel a reasonable opportunity to become aware of and familiar with the time periods and sequence prescribed in this amendatory act and the effects of noncompliance, sections 20 and 21 of chapter 8 of Act No. 175 of the Public Acts of 1927, being sections 768.20 and 768.21 of the Michigan Compiled Laws, as amended by this amendatory act shall take effect May 1, 1974, and apply to cases in which the arraignment on an information occurs on or after that date. The other provisions of this amendatory act shall take effect May 1, 1974 and apply to offenses committed on or after that date.”Section 3 of Act 67 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 173 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.15 - Certification and Return of Examinations and Recognizances; Effect of Refusing or Neglecting to Return Examinations and Recognizances; Written Demand or Motion to Prepare or File Written Transcript of Testimony of Preliminary Examination; Listening to Electronically Recorded Testimony, Copy of Recording Tape or Disc, or Stenographer's Notes.

Sec. 15. (1) Except as provided in subsection (2) or (3), all examinations and recognizances taken by a magistrate pursuant to this chapter shall be immediately certified and returned by the magistrate to the clerk of the court before which the party charged is bound to appear. If that magistrate refuses or neglects to return the same, the magistrate may be compelled immediately by order of the court, and in case of disobedience may be proceeded against as for a contempt by an order to show cause or a bench warrant. (2) A written transcript of the testimony of a preliminary examination need not be prepared or filed except upon written demand of the prosecuting attorney, defense attorney, or defendant if the defendant is not represented by an attorney, or as ordered sua sponte by the trial court. A written demand to prepare and file a written transcript is timely made if filed within 2 weeks following the arraignment on the information or indictment. A copy of a demand to prepare and file a written transcript shall be filed with the trial court, all attorneys of record, and the court which held the preliminary examination. Upon sua sponte order of the trial court or timely written demand of an attorney, a written transcript of the preliminary examination or a portion thereof shall be prepared and filed with the trial court. (3) If a written demand is not timely made as provided in subsection (2), a written transcript need not be prepared or filed except upon motion of an attorney or a defendant who is not represented by an attorney, upon cause shown, and when granting of the motion would not delay the start of the trial. When the start of the trial would otherwise be delayed, upon good cause shown to the trial court, in lieu of preparation of the transcript or a portion thereof, the trial court may direct that the defense and prosecution shall have an opportunity before trial to listen to any electronically recorded testimony, a copy of the recording tape or disc, or a stenographer's notes being read back. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17207 ;-- CL 1948, 766.15 ;-- Am. 1978, Act 155, Eff. July 1, 1978Former Law:See section 25 of Ch. 163 of R.S. 1846, being CL 1857, § 6001; CL 1871, § 7867; How., § 9478; CL 1897, § 11862; and CL 1915, § 15689.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.16 - Default of Recognizance; Record; Procedure.

Sec. 16. If the person recognized according to the provisions of this chapter shall not appear before the magistrate at the time appointed for his further examination, the magistrate shall record the default, and shall certify the recognizance, with the record of such default, to the court to which the accused might otherwise have been held for trial, and the like proceedings shall be had thereon as upon the breach of the condition of a recognizance for appearance before such court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17208 ;-- CL 1948, 766.16Former Law:See section 12 of Ch. 163 of R.S. 1846, being CL 1857, § 5988; CL 1871, § 7854; How., § 9465; CL 1897, § 11849; and CL 1915, § 15676.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.17 - Admission to Bail After Commitment to Jail; Discharge of Prisoner.

Sec. 17. Whenever no sufficient bail is offered, and the prisoner is committed to jail, the magistrate before whom the examination was had, shall certify upon the mittimus issued by him, the sum for which bail was required, and if the prisoner shall offer sufficient bail for such sum to the clerk of the court wherein the prisoner was committed for trial, it shall be taken by said clerk and the prisoner shall be discharged. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17209 ;-- CL 1948, 766.17Former Law:See

section 33 of Ch. 163 of R.S. 1846, being CL 1871, § 7875; How., § 9486; CL 1897, § 11870; CL 1915, § 15697; and Act 159 of 1859.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.18 - Admission to Bail After Commitment to Jail; Clerk of Court, Authority.

Sec. 18. The clerk of the court to whom such bail is offered, is authorized and required to examine the person or persons offered for bail on oath as to their pecuniary responsibility, and if he shall be satisfied with the same, to take bail and certify and return the recognizance in the same manner and to the same effect as the magistrate might have done. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17210 ;-- CL 1948, 766.18Former Law:See section 34 of Ch. 163 of R.S. 1846, being CL 1871, § 7876; How., § 9487; CL 1897, § 11871; CL 1915, § 15698; and Act 159 of 1859 .

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.4 - Probable Cause Conference and Preliminary Examination; Dates; Scope; Waiver; Acceptance of Plea Agreement; Scheduling and Commencement of Preliminary Examination; Testimony of Victim; Definition; Codefendants; Examination by Magistrate.

Sec. 4. (1) Except as provided in section 4 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.4, the magistrate before whom any person is arraigned on a charge of having committed a felony shall set a date for a probable cause conference to be held not less than 7 days or more than 14 days after the date of the arraignment, and a date for a preliminary examination of not less than 5 days or more than 7 days after the date of the probable cause conference. The dates for the probable cause conference and preliminary examination shall be set at the time of arraignment. The probable cause conference shall include the following: (a) Discussions as to a possible plea agreement among the prosecuting attorney, the defendant, and the attorney for the defendant. (b) Discussions regarding bail and the opportunity for the defendant to petition the magistrate for a bond modification. (c) Discussions regarding stipulations and procedural aspects of the case. (d) Discussions regarding any other matters relevant to the case as agreed upon by both parties. (2) The probable cause conference may be waived by agreement between the prosecuting attorney and the attorney for the defendant. The parties shall notify the court of the waiver agreement and whether the parties will be conducting a preliminary examination, waiving the examination, or entering a plea. (3) A district judge has the authority to accept a felony plea. A district judge shall take a plea to a misdemeanor or felony as provided by court rule if a plea agreement is reached between the parties. Sentencing for a felony shall be conducted by a circuit judge, who shall be assigned and whose name shall be available to the litigants, pursuant to court rule, before the plea is taken. (4) If a plea agreement is not reached and if the preliminary examination is not waived by the defendant with the consent of the prosecuting attorney, a preliminary examination shall be held as scheduled unless adjourned or waived under section 7 of this chapter. The parties, with the approval of the court, may agree to schedule the preliminary examination earlier than 5 days after the conference. Upon the request of the prosecuting attorney, however, the preliminary examination shall commence immediately for the sole purpose of taking and preserving the testimony of a victim if the victim is present. For purposes of this subdivision, "victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime. If that testimony is insufficient to establish probable cause to believe that the defendant committed the charged crime or crimes, the magistrate shall adjourn the preliminary examination to the date set at arraignment. A victim who testifies under this subdivision shall not be called again to testify at the adjourned preliminary examination absent a showing of good cause. (5) If 1 or more defendants have been charged on complaints listing codefendants with a felony or felonies, the probable cause conference and preliminary examination for those defendants who have been arrested and arraigned at least 72 hours before that conference on those charges shall be consolidated, and only 1 joint conference or 1 joint preliminary examination shall be held unless the prosecuting attorney consents to a severance, a defendant seeks severance by motion and the magistrate finds severance to be required by law, or 1 of the defendants is unavailable and does not appear at the hearing. (6) At the preliminary examination, a magistrate shall examine the complainant and the witnesses in support of the prosecution, on oath and, except as provided in sections 11a and 11b of this chapter, in the presence of the defendant, concerning the offense charged and in regard to any other matters connected with the charge that the magistrate considers pertinent. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17196 ;-- CL 1948, 766.4 ;-- Am. 1970, Act 213, Imd. Eff. Oct. 4, 1970 ;-- Am. 1974, Act 63, Eff. May 1, 1974 ;-- Am. 1988, Act 64, Eff. Oct. 1, 1988 ;-- Am. 1993, Act 287, Eff. Mar. 1, 1994 ;-- Am. 1994, Act 167, Eff. Oct. 1, 1994 ;-- Am. 2014, Act 123, Imd. Eff. May 20, 2014Compiler's Notes:Section 2 of Act 63 of 1974 provides:“Effective date.“Section 2. To give judges, prosecutors, and defense counsel a reasonable opportunity to become aware of and familiar with the time periods and sequence prescribed in this amendatory act and the effects of noncompliance, sections 20 and 21 of chapter 8 of Act No. 175 of the Public Acts of 1927, being sections 768.20 and 768.21 of the Michigan Compiled Laws, as amended by this amendatory act shall take effect May 1, 1974, and apply to cases in which the arraignment on an information occurs on or after that date. The other provisions of this amendatory act shall take effect May 1, 1974 and apply to offenses committed on or after that date.”Section 3 of Act 64 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 175 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”Enacting section 1 of Act 123 of 2014 provides:"Enacting section 1. This amendatory act applies to cases in which the defendant is arraigned in district court or municipal court on or after January 1, 2015."Former Law:See section 13 of Ch. 163 of R.S. 1846, being CL 1857, § 5989; CL 1871, § 7855; How., § 9466; CL 1897, § 11850; and CL 1915, § 15677.

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Sec. 5. If it appears that a felony has been committed and that there is probable cause to believe that the accused is guilty thereof, and if the offense is bailable by the magistrate and the accused offers sufficient bail, it shall be taken and the prisoner discharged until trial. If sufficient bail is not offered or the offense is not bailable by the magistrate, the accused shall be committed to jail for trial. This section shall not prevent the magistrate from releasing the accused on his own recognizance where authorized by law. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17197 ;-- CL 1948, 766.5 ;-- Am. 1974, Act 63, Eff. May 1, 1974Compiler's Notes:Section 2 of Act 63 of 1974 provides:“Effective date.“Section 2. To give judges, prosecutors, and defense counsel a reasonable opportunity to become aware of and familiar with the time periods and sequence prescribed in this amendatory act and the effects of noncompliance, sections 20 and 21 of chapter 8 of Act No. 175 of the Public Acts of 1927, being sections 768.20 and 768.21 of the Michigan Compiled Laws, as amended by this amendatory act shall take effect May 1, 1974, and apply to cases in which the arraignment on an information occurs on or after that date. The other provisions of this amendatory act shall take effect May 1, 1974 and apply to offenses committed on or after that date.”Former Law:See section 18 of Ch. 163 of R.S. 1846, being CL 1857, § 5994; CL 1871, § 7860; How., § 9471; CL 1897, § 11855; and CL 1915, § 15682.

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Sec. 6. Any magistrate to whom complaint is made, or before whom any prisoner is brought, may associate with himself 1 or more other magistrates of the same county, and they may together execute the powers and duties conferred upon such magistrates respectively by this chapter, but no fees shall be taxed for such associates. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17198 ;-- CL 1948, 766.6Former Law:See section 24 of Ch. 163 of R.S. 1846, being CL 1857, § 6000; CL 1871, § 7866; How., § 9477; CL 1897, § 11861; and CL 1915, § 15688.

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Sec. 7. A magistrate may adjourn a preliminary examination for a felony to a place in the county as the magistrate determines is necessary. The defendant may in the meantime be committed either to the county jail or to the custody of the officer by whom he or she was arrested or to any other officer; or, unless the defendant is charged with treason or murder, the defendant may be admitted to bail. The defendant may waive the preliminary examination with the consent of the prosecuting attorney. An adjournment, continuance, or delay of a preliminary examination may be granted by a magistrate without the consent of the defendant or the prosecuting attorney for good cause shown. A magistrate may adjourn, continue, or delay the examination of any cause with the consent of the defendant and prosecuting attorney. An action on the part of the magistrate in adjourning or continuing any case does not cause the magistrate to lose jurisdiction of the case. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17199 ;-- CL 1948, 766.7 ;-- Am. 1974, Act 63, Eff. May 1, 1974 ;-- Am. 2014, Act 123, Imd. Eff. May 20, 2014Compiler's Notes:Section 2 of Act 63 of 1974 provides:“Effective date.“Section 2. To give judges, prosecutors, and defense counsel a reasonable opportunity to become aware of and familiar with the time periods and sequence prescribed in this amendatory act and the effects of noncompliance, sections 20 and 21 of chapter 8 of Act No. 175 of the Public Acts of 1927, being sections 768.20 and 768.21 of the Michigan Compiled Laws, as amended by this amendatory act shall take effect May 1, 1974, and apply to cases in which the arraignment on an information occurs on or after that date. The other provisions of this amendatory act shall take effect May 1, 1974 and apply to offenses committed on or after that date.”Enacting section 1 of Act 123 of 2014 provides:"Enacting section 1. This amendatory act applies to cases in which the defendant is arraigned in district court or municipal court on or after January 1, 2015."Former Law:See section 10 of Ch. 163 of R.S. 1846, being CL 1857, § 5986; CL 1871, § 7852; How., § 9463; CL 1897, § 11847; and CL 1915, § 15674.

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Sec. 8. The person accused may be committed as provided in the preceding section, by the verbal order of the magistrate, or by a warrant under his hand, stating that he is committed for such further examination on a day to be named in the warrant; and on the day therein specified, he may be brought before the magistrate by his verbal order to the same officer by or to whose custody he was committed, or by an order in writing to a different officer. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17200 ;-- CL 1948, 766.8Former Law:See section 11 of Ch. 163 of R.S. 1846, being CL 1857, § 5987; CL 1871, § 7853; How., § 9464; CL 1897, § 11848; and CL 1915, § 15675.

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Procedure (760.1 - 777.69)175-1927-VI - Chapter VI Examination of Offenders (766.1...766.22)Section 766.9 - Closure of Preliminary Examination.

Sec. 9. (1) Upon the motion of any party, the examining magistrate may close to members of the general public the preliminary examination of a person charged with criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, sodomy, gross indecency, or any other offense involving sexual misconduct if all of the following conditions are met: (a) The magistrate determines that the need for protection of a victim, a witness, or the defendant outweighs the public's right of access to the examination. (b) The denial of access to the examination is narrowly tailored to accommodate the interest being protected. (c) The magistrate states on the record the specific reasons for his or her decision to close the examination to members of the general public. (2) In determining whether closure of the preliminary examination is necessary to protect a victim or witness, the magistrate shall consider all of the following: (a) The psychological condition of the victim or witness. (b) The nature of the offense charged against the defendant. (c) The desire of the victim or witness to have the examination closed to the public. (3) The magistrate may close a preliminary examination to protect the right of a party to a fair trial only if both of the following apply: (a) There is a substantial probability that the party's right to a fair trial will be prejudiced by publicity that closure would prevent. (b) Reasonable alternatives to closure cannot adequately protect the party's right to a fair trial. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17201 ;-- CL 1948, 766.9 ;-- Am. 1988, Act 106, Eff. June 1, 1988Former Law:See Act 138 of 1895, being CL 1897, § 11873; and CL 1915, § 15700.

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Sec. 1. The several circuit courts of this state, the recorders' courts and any court of record having jurisdiction of criminal causes, shall possess and may exercise the same power and jurisdiction to hear, try and determine prosecutions upon informations for crimes, misdemeanors and offenses, to issue writs and process and do all other acts therein as they possess and may exercise in cases of like prosecutions upon indictments. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17215 ;-- CL 1948, 767.1Former Law:See sections 1 and 9 of Act 138 of 1859, being CL 1871, §§ 7937 and 7945; How., §§ 9548 and 9556; CL 1897, §§ 11933 and 11941; and CL 1915, §§ 15760 and 15768.

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Sec. 10. Any person returned as a grand juror shall be allowed to make affirmation, substituting the word "affirm" instead of the word "swear"; and also the words, "this you do under the pains and penalties of perjury", instead of the words "so help you God". History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17224 ;-- CL 1948, 767.10Former Law:See section 4 of Ch. 164 of R.S. 1846, being CL 1857, § 6013; CL 1871, § 7882; How., § 9493; CL 1897, § 11878; and CL 1915, § 15705.

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Sec. 11. There shall be no more than 17 persons nor less than 13 persons sworn on any grand jury; and after such jurors have been impaneled and have received their charge from the court, they shall retire with the officer appointed to attend them and before they proceed to discharge the duties of their office, the court shall appoint 1 of their number to be foreman and the clerk shall record the same. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17225 ;-- CL 1948, 767.11 ;-- Am. 1970, Act 9, Imd. Eff. Mar. 26, 1970Former Law:See section 5 of Ch. 164 of R.S. 1846, being CL 1857, § 6014; CL 1871, § 7883; How., § 9494; CL 1897, § 11879; and CL 1915, § 15706.

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Sec. 12. The foreman appointed by the court in the manner provided in the preceding section, shall be foreman during the whole time they are required to serve; but in case of his death or absence or if he shall be discharged, or excused before the grand jury shall be dismissed, another of such jurors shall be appointed foreman for the residue of such time of service. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17226 ;-- CL 1948, 767.12Former Law:See section 6 of Ch. 164 of R.S. 1846, being CL 1857, § 6015; CL 1871, § 7884; How., § 9495; CL 1897, § 11880; and CL 1915, § 15707.

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Sec. 13. A person held to answer to any criminal charge may object to the competency of any 1 summoned to serve as a grand juror,

on the ground that he is the prosecutor or complainant upon any charge against such person; and if such objection be established, the person so summoned shall be set aside. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17227 ;-- CL 1948, 767.13Former Law:See section 7 of Ch. 164 of R.S. 1846, being CL 1857, § 6016; CL 1871, § 7885; How., § 9496; CL 1897, § 11881; and CL 1915, § 15708.

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Sec. 14. No challenge to the array of grand jurors, or to any person summoned as a grand juror, shall be allowed in any other case than that specified in the preceding section. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17228 ;-- CL 1948, 767.14Former Law:See section 8 of Ch. 164 of R.S. 1846, being CL 1857, § 6017; CL 1871, § 7886; How., § 9497; CL 1897, § 11882; and CL 1915, § 15709.

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Sec. 15. The foreman of every grand jury, the attorney general and the prosecuting attorney, or other prosecuting officer who shall be before them, shall have authority to administer all oaths and affirmations, in the manner prescribed by law, to witnesses who shall appear before such jury for the purpose of testifying in any matter of which they may have cognizance, and the foreman shall return to the court, or deliver to the prosecuting officer, a list of all the witnesses sworn before the grand jury in each case in which an indictment shall be found. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17229 ;-- CL 1948, 767.15Former Law:See section 9 of Ch. 164 of R.S. 1846, being CL 1857, § 6018; CL 1871, § 7887; How., § 9498; CL 1897, § 11883; and CL 1915, § 15710.

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Sec. 16. The grand jury may appoint 1 of their number to be their clerk, to preserve minutes of their proceedings and of evidence given before them; which minutes shall be delivered to the prosecuting officer, when so directed by the grand jury. Whenever it appears to the judge that it is necessary he may appoint a stenographer to take the testimony given before the grand jury. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17230 ;-- CL 1948, 767.16Former Law:See section 10 of Ch. 164 of R.S. 1846, being CL 1857, § 6019; CL 1871, § 7888; How., § 9499; CL 1897, § 11884; and CL 1915, § 15711.

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Sec. 17. When the grand jury attending any court shall have been dismissed before the court is adjourned without day, they may be summoned to attend again, in the same term at such time as the court shall direct, for the dispatch of any business that may come before them. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17231 ;-- CL 1948, 767.17Former Law:See section 11 of Ch. 164 of R.S. 1846, being CL 1857, § 6020; CL 1871, § 7889; How., § 9500; CL 1897, § 11885; and CL 1915, § 15712.

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Sec. 18. No grand juror, stenographer or officer of the court shall disclose the fact that any indictment for a felony has been found against any person not in custody or under recognizance, otherwise than by issuing or executing process on such indictment, until such person has been arrested. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17232 ;-- CL 1948, 767.18Former Law:See section 12 of Ch. 164 of R.S. 1846, being CL 1857, § 6021; CL 1871, § 7890; How., § 9501; CL 1897, § 11886; and CL 1915, § 15713.

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Sec. 19. Members of the grand jury may be required by any court to testify, whether the testimony of a witness examined before such jury is consistent with, or different from the evidence given by such witness before such court; and they may also be required to disclose the testimony given before them by any person, upon complaint against such person for perjury, or upon his trial for such offense; but in no case can a member of a grand jury be obliged or allowed to testify or declare in what manner he or any other member of the jury voted on any question before them, or what opinions were expressed by any juror in relation to any such question. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17233 ;-- CL 1948, 767.19Former Law:See section 13 of Ch. 164

of R.S. 1846, being CL 1857, § 6022; CL 1871, § 7891; How., § 9502; CL 1897, § 11887; and CL 1915, § 15714.

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Sec. 19a. The prosecuting attorney may apply to the judge who summoned the jury or his or her successor, or to the presiding judge, for an order granting immunity to any person designated by name and address in the application who might give testimony concerning any matter before the grand jury. The application shall be accompanied by a verified petition of the prosecuting attorney that sets forth the facts upon which the application is based. If the judge to whom the application is presented is satisfied that it is in the interest of justice that immunity be granted to that person, the judge shall enter an order granting immunity to the person, if the person appears before the grand jury and testifies under oath about any matter before the grand jury and set forth in the petition of the prosecuting attorney. History:Add. 1970, Act 9, Imd. Eff. Mar. 26, 1970 ;-- Am. 1989, Act 204, Imd. Eff. Nov. 1, 1989

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Sec. 19b. (1) A true copy of the order granting immunity shall be delivered to the witness before he or she answers any questions before the grand jury. (2) Truthful testimony or other information compelled under the order granting immunity and any information derived directly or indirectly from that truthful testimony or other information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to comply with the order. (3) All questions asked of the witness and his or her answers shall be transcribed. If a witness who has been granted immunity subsequently alleges that he or she is being prosecuted for an offense in violation of the grant of immunity, a true copy of the transcript, duly certified by an officer authorized to administer oaths, shall be delivered to the witness as soon as practicable. (4) The order granting immunity shall continue in effect until the judge who summoned the jury or his or her successor, in his or her discretion and upon the prosecuting attorney's application, enters an order terminating the order granting immunity and informs the witness of the order of termination. History:Add. 1970, Act 9, Imd. Eff. Mar. 26, 1970 ;-- Am. 1999, Act 250, Imd. Eff. Dec. 28, 1999

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Sec. 19c. Any witness who neglects or refuses to appear or testify or both in response to a summons of the grand jury or to answer any questions before the grand jury concerning any matter or thing of which the witness has knowledge concerning matters before the grand jury after service of a true copy of an order granting the witness immunity as to such matters shall be guilty of a contempt and after a public hearing in open court and conviction of such contempt shall be fined not exceeding $10,000.00 or imprisoned not exceeding 1 year, or both. If the witness thereafter appears before the court to purge himself of such contempt, the court shall order the recalling of the grand jury to afford such opportunity, and after appearance of the witness before the grand jury upon a transcript of the testimony there and then given, the witness shall be brought before the court and after examination, the court shall determine whether the witness has purged himself of the contempt and shall commute the sentence upon a finding that the witness has purged himself. History:Add. 1970, Act 9, Imd. Eff. Mar. 26, 1970Constitutionality:In People v David Johnson, 407 Mich 134; 283 NW2d 632 (1979), the Michigan supreme court held that an indigent witness has a right under the due process clause of the Michigan constitution to the assistance and appointment of counsel at contempt proceedings in respect to a citizens' grand jury which may result in incarceration.

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Sec. 19d. A person who wilfully swears falsely under oath in regard to any matter or thing upon which he is being examined is subject to the penalties of perjury as prescribed by law. History:Add. 1970, Act 9, Imd. Eff. Mar. 26, 1970

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Sec. 19e. A witness called before the grand jury is at all times entitled to legal counsel not involving delay. The witness may discuss fully with his or her legal counsel any matter relating to the witness's part in the inquiry without being subject to citation for contempt. The witness has the right to have legal counsel present in the room in which the inquiry is held. All communications

between the witness and his or her legal counsel are subject to the requirements of section 19f, and any disclosure of those communications by the witness or his or her legal counsel in violation of section 19f is punishable as provided in section 19f. History:Add. 1970, Act 9, Imd. Eff. Mar. 26, 1970 ;-- Am. 1989, Act 204, Imd. Eff. Nov. 1, 1989

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Sec. 19f. (1) Except as otherwise provided by law, a person shall not publish or make known to any other person any testimony or exhibits obtained or used, or any proceeding conducted, in connection with any grand jury inquiry. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 1 year or by a fine of not more than $1,000.00, or both. (2) Subsection (1) does not apply to any of the following: (a) Communications between prosecuting officers for the purpose of presenting evidence before the grand jury, for the purpose of reviewing evidence presented to the grand jury for prospective prosecution, or for any other purpose involving the execution of a public duty. (b) Communications between law enforcement officers in cases involving violations of chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z. (3) Subsection (1) applies to, but its application is not limited to, applications and petitions for and orders of immunity and to any transcript of testimony that may be delivered to a witness pursuant to his or her grant of immunity, except that the witness may be privileged to disclose such application, petition, order, and transcript to his or her attorney. History:Add. 1970, Act 9, Imd. Eff. Mar. 26, 1970 ;-- Am. 2002, Act 114, Eff. May 1, 2002

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Sec. 19g. (1) The testimony of any witness before the grand jury shall not be made available to any person indicted by such grand jury prior to the time of trial of the indictment except as otherwise provided by this section. (2) After the filing of an indictment returned by a citizen's grand jury but prior to trial, upon motion of the defendant made not later than 20 days after the arraignment of the defendant on the indictment, the trial judge shall direct the prosecuting attorney to furnish to the defendant the testimony which the defendant gave before the grand jury relative to the offense with which he is charged and may direct the prosecuting attorney to furnish to the defendant the testimony which any witness who will testify at the trial gave before the grand jury relative to the offense with which the defendant is charged except those portions adjudged irrelevant, immaterial or excluded for other good cause shown. If the trial judge directs the prosecuting attorney to furnish to the defendant a copy of a witness's testimony, which has been requested in accordance with this subsection, the prosecuting attorney shall furnish such testimony not later than 10 days prior to the time of trial or shall not call that witness to testify at the defendant's trial. (3) If the trial judge has not directed the prosecuting attorney to furnish a copy of a witness's testimony to the defendant prior to trial, then at such time during the course of the trial when the direct examination of such a witness has been completed, a copy of the witness's testimony before the grand jury relative to the offense with which the defendant is charged, upon the request of the defendant, shall be furnished by the prosecuting attorney to the defendant. History:Add. 1970, Act 9, Imd. Eff. Mar. 26, 1970 ;-- Am. 1972, Act 53, Imd. Eff. Feb. 21, 1972

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Sec. 2. All provisions of the law applying to prosecutions upon indictments, to writs and process therein and the issuing and service thereof, to commitments, bail, motions, pleadings, trials, appeals and punishments, or the execution of any sentence, and to all other proceedings in cases of indictments whether in the court of original or appellate jurisdiction, shall, in the same manner and to the same extent as near as may be, be applied to informations and all prosecutions and proceedings thereon. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17216 ;-- CL 1948, 767.2Former Law:See section 4 of Act 138 of 1859, being CL 1871, § 7940; How., § 9551; CL 1897, § 11936; and CL 1915, § 15763.

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Sec. 20. If requested by the grand jury, the prosecuting attorney or attorney general shall examine witnesses in the presence of the grand jury, and advise the grand jury on legal matters. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17234 ;-- CL 1948, 767.20 ;-- Am. 1989, Act 204, Imd. Eff. Nov. 1, 1989Former Law:See section 14 of Ch. 164 of R.S. 1846, being CL 1857, § 6023; CL 1871, § 7892; How., § 9503; CL 1897, § 11888; and CL 1915, § 15715.

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Sec. 21. The prosecuting attorney and other prosecuting officers, may, in all cases, issue subpoenas for witnesses to appear and testify on behalf of the people of this state; and the subpoena, under the hand of such officer, shall have the same force and be obeyed in the same manner and under the same penalties, as if issued by the clerk or any magistrate. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17235 ;-- CL 1948, 767.21Former Law:See section 15 of Ch. 164 of R.S. 1846, being CL 1857, § 6024; CL 1871, § 7893; How., § 9504; CL 1897, § 11889; and CL 1915, § 15716.

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Sec. 22. The prosecuting attorney, attorney general, or other prosecuting officer, shall be allowed at all times to appear before the grand jury on his or her request to give information to the grand jury regarding any matter cognizable by the grand jury. No person other than a grand juror shall be present during the deliberations of the grand jury or during the vote of the grand jury upon any matter before the grand jury. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17236 ;-- CL 1948, 767.22 ;-- Am. 1989, Act 204, Imd. Eff. Nov. 1, 1989Former Law:See section 16 of Ch. 164 of R.S. 1846, being CL 1857, § 6025; CL 1871, § 7894; How., § 9505; CL 1897, § 11890; and CL 1915, § 15717.

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Sec. 23. No indictment can be found without the concurrence of at least 9 grand jurors; and when so found, and not otherwise, the foreman of the grand jury shall certify thereon, under his hand, that the same is a true bill. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17237 ;-- CL 1948, 767.23 ;-- Am. 1970, Act 9, Imd. Eff. Mar. 26, 1970Former Law:See section 17 of Ch. 164 of R.S. 1846, being CL 1857, § 6026; CL 1871, § 7895; How., § 9506; CL 1897, § 11891; and CL 1915, § 15718.

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Sec. 23a. A grand jury convened under section 7c may indict a person for an offense committed in any county over which the grand jury has jurisdiction. If the grand jury indicts a person under this subsection, the grand jury shall specify in the indictment the county or counties in which the offense took place. History:Add. 1989, Act 204, Imd. Eff. Nov. 1, 1989

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Sec. 24. (1) An indictment for any of the following crimes may be found and filed at any time: (a) Murder, conspiracy to commit murder, or solicitation to commit murder, or criminal sexual conduct in the first degree. (b) A violation of chapter XXXIII of the Michigan penal code, 1931 PA 328, MCL 750.200 to 750.212a, that is punishable by imprisonment for life. (c) A violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h, that is punishable by imprisonment for life. (d) A violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, that is punishable by imprisonment for life. (2) An indictment for a violation or attempted violation of section 13, 462b, 462c, 462d, or 462e of the Michigan penal code, 1931 PA 328, MCL 750.13, 750.462b, 750.462c, 750.462d, and 750.462e, may be found and filed within 25 years after the offense is committed. This subsection shall be known as "Theresa Flores's Law". (3) Except as provided in subsection (4) for a violation of section 520c or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520c and 750.520d, in which the victim is under 18 years of age, an indictment for a violation or attempted violation of section 136, 136a, 145c, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.136, 750.136a, 750.145c, 750.520c, 750.520d, 750.520e, and 750.520g, may be found and filed as follows: (a) Except as otherwise provided in subdivision (b), an indictment may be found and filed within 10 years after the offense is committed or by the alleged victim's twenty-first birthday, whichever is later. (b) If evidence of the offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment may be found and filed within 10 years after the individual is identified or by the alleged victim's twenty-first birthday, whichever is later. (4) An indictment for a violation of section 520c or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520c and 750.520d, in which the victim is under 18 years of age may be found and filed as follows: (a) Except as otherwise provided in subdivision (b), an indictment may be found and filed within 15 years after the offense is committed or by the alleged victim's twenty-eighth birthday, whichever is later. (b) If evidence of the offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment may be found and filed within 15 years after the individual is identified or by the alleged victim's twenty-eighth birthday, whichever is later.

(5) As used in subsections (3) and (4): (a) "DNA" means human deoxyribonucleic acid. (b) "Identified" means the individual's legal name is known and he or she has been determined to be the source of the DNA. (6) An indictment for kidnapping, extortion, assault with intent to commit murder, attempted murder, manslaughter, armed robbery, or first-degree home invasion may be found and filed as follows: (a) Except as otherwise provided in subdivision (b), an indictment may be found and filed within 10 years after the offense is committed. (b) If the offense is reported to a police agency within 1 year after the offense is committed and the individual who committed the offense is unknown, an indictment for that offense may be found and filed within 10 years after the individual is identified. This subsection shall be known as Brandon D'Annunzio's law. As used in this subsection, "identified" means the individual's legal name is known. (7) An indictment for identity theft or attempted identity theft may be found and filed as follows: (a) Except as otherwise provided in subdivision (b), an indictment may be found and filed within 6 years after the offense is committed. (b) If evidence of the offense is obtained and the individual who committed the offense has not been identified, an indictment may be found and filed at any time after the offense is committed, but not more than 6 years after the individual is identified. (8) As used in subsection (7): (a) "Identified" means the individual's legal name is known. (b) "Identity theft" means 1 or more of the following: (i) Conduct prohibited in section 5 or 7 of the identity theft protection act, 2004 PA 452, MCL 445.65 and 445.67. (ii) Conduct prohibited under former section 285 of the Michigan penal code, 1931 PA 328. (9) An indictment for false pretenses involving real property, forgery or uttering and publishing of an instrument affecting an interest in real property, or mortgage fraud may be found and filed within 10 years after the offense was committed or within 10 years after the instrument affecting real property was recorded, whichever occurs later. (10) All other indictments may be found and filed within 6 years after the offense is committed. (11) Any period during which the party charged did not usually and publicly reside within this state is not part of the time within which the respective indictments may be found and filed. (12) The extension or tolling, as applicable, of the limitations period provided in this section applies to any of those violations for which the limitations period has not expired at the time the extension or tolling takes effect. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17238 ;-- Am. 1935, Act 144, Eff. Sept. 21, 1935 ;-- CL 1948, 767.24 ;-- Am. 1954, Act 100, Imd. Eff. Apr. 14, 1954 ;-- Am. 1987, Act 255, Eff. Mar. 30, 1988 ;-- Am. 2001, Act 6, Imd. Eff. May 2, 2001 ;-- Am. 2002, Act 119, Eff. Apr. 22, 2002 ;-- Am. 2004, Act 458, Eff. Mar. 1, 2005 ;-- Am. 2005, Act 35, Imd. Eff. June 7, 2005 ;-- Am. 2011, Act 203, Imd. Eff. Oct. 20, 2011 ;-- Am. 2012, Act 363, Eff. Mar. 28, 2013 ;-- Am. 2014, Act 324, Eff. Jan. 14, 2015 ;-- Am. 2017, Act 79, Eff. Oct. 9, 2017 ;-- Am. 2018, Act 148, Eff. Aug. 14, 2018 ;-- Am. 2018, Act 182, Eff. Sept. 10, 2018Compiler's Notes:Enacting section 1 of Act 6 of 2001 provides:“Enacting section 1. The legislature intends that the extension or tolling, as applicable, of the limitations period provided in this amendatory act shall apply to any of those violations for which the limitations period has not expired at the time this amendatory act takes effect.”Former Law:See section 18 of Ch. 164 of R.S. 1846, being CL 1857, § 6027; CL 1871, § 7896; How., § 9507; CL 1897, § 11892; and CL 1915, § 15719.

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Sec. 25. (1) If a person is indicted by a grand jury, the grand jury shall indorse all of the names of the complainants and all of the names of the witnesses on the back of the indictment. The foreperson of the grand jury shall present the indictment to the court in the presence of the grand jury. (2) If a person is indicted by a grand jury convened under section 7c, the indictment shall remain with the court having jurisdiction over the offense, after the indictment is certified and filed with that court. (3) If the grand jury indicts a person under subsection (1), the judge presiding over the grand jury proceedings shall return the indictment to any court having proper jurisdiction over the offense. (4) Except as otherwise provided in this section, the indictment shall be filed with the court and remain with the court as a public record. (5) If a person is indicted for a felony and the person is not in custody, the indictment shall not be open to inspection by any person other than the attorney general or the prosecuting attorney until the defendant is in custody. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17239 ;-- CL 1948, 767.25 ;-- Am. 1989, Act 204, Imd. Eff. Nov. 1, 1989Former Law:See section 19 of Ch. 164 of R.S. 1846, being CL 1857, § 6028; CL 1871, § 7897; How., § 9508; CL 1897, § 11893; and CL 1915, § 15720.

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Sec. 26. Any person held in prison on any charge of having committed a crime, shall be discharged if he be not indicted before the end of the second term of the court at which he is held to answer unless it shall appear to the satisfaction of the court that the witnesses on the part of the people have been enticed or kept away, or are detained and prevented from attending the court by sickness or some inevitable accident, and except in the case provided for in the next section. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17240 ;-- CL 1948, 767.26Former Law:See section 20 of Ch. 164 of R.S. 1846, being CL 1857, § 6029; CL 1871, § 7898; How., § 9509; CL 1897, § 11894; and CL 1915, § 15721.

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Sec. 28. Every person indicted for any offense, who shall have been arrested upon process issued upon such indictment or who shall have duly entered into recognizance to appear and answer to such indictment shall, on demand, be entitled to a copy of the indictment and of all endorsements thereon. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17242 ;-- CL 1948, 767.28Former Law:See section 22 of Ch. 164 of R.S. 1846, being CL 1857, § 6031; CL 1871, § 7900; How., § 9511; CL 1897, § 11896; and CL 1915, § 15723.

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Sec. 29. A prosecuting attorney shall not enter a nolle prosequi upon an indictment, or discontinue or abandon the indictment, without stating on the record the reasons for the discontinuance or abandonment and without the leave of the court having jurisdiction to try the offense charged, entered in its minutes. If a defendant is charged with a major controlled substance offense, in addition to the requirements of this section, the requirements of section 7415 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7415 of the Michigan Compiled Laws, shall apply upon the prosecuting attorney's motion to dismiss the charge. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- Am. 1929, Act 24, Imd. Eff. Apr. 2, 1929 ;-- CL 1929, 17243 ;-- CL 1948, 767.29 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1988, Act 90, Imd. Eff. Mar. 30, 1988Former Law:See section 23 of Ch. 164 of R.S. 1846, being CL 1857, § 6032; CL 1871, § 7901; How., § 9512; CL 1897, § 11897; and CL 1915, § 15724.

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Sec. 3. Whenever by reason of the filing of any complaint, which may be upon information and belief, or upon the application of the prosecuting attorney or attorney general, any judge of a court of law and of record shall have probable cause to suspect that any crime, offense or misdemeanor has been committed within his jurisdiction, and that any persons may be able to give any material evidence respecting such suspected crime, offense or misdemeanor, such judge in his discretion may make an order directing that an inquiry be made into the matters relating to such complaint, which order, or any amendment thereof, shall be specific to common intent of the scope of the inquiry to be conducted, and thereupon conduct such inquiry. In any court having more than 1 judge such order and the designation of the judge to conduct the inquiry shall be made in accordance with the rules of such court. Thereupon such judge shall require such persons to attend before him as witnesses and answer such questions as the judge may require concerning any violation of law about which they may be questioned within the scope of the order. The proceedings to summon such witness and to compel him to testify shall, as far as possible, be the same as proceedings to summon witnesses and compel their attendance and testimony. The witnesses shall not receive any compensation or remuneration other than witness fees as paid witnesses in other criminal proceedings. The witness shall not be employed in any capacity by the judge or by any person connected with such inquiry, within the scope of the inquiry being conducted. Whenever a subpoena is issued by the judge conducting the inquiry, commanding the appearance of a witness before the judge forthwith upon the service of such subpoena, and, following the service thereof, the witness arrives at the time and place stated in the subpoena, the judge issuing the same shall be forthwith notified of the appearance by the officer serving the subpoena, and the judge forthwith shall appear and take the testimony of the witness. Any person called before the grand jury shall at all times be entitled to legal counsel not involving delay and he may discuss fully with his counsel all matters relative to his part in the inquiry without being subject to a citation for contempt. The witness shall have the right to have counsel present in the room where the inquiry is held. All matters revealed to the attorney shall be subject to the requirements of secrecy in section 4, and any revelation thereof by the attorney shall make him subject to punishment as provided in section 4. No testimony shall be taken or given by any witness except in the presence of the judge. Any judge, prosecuting attorney or special prosecuting attorney, or the attorney general participating in any inquiry under this section which continues more than 30 calendar days shall thereafter be disqualified from appointment or election to any office other than one held at the time of the inquiry. The disqualification shall not extend more than 1 year from date of termination of the inquiry, as determined by final order of the judge entered prior to such date. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17217 ;-- CL 1948, 767.3 ;-- Am. 1949, Act 311, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 276, Eff. Sept. 28, 1951 ;-- Am. 1965, Act 251, Imd. Eff. July 21, 1965Former Law:See section 1 of Act 196 of 1917.

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Sec. 30. A warrant for the arrest of any person indicted may be issued by the court to which the indictment shall be presented, or by any justice of the supreme court, or judge of the court for the county in which such indictment shall be found, or judge of any recorder's court or any court of record having jurisdiction of criminal causes, either in vacation or during the sitting of any such court; but such warrant shall not be issued by any other officer. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17244 ;-- CL 1948, 767.30Former Law:See section 24 of Ch. 164 of R.S. 1846, being CL 1857, § 6033; CL 1871, § 7902; How., § 9513; CL 1897, § 11898; and CL 1915, § 15725.

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Sec. 31. Every warrant shall be directed to the sheriff, constable, police officer or peace officer of the county in which the indictment shall be found, and may be executed in any part of this state. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17245 ;-- CL 1948, 767.31Former Law:See section 25 of Ch. 164 of R.S. 1846, being CL 1857, § 6034; CL 1871, § 7903; How., § 9514; CL 1897, § 11899; and CL 1915, § 15726.

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Sec. 32. The clerk of any county in which an indictment shall be found, upon the application of the defendant, and without requiring any fees, shall issue subpoenas as well during the sitting of any court as in vacation, for such witnesses as the defendant may require, whether residing in or out of the county. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17246 ;-- CL 1948, 767.32Former Law:See section 26 of Ch. 164 of R.S. 1846, being CL 1857, § 6035; CL 1871, § 7904; How., § 9515; CL 1897, § 11900; and CL 1915, § 15727.

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Sec. 33. Disobedience to any subpoena issued pursuant to the foregoing provisions, shall be punished in the same manner and upon the like proceedings, as provided by law in other cases; and the person guilty of such disobedience shall be liable to the party at whose instance such subpoena issued in the same manner and to the like extent as in cases of subpoenas issued in any civil suit. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17247 ;-- CL 1948, 767.33Former Law:See section 27 of Ch. 164 of R.S. 1846, being CL 1857, § 6036; CL 1871, § 7905; How., § 9516; CL 1897, § 11901; and CL 1915, § 15728.

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Sec. 34. Any circuit court or any court of record shall have power to issue capiases, in the first instance, for any witness or witnesses in criminal cases, when it shall satisfactorily appear that such witness or witnesses are material and that there will be danger of the loss of their testimony unless such writ be issued. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17248 ;-- CL 1948, 767.34Former Law:See section 1 of Act 209 of 1871, being CL 1871, § 7961; How., § 9574; CL 1897, § 11958; and CL 1915, § 15831.

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Sec. 35. When it appears to a court of record that a person is a material witness in a criminal case pending in a court in the county and that there is a danger of the loss of testimony of the witness unless the witness furnishes bail or is committed if he or she fails to furnish bail, the court shall require the witness to be brought before the court. After giving the witness an opportunity to be heard, if it appears that the witness is a material witness and that there is a danger of the loss of his or her testimony unless the witness furnishes bail or is committed, the court may require the witness to enter into a recognizance with a surety in an amount determined by the court for the appearance of the witness at an examination or trial. If the witness fails to recognize, he or she shall be committed to jail by the court, until he or she does recognize or is discharged by order of the court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17249 ;-- CL 1948, 767.35 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See sections 19, 20, and 22 of Ch. 163 of R.S. 1846, being CL 1857, §§ 5995, 5996, and 5998; CL 1871, §§ 7861, 7862, and 7864; How., §§ 9472, 9473, and 9475; CL 1897, §§ 11856, 11857, and 11859; CL 1915, §§ 15683, 15684, and 15686; and Act 77 of 1871.

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Sec. 36. It shall not be necessary to pay or tender any fees whatever to any witness subpoenaed on the part of the people of this state in support of any prosecution, but such witness shall be bound to attend as if the fees allowed by law to witnesses in civil actions had been duly paid to him. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17250 ;-- CL 1948, 767.36Former Law:See section 28 of Ch. 163 of R.S. 1846, being CL 1857, § 6037; CL 1871, § 7906; How., § 9517; CL 1897, § 11902; and CL 1915, § 15729.

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Sec. 37. When any person shall be arraigned upon an indictment, it shall not be necessary in any case to ask him how he will be tried but if, on being so arraigned, he shall refuse to plead or answer or shall not confess the indictment to be true, the court shall order a plea of not guilty to be entered and thereupon the proceedings shall be the same as if he had pleaded not guilty to the indictment. At the arraignment of any person upon an indictment or upon the charge in a warrant, complaint or information the court may accept a plea of nolo contendere and if such a plea is accepted, the court shall proceed as if he had pleaded guilty. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17251 ;-- CL 1948, 767.37 ;-- Am. 1969, Act 334, Imd. Eff. Nov. 10, 1969Former Law:See section 29 of Ch. 163 of R.S. 1846, being CL 1857, § 6038; CL 1871, § 7907; How., § 9518; CL 1897, § 11903; and CL 1915, § 15730.

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Sec. 37a. (1) A judge or district court magistrate may conduct initial criminal arraignments and set bail by 2-way interactive video technology communication between a court facility and a prison, jail, or other place where a person is imprisoned or detained. A judge or district court magistrate may conduct initial criminal arraignments and set bail on weekends, holidays, or at any time as determined by the court. (2) A 2-way interactive video technology system used under this section shall enable the accused and the judge or district court magistrate to see, hear, and communicate with each other simultaneously, and shall enable defense counsel and the prosecuting attorney, if present, to be heard by and to communicate simultaneously with the accused, the judge or district court magistrate, and opposing counsel. (3) Except as otherwise provided by law, the public shall have access to the courtroom or other location, that allows them to view and hear the proceedings. (4) If proceedings conducted under this section are not recorded by an individual certified by the state court administrative office, the court shall record and maintain an original audiovisual recording of the entire proceedings. A recording made under this subsection shall become part of the court record. (5) This act does not prohibit the use of 2-way interactive video technology for arraignments on the information, criminal pretrial hearings, criminal pleas, sentencing hearings for misdemeanor violations cognizable in the district court, show cause hearings, or other criminal proceedings, to the extent the Michigan supreme court has authorized that use. History:Add. 1994, Act 229, Imd. Eff. June 30, 1994 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007

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Sec. 38. Every person held in prison upon an indictment shall, if he require it, be tried at the next term of court after the expiration of 6 months from the time when he was imprisoned, or shall be bailed upon his own recognizance, unless it shall appear to the satisfaction of the court that the witnesses on behalf of the people have been enticed or kept away, or are detained and prevented from attending court by sickness, or some inevitable accident. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17252 ;-- CL 1948, 767.38Former Law:See section 30 of Ch. 163 of R.S. 1846, being CL 1857, § 6039; CL 1871, § 7908; How., § 9519; CL 1897, § 11904; and CL 1915, § 15731.

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Sec. 39. Every person concerned in the commission of an offense, whether he directly commits the act constituting the offense or procures, counsels, aids, or abets in its commission may hereafter be prosecuted, indicted, tried and on conviction shall be punished as if he had directly committed such offense. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17253 ;-- CL 1948, 767.39Former Law:See sections 3 and 5 of Ch. 161 of R.S. 1846, being CL 1857, §§ 5939 and 5941; CL 1871, §§ 7805 and 7807; How., §§ 9415 and 9417; CL 1897, §§ 11776 and 11778; CL 1915, §§ 15603 and 15605; and section 19 of Act 77 of 1855, being CL 1857, § 6065; CL 1871, § 7934; How., § 9545; CL 1897, § 11930; CL 1915, § 15757.

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Sec. 4. If upon such inquiry the judge shall be satisfied that any offense has been committed and that there is probable cause to suspect any person to be guilty thereof, he may cause the apprehension of such person by proper process and, upon the return of such process served or executed, the judge having jurisdiction shall proceed with the case, matter or proceeding in like manner as

upon formal complaint. The judge conducting the inquiry under section 3 shall be disqualified from acting as the examining magistrate in connection with the hearing on the complaint or indictment, or from presiding at any trial arising therefrom, or from hearing any motion to dismiss or quash any complaint or indictment, or from hearing any charge of contempt under section 5, except alleged contempt for neglect or refusal to appear in response to a summons or subpoena. If upon such inquiry the judge shall find from the evidence that there is probable cause to believe that any public officer, elective or appointive and subject to removal by law, has been guilty of misfeasance or malfeasance in office or wilful neglect of duty or of any other offense prescribed as a ground of removal, the judge shall make a written finding setting up the offense so found and shall serve said finding upon the public officer, public board or body having jurisdiction under the law to conduct removal proceedings against the officer. The finding shall be a sufficient complaint as a basis for removal of said officer and the public officer, public board or public body having jurisdiction of removal proceedings against the officer shall proceed in the method prescribed by law for a hearing and determination of said charges. Except in cases of prosecutions for contempt or perjury against witnesses who may have been summoned before the judge conducting such inquiry, or for the purpose of determining whether the testimony of a witness examined before the judge is consistent with or different from the testimony given by such witness before a court in any subsequent proceeding, or in cases of disciplinary action against attorneys and counselors in this state, any judge conducting the inquiry, any prosecuting attorney and other persons who may at the discretion of the judge be admitted to such inquiry, who shall while conducting such inquiry or while in the services of the judge or after his services with the judge shall have been discontinued, utter or publish any statement pertaining to any information or evidence involved in the inquiry, or who shall disclose the fact that any indictment for a felony has been found against any person not in custody or under recognizance, or who shall disclose that any person has been questioned or summoned in connection with the inquiry, who shall disclose or publish or cause to be published any of the proceedings of the inquiry otherwise than by issuing or executing processes prior to the indictment, or shall disclose, publish or cause to be published any comment, opinion or conclusions related to the proceedings of the inquiry, shall be guilty of a misdemeanor punishable by imprisonment in the county jail not more than 1 year or by a fine of not less than $100.00 nor more than $1,000.00, or both fine and imprisonment in the discretion of the court, and the offense when committed by a public official shall also constitute malfeasance in office. The limitations, restrictions and penalties relating to the uttering, publishing or disclosing of any statement pertaining to any information or evidence, imposed by this section, do not apply to disclosures of information or evidence made by a judge conducting such an investigation to another judge concurrently conducting an investigation as provided in section 3. Upon the termination of the inquiry if the judge shall make no presentment of crime or wrongdoing as to any person whose apprehension or removal from office he has not so caused, he may, in his discretion, with the consent of the person who may be named, file with the clerk of the county in which such inquiry has been conducted, a report of no finding of criminal guilt as to any person or persons involved in such inquiry, either as witness or otherwise, whose involvement in such inquiry has become public. No inquiry or proceeding under this chapter shall continue longer than 6 months unless extended by specific order of the judge or his successor for an additional period not to exceed 6 months. In the event any judge conducting such inquiry shall be unable to continue because of physical disability, disqualification, termination of office or death, the presiding circuit judge of Michigan shall appoint a successor. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17218 ;-- Am. 1947, Act 33, Imd. Eff. Apr. 4, 1947 ;-- CL 1948, 767.4 ;-- Am. 1949, Act 311, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 276, Eff. Sept. 28, 1951 ;-- Am. 1967, Act 70, Eff. Nov. 2, 1967Former Law:See section 2 of Act 196 of 1917 and Act 395 of 1921.

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Sec. 40. All informations shall be filed in the court having jurisdiction of the offense specified in the information after the proper return is filed by the examining magistrate and by the prosecuting attorney of the county as informant. The information shall be subscribed by the prosecuting attorney or in his or her name by an assistant prosecuting attorney. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- Am. 1929, Act 24, Imd. Eff. Apr. 2, 1929 ;-- CL 1929, 17254 ;-- CL 1948, 767.40 ;-- Am. 1955, Act 184, Eff. Oct. 14, 1955 ;-- Am. 1961, Act 11, Eff. Sept. 8, 1961 ;-- Am. 1986, Act 46, Eff. July 1, 1986Former Law:See sections 2 and 3 of Act 138 of 1859, being CL 1871, §§ 7938 and 7939; How., §§ 9549 and 9550; CL 1897, §§ 11934 and 11935; and CL 1915, §§ 15761 and 15762.

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Sec. 40a. (1) The prosecuting attorney shall attach to the filed information a list of all witnesses known to the prosecuting attorney who might be called at trial and all res gestae witnesses known to the prosecuting attorney or investigating law enforcement officers. (2) The prosecuting attorney shall be under a continuing duty to disclose the names of any further res gestae witnesses as they become known. (3) Not less than 30 days before the trial, the prosecuting attorney shall send to the defendant or his or her attorney a list of the witnesses the prosecuting attorney intends to produce at trial. (4) The prosecuting attorney may add or delete from the list of witnesses he or she intends to call at trial at any time upon leave of the court and for good cause shown or by stipulation of the

parties. (5) The prosecuting attorney or investigative law enforcement agency shall provide to the defendant, or defense counsel, upon request, reasonable assistance, including investigative assistance, as may be necessary to locate and serve process upon a witness. The request for assistance shall be made in writing by defendant or defense counsel not less than 10 days before the trial of the case or at such other time as the court directs. If the prosecuting attorney objects to a request by the defendant on the grounds that it is unreasonable, the prosecuting attorney shall file a pretrial motion before the court to hold a hearing to determine the reasonableness of the request. (6) Any party may within the discretion of the court impeach or cross-examine any witnesses as though the witness had been called by another party. History:Add. 1941, Act 336, Eff. Jan. 10, 1942 ;-- CL 1948, 767.40a ;-- Am. 1986, Act 46, Eff. July 1, 1986

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Sec. 41. The prosecuting attorney of the proper county shall inquire into and make full examination of all the facts and circumstances connected with a case of preliminary examination as provided by law, concerning the commission of an offense where the offender is committed to jail or becomes recognized or held to bail. If the prosecuting attorney determines in a case other than a major controlled substance offense that an information ought not be filed, he shall make and subscribe a statement, in writing, containing his reasons in fact and in law, for not filing an information in the case and shall file that statement with the clerk of the court at and during the term of the court at which the offender is held for appearance. The court may examine the statement, together with the evidence filed in the case and if, upon examination, the court is not satisfied with the statement, the prosecuting attorney shall be directed by the court to file the proper information and bring the case to trial. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17255 ;-- CL 1948, 767.41 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978Former Law:See section 6 of Act 138 of 1859, being CL 1871, § 7942; How., § 9553; CL 1897, § 11938; CL 1915, § 15765; and Act 147 of 1863.

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Sec. 42. (1) An information shall not be filed against any person for a felony until such person has had a preliminary examination therefor, as provided by law, before an examining magistrate, unless that person waives his statutory right to an examination. If any person waives his statutory right to a preliminary examination without having had the benefit of counsel at the time and place of the waiver, upon proper and timely application by the person or his counsel, before trial or plea of guilty, the court having jurisdiction of the cause, in its discretion, may remand the case to a magistrate for a preliminary examination. (2) An information may be filed without a preliminary examination against a fugitive from justice, and any fugitive from justice against whom an information shall be filed may be demanded by the governor of this state of the executive authority of any other state or territory, or of any foreign government, in the same manner and the same proceedings may be had thereon as provided by law in like cases of demand upon indictment filed. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17256 ;-- CL 1948, 767.42 ;-- Am. 1957, Act 38, Eff. Sept. 27, 1957 ;-- Am. 1974, Act 63, Eff. May 1, 1974Compiler's Notes:Section 2 of Act 63 of 1974 provides: “To give judges, prosecutors, and defense counsel a reasonable opportunity to become aware of and familiar with the time periods and sequence prescribed in this amendatory act and the effects of noncompliance, sections 20 and 21 of chapter 8 of Act No. 175 of the Public Acts of 1927, being sections 768.20 and 768.21 of the Michigan Compiled Laws, as amended by this amendatory act shall take effect May 1, 1974, and apply to cases in which the arraignment on an information occurs on or after that date. The other provisions of this amendatory act shall take effect May 1, 1974 and apply to offenses committed on or after that date.”Former Law:See section 8 of Act 138 of 1859, being CL 1871, § 7944; How., § 9555; CL 1897, § 11940; and CL 1915, § 15767.

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Sec. 43. The indictment may be substantially in the following form: In the ..... (here give the name of the court) ..... term, 19..... the People of the state of Michigan vs. (here give the name or the description of the accused.) The grand jury of the county or counties of ..... presents that (here give the name or the description of the accused), (here set forth the offense and transaction, according to the rules herein enunciated). History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17257 ;-- CL 1948, 767.43 ;-- Am. 1989, Act 204, Imd. Eff. Nov. 1, 1989

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Sec. 44. The following forms may be used in the cases in which they are applicable but any other forms authorized by this or any

other law of this state may also be used: Adultery—A.B., a married man, committed adultery with C.D.; or A.B. committed adultery with C.D., a married woman. Affray—A.B. and C.D. made an affray. Assault—A.B. assaulted C.D. Assault and Battery—A.B. committed an assault and battery on C.D. Assault with intent—A.B. assaulted C.D. with intent to murder, or kill, or rob, or maim, or rape (as the case may be). Arson—A.B. committed arson by burning the dwelling house of C.D. Attempt—A.B. attempted to steal from C.D.; A.B. attempted to commit larceny of the goods of C.D.; A.B. attempted to commit burglary of a building belonging to C.D. (as the case may be). Burglary—A.B. committed burglary of the house of C.D. A.B. broke and entered the dwelling house of C.D. in the night time with intent to commit larceny, or murder, or robbery therein (as the case may be). Conspiracy—A.B. and C.D. conspired together to murder E.F. or to steal the property of E.F. or to rob E.F. (as the case may be). Forgery—A.B. forged a certain instrument purporting to be a promissory note (or describe instrument or give its tenor or substance). Larceny—Embezzlement and false pretenses. A.B. stole from C.D. 1 horse of the value of more than 100 dollars. Murder—A.B. murdered C.D. Manslaughter—A.B. killed C.D. Perjury—A.B. appeared as a witness in a case between C.D. and E.F. being heard before the (set forth the tribunal) and committed perjury by testifying as follows: (set forth the testimony). Rape—A.B. raped or ravished C.D. Rape (statutory)—A.B. raped or ravished C.D., she C.D. being then under the age of (statutory age) years. Robbery Armed—A.B. robbed C.D., A.B. being armed. Robbery—A.B. robbed C.D., A.B. not being armed. Provided, That the prosecuting attorney, if seasonably requested by the respondent, shall furnish a bill of particulars setting up specifically the nature of the offense charged. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17258 ;-- CL 1948, 767.44Former Law:See section 2 of Act 77 of 1855, being CL 1857, § 6048; CL 1871, § 7917; How., § 9528; CL 1897, § 11913; and CL 1915, § 15740.

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Sec. 45. (1) The indictment or information shall contain all of the following: (a) The nature of the offense stated in language which will fairly apprise the accused and the court of the offense charged. (b) The time of the offense as near as may be. No variance as to time shall be fatal unless time is of the essence of the offense. (c) That the offense was committed in the county or within the jurisdiction of the court. No verdict shall be set aside or a new trial granted by reason of failure to prove that the offense was committed in the county or within the jurisdiction of the court unless the accused raises the issue before the case is submitted to the jury. (2) If a person is accused of committing or attempting to commit a felony in which a motor vehicle was used, other than a felony specified in section 732(4) or 319(1)(a) to (f) of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.732 and 257.319 of the Michigan Compiled Laws, the prosecuting attorney shall include on the complaint and information the statement, "You are charged with the commission of a felony in which a motor vehicle was used. If you are convicted and the judge finds that the conviction is for a felony in which a motor vehicle was used, as defined in section 319 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.319 of the Michigan Compiled Laws, your driver's license shall be suspended by the secretary of state for a period of 90 days to 2 years." As used in this subsection, "felony in which a motor vehicle was used" means a felony during the commission of which the person accused operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed: (i) The vehicle was used as an instrument of the felony. (ii) The vehicle was used to transport a victim of the felony. (iii) The vehicle was used to flee the scene of the felony. (iv) The vehicle was necessary for the commission of the felony. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17259 ;-- CL 1948, 767.45 ;-- Am. 1988, Act 123, Eff. July 1, 1988Former Law:See sections 7 and 13 of Act 77 of 1855, being CL 1857, §§ 6053 and 6059; CL 1871, §§ 7922 and 7928; How., §§ 9533 and 9539; CL 1897, §§ 11918 and 11924; and CL 1915, §§ 15745 and 15751.

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Sec. 46. Any defect, error or omission in the caption, commencement or conclusion of an indictment may be amended. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17260 ;-- CL 1948, 767.46

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Sec. 47. No indictment is invalid by reason of any repugnant allegations contained therein, provided that an offense is charged. All unnecessary allegations shall be rejected as surplusage. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17261 ;-- CL 1948, 767.47Former Law:See section 8 of Act 77 of 1855, being CL 1857, § 6054; CL 1871, § 7923; How., § 9534; CL 1897, § 11919; and CL 1915, § 15746.

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Sec. 48. No indictment for any offense created or defined by statute shall be deemed objectionable for the reason that it fails to negative any exception, excuse or proviso contained in the statute creating or defining the offense. The fact that the charge is made shall be considered as an allegation that no legal excuse for the doing of the act exists in the particular case. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17262 ;-- CL 1948, 767.48

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Sec. 49. In any indictment it is sufficient for the purpose of identifying the accused to state his true name, to state the name, appellation or nickname by which he has been or is known, to state a fictitious name, or to describe him as a person whose name is unknown or to describe him in any other manner. In stating the true name or the name by which the accused has been or is known or a fictitious name, it is sufficient to state a surname, a surname and 1 or more christian name or names, or a surname and 1 or more abbreviations or initials of a christian name or names. It is sufficient for the purpose of identifying any group or association of persons, not incorporated, to state the proper name of such group or association (if such there be), to state any name or designation by which the group or association has been or is known, to state the names of all the persons in such group or association or of 1 or more of them, or to state the name or names of 1 or more persons in such group or association referring to the other or others as "another" or "others". It is sufficient for the purpose of identifying a corporation to state the corporate name of such corporation, or any name or designation by which such corporation has been or is known. It is not necessary for the purpose of identifying any group or association of persons or any corporation to state or prove the legal form of such group or association of persons or of such corporation. In no case is it necessary to aver or prove that the true name of any person, group or association of persons or corporation is unknown to the grand jury, complainant or prosecuting officer. If in the course of the trial the true name of any person, group or association of persons or corporation identified otherwise than by the true name, is disclosed by the evidence, the court shall on motion of the accused or of the prosecuting attorney, and may without such motion, insert the true name in the indictment wherever the name appears otherwise. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17263 ;-- CL 1948, 767.49Former Law:See sections 8 and 14 of Act 77 of 1855, being CL 1857, §§ 6054 and 6060; CL 1871, §§ 7923 and 7929; How., §§ 9534 and 9540; CL 1897, §§ 11919 and 11925; and CL 1915, §§ 15746 and 15752.

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Sec. 4a. It shall be unlawful for any person, firm or corporation to possess, use, publish, or make known to any other person any testimony, exhibits or secret proceedings obtained or used in connection with any grand jury inquiry conducted prior to the effective date of this act, except in the manner specifically provided herein, and also excepting any information heretofore disclosed before any investigating committee of the Congress of the United States or any agency of the federal government. Any person violating the provisions of this section shall be guilty of a felony. History:Add. 1951, Act 276, Eff. Sept. 28, 1951

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Sec. 5. Any witness neglecting or refusing to appear in response to such summons or to answer any questions which such judge may require as material to such inquiry, shall be deemed guilty of a contempt and after a public hearing in open court and conviction of such contempt, shall be punished by a fine not exceeding $1,000.00 or imprisonment in the county jail not exceeding 1 year or both at the discretion of the court: Provided, That if such witness after being so sentenced shall offer to appear before such judge to purge himself of such contempt, the judge shall cause such witness to be brought before him and, after examination of such witness, the judge may in his discretion commute or suspend the further execution of such sentence. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17219 ;-- CL 1948, 767.5 ;-- Am. 1949, Act 311, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 276, Eff. Sept. 28, 1951Constitutionality:This section, in regard to a contemnor appearing before a judge to purge himself and the discretion of the judge to commute or suspend further execution of a sentence, insofar as criminal contempt is concerned, constitutes an unconstitutional delegation by the legislature to the judicial branch of government of a power which exists only in the executive. People v Joseph, 384 Mich 24; 179 NW2d 383 (1970).Former Law:See section 3 of Act 196 of 1917.

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Sec. 50. Whenever in an indictment an allegation relative to any instrument which consists wholly or in part of writing or figures, pictures or designs, is necessary, it is sufficient to describe such instrument by any name or description by which it is usually known

or by its purport without setting forth a copy or facsimile of the whole or any part thereof. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17264 ;-- CL 1948, 767.50Former Law:See section 10 of Act 77 of 1855, being CL 1857, § 6056; CL 1871, § 7925; How., § 9536; CL 1897, § 11921; and CL 1915, § 15748.

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Sec. 51. Except insofar as time is an element of the offense charged, any allegation of the time of the commission of the offense, whether stated absolutely or under a videlicet, shall be sufficient to sustain proof of the charge at any time before or after the date or dates alleged, prior to the finding of the indictment or the filing of the complaint and within the period of limitations provided by law: Provided, That the court may on motion require the prosecution to state the time or identify the occasion as nearly as the circumstances will permit, to enable the accused to meet the charge. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17265 ;-- CL 1948, 767.51Former Law:See section 8 of Act 77 of 1855, being CL 1857, § 6054; CL 1871, § 7923; How., § 9534; CL 1897, § 11919; and CL 1915, § 15746.

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Sec. 52. The indictment need contain no allegation of the means by which the offense was committed except insofar as the means is an element of the offense. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17266 ;-- CL 1948, 767.52

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Sec. 53. The indictment need not allege the value or price of any property unless the value or price is an element of the offense and in such case it is sufficient to aver that the value or price of the property is less than, equals or exceeds the certain value or price which determines the offense or grade thereof. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17267 ;-- CL 1948, 767.53Former Law:See sections 8 and 16 of Act 77 of 1855, being CL 1857, §§ 6054 and 6062; CL 1871, §§ 7923 and 7931; How., §§ 9534 and 9542; CL 1897, §§ 11919 and 11927; and CL 1915, §§ 15746 and 15754.

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Sec. 54. The indictment need not allege the ownership of any property unless such ownership is necessary to indicate the offense. Proof of possession or right of possession or lien or special property in the person alleged to be the owner shall be sufficient to sustain an allegation of ownership in such person. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17268 ;-- CL 1948, 767.54Former Law:See section 10 of Ch. 161 of R.S. 1846, being CL 1857, § 5946; CL 1871, § 7812; How., § 9422; CL 1897, § 11783; and CL 1915, § 15610.

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Sec. 55. In an indictment for an offense which is constituted of 1 or more of several acts, or which may be committed by 1 or more of several means, or with 1 or more of several intents, or which may produce 1 or more of several results, 2 or more of such acts, means, intents or results may be charged in the alternative. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17269 ;-- CL 1948, 767.55

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Sec. 56. Whenever it is necessary to allege a prior conviction of the accused in an indictment, it is sufficient to allege that the accused was at a certain stated time, in a certain stated court, convicted of a certain stated offense, giving the name of the offense, if it have one, or stating the substantial elements thereof. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17270 ;-- CL 1948, 767.56

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Sec. 57. In pleading a statute or a right derived therefrom it is sufficient to refer to the statute by its title, or in any other manner which identifies the statute and the court must thereupon take judicial notice thereof. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17271 ;-- CL 1948, 767.57Former Law:See section 13 of Act 77 of 1855, being CL 1857, § 6059; CL 1871, § 7928; How., § 9539; CL 1897, § 11924; and CL 1915, § 15751.

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Sec. 58. In pleading a judgment or other determination of, or a proceeding before any court or officer, civil or military, it is unnecessary to allege the facts conferring jurisdiction on such court or officer, but it is sufficient to allege generally that such judgment or determination was duly given or made or such proceedings had. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17272 ;-- CL 1948, 767.58Former Law:See section 17 of Act 77 of 1855, being CL 1857, § 6063; CL 1871, § 7932; How., § 9543; CL 1897, § 11928; and CL 1915, § 15755.

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Sec. 59. The indictment need not allege that the offense was committed or the act done "feloniously" or "traitorously" or "unlawfully" or "with force of arms" or "with a strong hand," nor need it use any phrase of like kind otherwise than to characterize the offense, nor need it allege that the offense was committed or the act done "burglariously", "wilfully", "knowingly", "maliciously", "negligently" nor need it otherwise characterize the manner of the commission of the offense unless such description is necessary to indicate the offense. The indictment need not contain the words "contrary to the statute", "as appears by the record", or any other words of similar import. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17273 ;-- CL 1948, 767.59Former Law:See section 34 of Ch. 164 of R.S. 1846, being CL 1857, § 6043; CL 1871, § 7912; How., § 9523; CL 1897, § 11908; CL 1915, § 15735; and section 8 of Act 77 of 1855, being CL 1857, § 6054; CL 1871, § 7923; How., § 9534; CL 1897, § 11908; CL 1915, § 15735.

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Sec. 5a. (1) a reporter or other person who is involved in the gathering or preparation of news for broadcast or publication shall not be required to disclose the identity of an informant, any unpublished information obtained from an informant, or any unpublished matter or documentation, in whatever manner recorded, relating to a communication with an informant, in any inquiry authorized by this act, except an inquiry for a crime punishable by imprisonment for life when it has been established that the information which is sought is essential to the purpose of the proceeding and that other available sources of the information have been exhausted. (2) Any communications between attorneys and their clients, between members of the clergy and the members of their respective churches, and between physicians and their patients are hereby declared to be privileged and confidential when those communications were necessary to enable the attorneys, members of the clergy, or physicians to serve as such attorney, member of the clergy, or physician. History:Add. 1949, Act 311, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 276, Eff. Sept. 28, 1951 ;-- Am. 1986, Act 293, Imd. Eff. Dec. 22, 1986Compiler's Notes:At the beginning of subsection (1) of this section, “a” evidently should read “A”.

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Sec. 6. (1) Upon inquiry, a witness shall not be required to answer any questions or be convicted for contempt upon refusal to do so If the answers might tend to incriminate him or her. (2) Upon written motion by the prosecuting attorney or a duly authorized representative of the state in a proceeding described in section 3 of this chapter, the judge may enter a written order granting immunity to the witness. The order shall set forth verbatim the questions the witness refused to answer. A true copy of the motion and order shall be delivered to the witness before he or she answers the questions in the inquiry. The order granting immunity shall extend to all related questions which may be asked of the witness after entry of the order until the judge advises the witness that the immunity no longer applies. (3) Truthful testimony compelled under the order granting immunity and any information derived directly or indirectly from that truthful testimony shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to comply with the order. (4) All questions and the witness's answers shall be transcribed under the judge's direction. A true copy of the transcript, duly certified by the judge, shall be delivered to the witness as soon as practicable. (5) The provisions for secrecy provided for in section 3 of this chapter apply to all copies of the motion, order, and transcript delivered to the witness. However, the witness may disclose that information to his or her attorney if

his or her testimony or any information derived directly or indirectly from that testimony is used against the witness in violation of subsection (3). (6) An order granting immunity does not extend beyond the scope of an inquiry described in this section or beyond the particular questions set forth in the motion, order, or transcript. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17220 ;-- CL 1948, 767.6 ;-- Am. 1949, Act 311, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 276, Eff. Sept. 28, 1951 ;-- Am. 1999, Act 250, Imd. Eff. Dec. 28, 1999Former Law:See section 4 of Act 196 of 1917.

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Sec. 60. In any prosecution for the offenses of embezzlement, larceny, larceny by conversion, or obtaining money or property by false pretenses under the statutes of this state, it shall be sufficient to allege generally in the information or indictment the embezzlement, larceny, larceny by conversion or obtaining by false pretenses of personal property to a certain amount without specifying the particulars of such embezzlement, larceny, larceny by conversion or obtaining by false pretenses, and on the trial evidence may be given of any such embezzlement, larceny, larceny by conversion or obtaining money or property by false pretenses within 6 months next after the time stated in the information or indictment, and it shall be sufficient to maintain the charge in the information or indictment and shall not be deemed at variance if it shall be proved that any personal property was fraudulently embezzled, stolen or obtained by false pretenses within the said period of 6 months. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17274 ;-- CL 1948, 767.60Former Law:See section 9 of Ch. 161 of R.S. 1846, being CL 1857, § 5945; CL 1871, § 7811; How., § 9421; CL 1897, § 11782; CL 1915, § 15609; and Act 39 of 1927.

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Sec. 61. In an indictment for larceny, larceny by conversion, embezzlement, robbery, obtaining money by false pretenses, receiving stolen property or for any other criminal conversion or misappropriation where the offense relates to money or currency, it shall be sufficient to describe the same under the terms "money", "currency", or "dollars" without specifying the particular character, number, denomination, kind, species, nature or value thereof. Where such indictment relates to promissory notes, certificates of stock, bonds, bills of lading, mortgages or any other negotiable or non-negotiable instruments, or securities or evidence of debt or property, it is sufficient to designate the same by general description without specifying the particular number or denomination thereof. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17275 ;-- CL 1948, 767.61Former Law:See section 15 of Act 77 of 1855, being CL 1857, § 6061; CL 1871, § 7930; How., § 9541; CL 1897, § 11926; and CL 1915, § 15753.

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Sec. 61a. In any prosecution for an offense committed by a sexually delinquent person for which may be imposed an alternate sentence to imprisonment for an indeterminate term, the minimum of which is 1 day and the maximum of which is life, the indictment shall charge the offense and may also charge that the defendant was, at the time said offense was committed, a sexually delinquent person. In every such prosecution the people may produce expert testimony and the court shall provide expert testimony for any indigent accused at his request. In the event the accused shall plead guilty to both charges in such indictment, the court in addition to the investigation provided for in section 35 of chapter 8 of this act, and before sentencing the accused, shall conduct an examination of witnesses relative to the sexual delinquency of such person and may call on psychiatric and expert testimony. All testimony taken at such examination shall be taken in open court and a typewritten transcript or copy thereof, certified by the court reporter taking the same, shall be placed in the file of the case in the office of the county clerk. Upon a verdict of guilty to the first charge or to both charges or upon a plea of guilty to the first charge or to both charges the court may impose any punishment provided by law for such offense. History:Add. 1952, Act 234, Eff. Sept. 18, 1952

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Sec. 62. In the cases where any person shall be liable to prosecution as the receiver of any personal property that shall have been feloniously stolen, taken or embezzled, he may be indicted, tried and convicted in any county where he received or had such property, notwithstanding such theft was committed in another county. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17276 ;-- CL 1948, 767.62Former Law:See section 31 of Ch. 164 of R.S. 1846, being CL 1857, § 6040; CL 1871, § 7909; How., § 9520; CL 1897, § 11905; and CL 1915, § 15732.

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Sec. 63. When any property shall be stolen in 1 county and brought into another, the offender may be indicted, tried and convicted in the county into which such stolen property was brought, in the same manner as if such property had been originally stolen in that county; and when such property shall have been taken by burglary or robbery the offender may be indicted, tried and convicted of said burglary or robbery, in the county into which such property was brought in the same manner as if such burglary or robbery had been committed in that county. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17277 ;-- CL 1948, 767.63Former Law:See section 32 of Ch. 164 of R.S. 1846, being CL 1857, § 6041; CL 1871, § 7910; How., § 9521; CL 1897, § 11906; and CL 1915, § 15733.

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Sec. 64. Every person who shall feloniously steal the property of another, in any other state or country, and shall bring the same into this state, may be indicted, convicted and punished in the same manner as if such larceny had been committed in this state; and in every such case such larceny may be charged to have been committed in any town or city into or through which such stolen property shall have been brought: Provided, That every such person may plead a former conviction or acquittal for the same offense in another state or country; and if such plea be admitted or established, it shall be a bar to any further or other proceedings against such person for the same offense. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17278 ;-- CL 1948, 767.64Former Law:See section 1 of Act 119 of 1850, being CL 1857, § 5797; CL 1871, § 7606; How., § 9177; CL 1897, § 11592; and CL 1915, § 15347.

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Sec. 65. Every receiver of personal property that shall have been feloniously stolen, knowing the same to have been stolen, may be indicted, convicted and punished in any county where he received or had such property in the same manner that receivers of personal property stolen in this state are indicted, convicted and punished, notwithstanding such theft was committed in any other state or country. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17279 ;-- CL 1948, 767.65Former Law:See section 2 of Act 119 of 1850, being CL 1857, § 5798; CL 1871, § 7607; How., § 9178; CL 1897, § 11593; and CL 1915, § 15348.

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Sec. 66. Every person who shall aid and abet any thief, such thief having brought the stolen property into this state, may be indicted, convicted and punished in the same manner, notwithstanding such theft was committed in any other state or country, that aiders and abettors are punished, where the theft was originally committed within this state. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17280 ;-- CL 1948, 767.66Former Law:See section 3 of Act 119 of 1850, being CL 1857, § 5799; CL 1871, § 7608; How., § 9179; CL 1897, § 11594; and CL 1915, § 15349.

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Sec. 67. Any number of accessories after the fact, or receivers, buyers, or persons aiding in the concealment of any stolen money, goods, or property may be charged with substantive felonies in the same indictment, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17281 ;-- CL 1948, 767.67Former Law:See section 5 of Act 77 of 1855, being CL 1857, § 6051; CL 1871, § 7920; How., § 9531; CL 1897, § 11916; and CL 1915, § 15743.

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Sec. 68. If 2 or more persons are indicted for jointly receiving, buying or aiding in the concealment of any stolen property, and the evidence shall be that 1 or more persons separately, knowingly received, bought or aided in the concealment of any part of such property, the jury may convict upon such indictment those who are proved to have received, bought or aided in the concealment of

any part of such property. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17282 ;-- CL 1948, 767.68Former Law:See section 6 of Act 77 of 1855, being CL 1857, § 6052; CL 1871, § 7921; How., § 9532; CL 1897, § 11917; and CL 1915, § 15744.

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Sec. 69. An indictment for larceny may contain also a count for embezzlement, larceny by conversion, obtaining property by false pretenses or for receiving or having in possession, or aiding in concealing the same property, knowing it to have been stolen, and the jury may convict of any such offense; and the jury may find all or any of the persons indicted, guilty of any of the offenses charged in the indictment. The prosecuting attorney shall not be required to elect between the offenses so charged. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17283 ;-- Am. 1931, Act 309, Eff. Sept. 18, 1931 ;-- CL 1948, 767.69Former Law:See section 20 of Act 77 of 1855, being CL 1857, § 6066; CL 1871, § 7936; How., § 9547; CL 1897, § 11932; and CL 1915, § 15759.

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Sec. 6a. On termination of any such inquiry lasting not more than 30 calendar days the docket, journal, reporters' notes, transcript and other record of such judge in such inquiry shall be sealed and filed with the clerk of the court having jurisdiction; and if lasting more than 30 calendar days shall be sealed and filed with the clerk of the supreme court of the state of Michigan, where it shall be held secretly in a separate container securely locked. Any person who shall violate the secrecy herein ordered as to such docket, journal, transcript and record shall be punished as provided in section 4 hereof. And the entire transcript and record as to any witness, and so far as material, including any grant of immunity, shall be available to such witness in connection with any appeal or other judicial proceeding where it may be relevant upon such witness filing a petition with the circuit court of the county in which he resides setting forth the proceeding for which such documents are sought and describing the portions of such transcript and record as to such witness only, which such witness requested for such appeal or proceeding; the judge of such circuit court shall issue an order upon the filing of such petition directed to the clerk of the supreme court of the state of Michigan or the clerk of the court, as the case may be, ordering such clerk to make available to such witness all such portions of the transcript and record as shall pertain to such witness and as set forth in the petition. The clerk shall immediately reseal the remaining transcript and records after compliance with such order. The petitioner shall execute to the clerk of the supreme court a receipt for such documents and such documents shall be returned to the clerk immediately upon the termination of such appeal or proceeding for which the same shall have been obtained: Provided, however, upon the petition of the prosecuting attorney of the county in which such inquiry was conducted, or any other interested person, any circuit judge, acting as such in said county, upon determining that there is no further need for preserving and retaining the same, shall enter an order providing for the referring to the supreme court, for the entry of such order or orders as a majority of the court may at any time determine, for the destruction of said transcripts, notes and records, or any part thereof: Provided further, That no such order shall be entered by such circuit judge until at least 6 years after the termination of such inquiry. History:Add. 1951, Act 276, Eff. Sept. 28, 1951

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Sec. 6b. Within 90 days after the termination of such inquiry, such judge shall file with the clerk of the court having jurisdiction a public accounting of all monies disbursed by him or disbursed at his direction. History:Add. 1951, Act 276, Eff. Sept. 28, 1951

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Sec. 7. Grand juries shall not hereafter be drawn, summoned or required to attend at the sittings of any court within this state, as provided by law, unless the judge thereof shall so direct by writing under his hand, and filed with the clerk of said court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17221 ;-- CL 1948, 767.7Former Law:See section 7 of Act 138 of 1859, being CL 1871, § 7943; How., § 9554; CL 1897, § 11939; and CL 1915, § 15766.

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Sec. 70. An indictment for libel need not set forth any extrinsic facts for the purpose of showing the application to the party libelled of the defamatory matter on which the indictment is founded, but it is sufficient to state generally that the same was published

concerning him. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17284 ;-- CL 1948, 767.70Former Law:See section 18 of Act 77 of 1855, being CL 1857, § 6064; CL 1871, § 7934; How., § 9545; CL 1897, § 11930; and CL 1915, § 15757.

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Sec. 71. In all indictments for murder and manslaughter it shall not be necessary to set forth the manner in which nor the means by which the death of the deceased was caused; but it shall be sufficient in any indictment for murder to charge that the defendant did murder the deceased; and it shall be sufficient in manslaughter to charge that the defendant did kill the deceased. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17285 ;-- CL 1948, 767.71Former Law:See section 1 of Act 77 of 1855, being CL 1857, § 6047; CL 1871, § 7916; How., § 9527; CL 1897, § 11912; and CL 1915, § 15739.

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Sec. 72. An indictment or information for manslaughter may contain also a count for procuring or attempting to procure an abortion and the jury may convict of either offense. Dying declarations shall be admissible in evidence in proof of either count. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17286 ;-- CL 1948, 767.72

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Sec. 73. An indictment for perjury or for subornation of, solicitation, or conspiracy to commit perjury, is sufficient which indicates the offense for which the accused is prosecuted, the nature of the controversy in respect of which the offense was committed and before what court or officer the oath was taken or was to have been taken, without setting forth any part of the records or proceedings with which the oath was connected, and without stating the commission or authority of the court or other authority before whom the perjury was committed or was to have been committed or the form of the oath or affirmation or the manner of administering the same. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17287 ;-- CL 1948, 767.73Former Law:See section 3 of Act 77 of 1855, being CL 1857, § 6049; CL 1871, § 7918; How., § 9529; CL 1897, § 11914; and CL 1915, § 15741.

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Sec. 74. No motion to quash, plea in abatement or other dilatory plea to the indictment, shall be received by any court unless the party offering such plea shall prove the truth thereof by affidavit, or by some other sworn evidence. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17288 ;-- CL 1948, 767.74Former Law:See section 33 of Ch. 164 of R.S. 1846, being CL 1857, § 6042; CL 1871, § 7911; How., § 9522; CL 1897, § 11907; and CL 1915, § 15734.

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Sec. 75. No indictment shall be quashed, set aside or dismissed for any 1 or more of the following defects: (First) That there is a misjoinder of the parties accused; (Second) That there is a misjoinder of the offenses charged in the indictment, or duplicity therein; (Third) That any uncertainty exists therein. If the court be of the opinion that the first and second defects or either of them exist in any indictment, it may sever such indictment into separate indictments or informations or into separate counts as shall be proper. If the court be of the opinion that the third defect exists in any indictment, it may order that the indictment be amended to cure such defect. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17289 ;-- CL 1948, 767.75Former Law:See section 3 of Act 138 of 1859, being CL 1871, § 7939; How., § 9550; CL 1897, § 11935; and CL 1915, § 15762.

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Sec. 76. No indictment shall be quashed, set aside or dismissed or motion to quash be sustained or any motion for delay of sentence for the purpose of review be granted, nor shall any conviction be set aside or reversed on account of any defect in form or substance of the indictment, unless the objection to such indictment, specifically stating the defect claimed, be made prior to the commencement of the trial or at such time thereafter as the court shall in its discretion permit. The court may at any time before,

during or after the trial amend the indictment in respect to any defect, imperfection or omission in form or substance or of any variance with the evidence. If any amendment be made to the substance of the indictment or to cure a variance between the indictment and the proof, the accused shall on his motion be entitled to a discharge of the jury, if a jury has been impaneled and to a reasonable continuance of the cause unless it shall clearly appear from the whole proceedings that he has not been misled or prejudiced by the defect or variance in respect to which the amendment is made or that his rights will be fully protected by proceeding with the trial or by a postponement thereof to a later day with the same or another jury. In case a jury shall be discharged from further consideration of a case under this section, the accused shall not be deemed to have been in jeopardy. No action of the court in refusing a continuance or postponement under this section shall be reviewable except after motion to and refusal by the trial court to grant a new trial therefor and no writ of error or other appeal based upon such action of the court shall be sustained, nor reversal had, unless from consideration of the whole proceedings, the reviewing court shall find that the accused was prejudiced in his defense or that a failure of justice resulted. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17290 ;-- CL 1948, 767.76Former Law:See section 34 of Ch. 164 of R.S. 1846, being CL 1857, § 6043; CL 1871, § 7912; How., § 9523; CL 1897, § 11908; CL 1915, § 15735; and sections 9, 11, 12, and 14 of Act 77 of 1855, being CL 1857, §§ 6055, 6057, 6058, and 6060; CL 1871, §§ 7924, 7926, 7927, and 7929; How., §§ 9535, 9537, 9538, and 9540; CL 1897, §§ 11920, 11922, 11923, and 11925; CL 1915, §§ 15747, 15749, 15750, and 15752.

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Sec. 77. When an issue of fact shall be joined upon any indictment, the court in which the same is pending may, on application of the defendant, grant a commission to examine any material witnesses residing out of this state, in the same manner as in civil cases. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17291 ;-- CL 1948, 767.77Former Law:See section 35 of Ch. 164 of R.S. 1846, being CL 1857, § 6044; CL 1871, § 7913; How., § 9524; CL 1897, § 11909; and CL 1915, § 15736.

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Sec. 78. Interrogatories to be annexed to such commission shall be settled and such commission shall be issued, executed and returned in the manner prescribed by law in respect to commissions in civil cases, and the deposition taken thereon and returned shall be read in the same cases, and with like effect in all respects, as in civil suits. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17292 ;-- CL 1948, 767.78Former Law:See section 36 of Ch. 164 of R.S. 1846, being CL 1857, § 6045; CL 1871, § 7914; How., § 9525; CL 1897, § 11910; and CL 1915, § 15737.

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Sec. 79. After an indictment shall be found against any defendant, he may have witnesses examined in his behalf conditionally on the order of a judge of the court in which the indictment is pending, in the same cases upon the like notice to the prosecuting attorney, and with like effect in all respects as in civil suits. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17293 ;-- CL 1948, 767.79Former Law:See section 37 of Ch. 164 of R.S. 1846, being CL 1857, § 6046; CL 1871, § 7915; How., § 9526; CL 1897, § 11911; and CL 1915, § 15738.

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Sec. 7a. Notwithstanding the provisions of section 1343 of Act No. 236 of the Public Acts of 1961, as added, being section 600.1343 of the Compiled Laws of 1948, the term of service of grand jurors shall be 6 months unless extended by specific order of the judge who summoned such jurors or his successor for an additional period not to exceed 6 months, except that the grand jurors may be recalled at any time by the judge who summoned such jurors or by his successor to conclude business commenced during their term of service. History:Add. 1970, Act 9, Imd. Eff. Mar. 26, 1970

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Sec. 7b. (1) The attorney general may petition the court of appeals of this state to convene a grand jury with jurisdiction over 2 or more counties in this state. (2) Two or more attorneys who are county prosecuting attorneys in this state may, with the approval of the attorney general, petition the court of appeals of this state to convene a grand jury with jurisdiction over all of the counties in

which they are prosecuting attorneys. (3) A petition to the court of appeals under this section shall contain all of the following: (a) The name and official title of each petitioner. (b) The name of each county over which the grand jury is to have jurisdiction. (c) A statement setting forth probable cause to believe that a crime, or a portion of that crime, has been committed in 2 or more of the counties named in the petition. (d) A statement setting forth the reasons to convene a grand jury with jurisdiction over all of the counties named in the petition. (e) The signature of each petitioner. (f) The date of the petition. History:Add. 1989, Act 204, Imd. Eff. Nov. 1, 1989

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Sec. 7c. The court of appeals of this state, acting in a 3-judge panel consistent with the Michigan court rules, may convene a grand jury with jurisdiction over 2 or more counties in this state as follows: (a) If a petition is filed under section 7b(1) by the attorney general, the court of appeals may convene a grand jury with jurisdiction over 2 or more of the counties named in the petition. (b) If a petition is filed under section 7b(2) by 2 or more attorneys who are county prosecuting attorneys in this state, the court of appeals may convene a grand jury with jurisdiction over 2 or more of the counties named in the petition in which the attorneys are prosecuting attorneys. History:Add. 1989, Act 204, Imd. Eff. Nov. 1, 1989

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Sec. 7d. The court of appeals may convene a grand jury under section 7c with jurisdiction over 2 or more counties in this state if a petition is properly filed under section 7b, and all of the following circumstances exist: (a) The petition establishes probable cause to believe that a crime, or a portion of that crime, has been committed in 2 or more of the counties named in the petition. (b) The petition establishes reason to believe that a grand jury with jurisdiction over 2 or more of the counties named in the petition could more effectively address the criminal activity referred to in the petition than could a grand jury with jurisdiction over 1 of those counties. History:Add. 1989, Act 204, Imd. Eff. Nov. 1, 1989

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Sec. 7e. If the court of appeals convenes a grand jury with jurisdiction over 2 or more counties, the court of appeals shall do all of the following: (a) Designate a judge of the circuit court or of the recorder's court to preside over the grand jury proceedings. (b) If the petition to convene the grand jury was filed under section 7b(2), designate the prosecuting attorney of 1 of the counties over which the grand jury is to have jurisdiction to assist the grand jury. (c) Designate the counties from which the jurors shall be drawn from among the counties over which the grand jury is to have jurisdiction. (d) Designate the number of jurors to be drawn for the grand jury and the number of jurors to be drawn from each county. (e) Designate the locations for the grand jury proceedings. History:Add. 1989, Act 204, Imd. Eff. Nov. 1, 1989

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Sec. 7f. (1) Except as provided in subsection (2), the term of a grand jury convened under section 7c shall not exceed 6 months. (2) The court of appeals of this state may order the term of the grand jury extended for an additional period not to exceed 6 months, for good cause shown. The judge presiding over the grand jury proceedings shall dismiss the grand jury upon completion of the functions of the grand jury whether or not the maximum term of the grand jury has been met. The grand jurors may be recalled at any time by the presiding judge or his or her successor to conclude business commenced during their term of service. History:Add. 1989, Act 204, Imd. Eff. Nov. 1, 1989

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Sec. 7g. (1) If a grand jury has been convened under section 7c(a), and the attorney general seeks to expand the jurisdiction of the grand jury to include 1 or more additional counties, the attorney general may petition the court of appeals under section 7b(1) to convene a grand jury which includes the additional county or counties. If the petition is granted, the court of appeals shall convene a new grand jury pursuant to section 7e and shall dismiss the existing grand jury. (2) If a grand jury has been convened under section 7c(b) and the prosecuting attorneys of all of the counties over which the grand jury has jurisdiction seek to expand the jurisdiction of the grand jury to include 1 or more additional counties, the prosecuting attorneys of the counties over which the grand jury had jurisdiction and the prosecuting attorneys of the additional counties may, with the approval of the attorney general, petition the court

of appeals under section 7b(2) to convene a grand jury with jurisdiction over all of those counties. If the petition is granted, the court of appeals shall convene a new grand jury pursuant to section 7e and shall dismiss the existing grand jury. History:Add. 1989, Act 204, Imd. Eff. Nov. 1, 1989

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Sec. 8. Any court in which a grand jury may be sitting, may discharge any of the grand jurors for intoxication or other gross misconduct; and in case of such discharge, or in case of the sickness, death or non-attendance of any grand juror, after he shall have been sworn, the court may cause another juror to be summoned from among the bystanders, or inhabitants of the city, township or village having the qualifications required by law, and to be sworn and to serve in his stead. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17222 ;-- CL 1948, 767.8Former Law:See section 1 of Ch. 164 of R.S. 1846, being CL 1857, § 6010; CL 1871, § 7879; How., § 9490; CL 1897, § 11875; and CL 1915, § 15702.

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Sec. 83. In any prosecution where an intent to defraud is required to constitute the offense, it shall be sufficient to allege in the indictment an intent to defraud without naming therein the particular person or body corporate intended to be defrauded; and on the trial of such indictment, it shall be deemed sufficient, and shall not be deemed a variance, if there appear to be an intent to defraud the United States, or any state, county, city or township, or any body corporate, or any public officer in his official capacity, or any copartnership or member thereof, or any particular person. History:Add. 1931, Act 309, Eff. Sept. 18, 1931 ;-- CL 1948, 767.83

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Sec. 9. The clerk of the court shall prepare an alphabetical list of all the persons returned as grand jurors. When the jury is to be impaneled, the following oath shall be administered to the jurors: "You as grand jurors of this inquest do solemnly swear that you will diligently inquire and true presentment make of all such matters and things as shall be given you in charge; your own counsel and the counsel of the people, and of your fellows, you shall keep secret; you shall present no person for envy, hatred or malice, neither shall you leave any person unpresented for love, fear, favor, affection or hope of reward; but you shall present things truly, as they come to your knowledge, according to the best of your understanding; so help you God". History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17223 ;-- CL 1948, 767.9 ;-- Am. 1989, Act 204, Imd. Eff. Nov. 1, 1989Former Law:See sections 2 and 3 of Ch. 164 of R.S. 1846, being CL 1857, §§ 6011 and 6012; CL 1871, §§ 7880 and 7881; How., §§ 9491 and 9492; CL 1897, §§ 11876 and 11877; and CL 1915, §§ 15703 and 15704.

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Sec. 91. As used in sections 91 to 95 of this chapter: (a) "Witness" includes a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding. (b) "State" includes any territory of the United States and the District of Columbia. (c) "Summons" includes a subpoena, order or other notice requiring the appearance of a witness. History:Add. 1970, Act 232, Imd. Eff. Dec. 3, 1970

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Sec. 92. (1) A judge of a court of record in a state which by law has provided for commanding persons within that state to attend and testify in this state may certify under seal of his court that for purposes of a criminal prosecution in his court or a grand jury investigation in his state, a person in this state is required as a material witness for a specified number of days. (2) Upon presentation of a certificate issued pursuant to subsection (1) to a judge of a court of record in a county where such witness is found, the judge shall fix a time and place for a hearing and make an order directing the witness to appear at the hearing. At such hearing the certificate shall be prima facie evidence of all the facts stated therein. (3) The judge shall issue a summons with a copy of the certificate attached directing the witness to attend and testify in the court where the criminal prosecution is pending or a grand jury is investigating if he determines at the hearing that: (a) The witness is material and necessary to the prosecution or investigation. (b) The attendance and testifying in the prosecution or investigation will not cause undue hardship to the witness. (c) The laws of the state where the prosecution or investigation is being held and the laws of any other state through which the witness may be required to pass by ordinary course of travel protect the witness from arrest and service of civil or criminal process. (4) If a certificate

recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, the judge may direct that the witness be forthwith brought before him for a hearing without notice. If the judge at the hearing is satisfied of the desirability of custody and delivery, for which determination the certificate shall be prima facie proof of desirability, he may order that the witness be forthwith taken into custody and delivered to an officer of the requesting state without issuing a summons. (5) If a witness, who is summoned pursuant to this section and is paid by an authorized person the sum of 10 cents for each mile of the ordinary traveled route to and from the court where such prosecution or investigation is being held and $5.00 for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state. History:Add. 1970, Act 232, Imd. Eff. Dec. 3, 1970

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Sec. 93. (1) If a person in a state, which by law provides for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of the court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. The certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found. (2) If the witness is summoned to attend and testify in this state he shall be tendered the sum of 10 cents for each mile of the ordinary traveled route to and from the court where the prosecution or investigation is being held and $5.00 for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state longer than the period stated in the certificate, unless otherwise ordered by the court. If the witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state. History:Add. 1970, Act 232, Imd. Eff. Dec. 3, 1970

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Sec. 94. (1) If a person comes into this state in obedience to a summons which is issued pursuant to section 93 he shall not while in this state pursuant to such summons be subject to arrest or the service of civil or criminal process in connection with matters which arose before his entrance into this state under the summons. (2) If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of civil or criminal process in connection with matters which arose before his entrance into this state under the summons. History:Add. 1970, Act 232, Imd. Eff. Dec. 3, 1970

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Sec. 94a. (1) A defendant or his or her attorney shall disclose to the prosecuting attorney upon request the following material or information within the possession or control of the defendant or his or her attorney: (a) The name and last known address of each witness other than the defendant whom the defendant intends to call at trial provided the witness is not listed by the prosecuting attorney. (b) The nature of any defense the defendant intends to establish at trial by expert testimony. (c) Any report or statement by an expert concerning a mental or physical examination, or any other test, experiment, or comparison that the defendant intends to offer in evidence, or that was prepared by a person, other than the defendant, whom the defendant intends to call as a witness, if the report or statement relates to the testimony to be offered by the witness. (d) Any book, paper, document, photograph, or tangible object that the defendant intends to offer in evidence or that relates to the testimony of a witness, other than the defendant, whom the defendant intends to call. (2) The defendant or his or her attorney shall comply with the disclosure provisions of subsection (1) not later than 10 days before trial or at any other time as the court directs. (3) A defendant shall not offer at trial any evidence required to be disclosed pursuant to subsection (1) that was not disclosed unless permitted by the court upon motion for good cause shown. A motion under this subsection may be made before or during trial. History:Add. 1994, Act 113, Eff. Oct. 1, 1994Compiler's Notes:On November 16, 1994, the Michigan Supreme Court entered Administrative Order No. 1994-10, which provides as follows:“On May 4, 1994, the Governor signed House Bill 4227, concerning discovery by the prosecution of certain information known to the defendant in a criminal case. 1994 PA 113, MCL 767.94a; MSA 28.1023(194a). On November 16, 1994, this Court promulgated MCR 6.201, which is a comprehensive treatment of the subject of discovery in criminal cases.“On order of the Court, effective January 1, 1995, discovery in criminal cases heard in the courts of this state is governed by MCR 6.201 and not by MCL 767.94a; MSA 28.1023(194a). Const 1963, art 6, § 5; MCR 1.104.”

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Sec. 95. Sections 91 to 95 constitute the uniform act to secure the attendance of witnesses from without a state in criminal proceedings and shall be so interpreted and construed as to effectuate their general purposes to make uniform the law of the states which enact them. History:Add. 1970, Act 232, Imd. Eff. Dec. 3, 1970

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Sec. 96. (1) Except as otherwise provided by law, the costs of a grand jury convened under section 7c(a) shall be borne by this state, and shall be paid from the general fund of this state. (2) Except as otherwise provided by law, the costs of a grand jury convened under section 7c(b) shall be borne equally by each county over which the grand jury has jurisdiction, and shall be paid by those counties. History:Add. 1989, Act 204, Imd. Eff. Nov. 1, 1989

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Sec. 1. As used in this chapter, "prosecuting attorney" means the attorney general or the prosecuting attorney for a county, or his or her designee. History:Add. 1995, Act 148, Eff. Oct. 1, 1995

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Sec. 2. (1) A prosecuting attorney may petition the district court, the circuit court, or the recorder's court in writing for authorization to issue 1 or more subpoenas to investigate the commission of a felony as provided in this chapter. (2) A petition for authorization to issue 1 or more investigative subpoenas under subsection (1) shall contain all of the following: (a) A brief description of each felony being investigated. (b) The name of each person who will be questioned or who will be required to produce material described under subdivision (c). (c) A general description of any records, documents, or physical evidence to be examined. (d) A brief statement of the facts establishing the basis for the prosecuting attorney's belief that the testimony of the person or examination of the records, documents, or physical evidence is relevant to the investigation of a felony described in the petition. (3) The petition for authorization to issue 1 or more investigative subpoenas may be filed by the prosecuting attorney with any of the following: (a) The circuit court of the judicial circuit in which the felony or a portion of the felony is alleged to have been committed or of any judicial circuit in which the prosecuting attorney lawfully maintains an office. (b) The recorder's court if the felony or a portion of the felony is alleged to have been committed in the city of Detroit or if the prosecuting attorney lawfully maintains an office in the city of Detroit. (c) The district court of the judicial district in which the felony or a portion of the felony is alleged to have been committed or of any judicial district in which the prosecuting attorney lawfully maintains an office. (4) A prosecuting attorney may file an application for immunity under section 7 at the time he or she files a petition for authorization to issue 1 or more investigative subpoenas under this section. (5) An application under this section is confidential and shall not be available for public inspection or copying or divulged to any person except as otherwise provided in this chapter. An application under this section is exempt for disclosure under the freedom of information act, Act No. 422 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws. History:Add. 1995, Act 148, Eff. Oct. 1, 1995

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIIA - Chapter Viia (767a.1...767a.9)Section 767A.3 - Investigative Subpoenas; Issuance; Circumstances; Contents and Scope of Order; Additional Subpoenas; Supplemental Petitions; Filing.

Sec. 3. (1) A judge may authorize a prosecuting attorney in writing to issue 1 or more investigative subpoenas under this chapter if all of the following circumstances exist: (a) A petition is properly filed under section 2. (b) The judge determines there is reasonable cause to believe a felony has been committed. (c) The judge determines there is reasonable cause to believe that either of the following circumstances exists: (i) The person who is the subject of the investigative subpoena may have knowledge regarding the commission of the felony. (ii) The records, documents, or physical evidence are relevant to investigate the commission of a felony described in the petition. (2) An order issued by the judge authorizing a prosecuting attorney to issue 1 or more investigative subpoenas under this chapter shall contain all of the following: (a) A statement identifying each felony to be investigated. (b) A statement listing each person to whom an investigative subpoena may be issued. (c) A statement listing the records, documents, or physical evidence subject to production under an investigative subpoena. The statement shall describe the records, documents, or physical evidence with sufficient definiteness to permit those records, documents, or physical evidence to be fairly identified. (3) A prosecuting attorney may issue investigative subpoenas to the extent authorized by the judge in the authorization order. (4) If additional investigative subpoenas are required to conduct the investigation, the prosecuting attorney may file 1 or more supplemental petitions with the judge who issued the authorization to conduct the investigation requesting those additional

investigative subpoenas. A supplemental petition under this subsection may incorporate the original petition for an investigative subpoena by reference. The petition shall be filed in the same manner that an original petition is filed under section 2. History:Add. 1995, Act 148, Eff. Oct. 1, 1995

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIIA - Chapter Viia (767a.1...767a.9)Section 767A.4 - Investigative Subpoenas; Contents; Service of Process.

Sec. 4. (1) An investigative subpoena issued by a prosecuting attorney under this chapter shall contain all of the following information: (a) The name of the person to whom it is directed and his or her address, if known. If the name of the person is not known, the investigative subpoena shall give a general description sufficient to identify the person. (b) The time and place for taking the person's testimony or for the person to produce the required documents or physical evidence. (c) A statement that the investigative subpoena is issued pursuant to this section. (d) A statement identifying the criminal activity being investigated. (e) A statement describing the records, documents, or physical evidence to be produced. The statement shall describe the records, documents, or physical evidence with sufficient definiteness to permit those records, documents, or physical evidence to be fairly identified. (f) A statement that the person may object to the investigative subpoena or file reasons for not complying with the investigative subpoena by filing a written statement of objection or noncompliance with the prosecuting attorney on or before the date scheduled for the questioning or the production of the records, documents, or physical evidence. A statement under this subdivision shall also inform the person that the prosecuting attorney may seek an order compelling compliance with the investigative subpoena as provided in this chapter. (g) A statement that the person may have legal counsel present at all times he or she is being questioned and during the examination of any records, documents, or physical evidence that he or she is required to produce. (2) The court rules that apply to service of process in civil actions apply to service of investigative subpoenas under this chapter. However, an investigative subpoena shall be served not less than 7 days before the date set for the taking of testimony or examination of records, documents, or physical evidence unless the judge who issued the authorization for that investigative subpoena has shortened that period of time for good cause shown. History:Add. 1995, Act 148, Eff. Oct. 1, 1995

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIIA - Chapter Viia (767a.1...767a.9)Section 767A.5 - Appearance Before Prosecuting Attorney; Administration of Oaths and Affirmations; Right to Legal Counsel; Testimony With Respect to Records, Documents or Physical Evidence; Informing Person of Rights Against Self-Incrimination; Furnishing Copy of Testimony to Defendant; Effect of Failure to Provide Copy of Testimony; Furnishing Copy of Testimony After Direct Examination of Witness.

Sec. 5. (1) A person properly served with an investigative subpoena under this chapter shall appear before the prosecuting attorney and answer questions concerning the felony being investigated or produce any records, documents, or physical evidence he or she is required to produce. (2) The prosecuting attorney may administer oaths and affirmations in the manner prescribed by law to implement this chapter. (3) Any person may have legal counsel present in the room in which the inquiry is held. The person may discuss fully with his or her legal counsel any matter relating to the person's part in the inquiry without being subject to citation for contempt. (4) The prosecuting attorney may require a person having knowledge of any records, documents, or physical evidence subpoenaed under this chapter to testify under oath or acknowledgment with respect to those records, documents, or physical evidence. (5) The prosecuting attorney shall inform the person of his or her constitutional rights regarding compulsory self-incrimination before asking any questions under an investigative subpoena. This subsection does not apply if the person is granted immunity under section 7. (6) If a criminal charge is filed by the prosecuting attorney based upon information obtained pursuant to this chapter, upon the defendant's motion made not later than 21 days after the defendant is arraigned on the charge, the trial judge shall direct the prosecuting attorney to furnish to the defendant the testimony the defendant gave regarding the crime with which he or she is charged and may direct the prosecuting attorney to furnish to the defendant the testimony any witness who will testify at the trial gave the prosecuting attorney pursuant to this chapter regarding that crime except those portions that are irrelevant or immaterial, or that are excluded for other good cause shown. If the defendant requests the testimony of a witness pursuant to this section and the trial judge directs the prosecuting attorney to furnish to the defendant a copy of that witness's testimony, the prosecuting attorney shall furnish a copy of the testimony not later than 14 days before trial. If the prosecuting attorney fails or refuses to furnish a copy of the testimony to the defendant pursuant to this subsection, the prosecuting attorney may be barred from calling that witness to testify at the defendant's trial. (7) If the trial judge has not directed the prosecuting attorney to furnish a copy of a witness's testimony to the defendant before trial, the prosecuting attorney shall, upon the defendant's request, furnish a copy of that testimony to the defendant after direct examination of that witness at trial has been completed. History:Add. 1995, Act 148, Eff. Oct. 1, 1995

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIIA - Chapter Viia (767a.1...767a.9)Section 767A.6 - Motion to Order Compliance With Subpoena; Filing; Notice; Hearing; Court Order; Order Violating Statutory Privilege or Constitutional Right Prohibited; Further Protections; Disclosure by Reporter of Informant or Related Information; Circumstances.

Sec. 6. (1) If a person files an objection to, or fails or refuses to answer any question or to produce any record, document, or physical

evidence set forth in an investigative subpoena, the prosecuting attorney may file a motion with the judge who authorized the prosecuting attorney to issue the subpoena for an order compelling the person to comply with that subpoena. The prosecuting attorney shall serve notice of the motion under applicable court rules. (2) If the prosecuting attorney files a motion with the court for an order under subsection (1), the court shall hold a hearing on the motion. The person has the right to appear and be heard regarding the motion and to have legal counsel present. (3) If the court determines the question or evidentiary request of the prosecuting attorney is appropriate and within the scope of the authorization, the court shall order the person to answer the question or to produce the record, document, or physical evidence. (4) If the court determines the question or request is inappropriate or outside the scope of the authorization, the court may order the prosecuting attorney to modify the question or the request or may disallow the question or the request. (5) The court shall not compel the person to answer a question or produce any record, document, or physical evidence if answering that question or producing that record, document, or physical evidence would violate a statutory privilege or a constitutional right. Upon motion by the person and for good cause shown, the court may make any further order in the proceedings that justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, or expense. (6) A reporter or other person who is involved in the gathering or preparation of news for broadcast or publication is not required to disclose the identity of an informant, any unpublished information obtained from an informant, or any unpublished matter or documentation, in whatever manner recorded, relating to a communication with an informant, in any inquiry conducted under this chapter. A reporter or other person who is involved in the gathering or preparation of news for broadcast or publication is subject to an inquiry under this chapter only under the following circumstances: (a) To obtain information that has been disseminated to the public by media broadcast or print publication. (b) If the reporter or other person is the subject of the inquiry. History:Add. 1995, Act 148, Eff. Oct. 1, 1995

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIIA - Chapter Viia (767a.1...767a.9)Section 767A.7 - Order Granting Immunity.

Sec. 7. (1) The prosecuting attorney may apply to the court for an order granting immunity to any person, designated by name and address in the application, whom the prosecuting attorney intends to require to give testimony concerning any matter investigated under this chapter. The application shall be accompanied by the prosecuting attorney's verified petition setting forth the facts upon which the application is based. If the judge determines it is in the interest of justice to grant immunity, the judge shall enter an order granting immunity to the person if the person appears before the prosecuting attorney and testifies under oath concerning the felony set forth in the petition of the prosecuting attorney. The order granting immunity shall extend to all related questions asked of the person. (2) The prosecuting attorney shall provide the person with a true copy of the order issued under subsection (1) before the prosecuting attorney asks the person any questions. No testimony or other information compelled under the order, or any information directly or indirectly derived from that testimony or other information, may be used against the person in any criminal case, except for impeachment purposes, in a prosecution for perjury, or for otherwise failing to comply with the order granting immunity. (3) An order issued under this section that grants immunity to a person continues in effect until the judge or his or her successor, in his or her discretion and upon application by the prosecuting attorney, enters an order terminating the order granting immunity and the prosecuting attorney notifies the witness of the order of termination. (4) Any person granted immunity under this section may have legal counsel present at all times at which he or she is being questioned concerning any matter included within the order granting immunity. History:Add. 1995, Act 148, Eff. Oct. 1, 1995

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIIA - Chapter Viia (767a.1...767a.9)Section 767A.8 - Confidentiality of Certain Material and Information.

Sec. 8. Petitions for immunity, orders of immunity, transcripts of testimony delivered to witnesses pursuant to grants of immunity, and records, documents, and physical evidence obtained by the prosecuting attorney pursuant to an investigation under this chapter are confidential and shall not be available for public inspection or copying or divulged to any person except as otherwise provided in this chapter. Material and information obtained under this act are exempt from disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws. History:Add. 1995, Act 148, Eff. Oct. 1, 1995

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIIA - Chapter Viia (767a.1...767a.9)Section 767A.9 - Knowingly Making False Statement as Perjury; Penalty; Neglect or Refusal to Comply With Subpoena as Contempt; Determination That Witness Has Purged Himself or Herself of Contempt; Commutation of Sentence.

Sec. 9. (1) A person who makes a false statement under oath in an examination conducted under this chapter knowing the statement is false is guilty of perjury punishable as follows: (a) Except as provided in subdivision (b), by imprisonment for not more than 15 years. (b) If the false statement was made during the investigation of a crime punishable by imprisonment for life, by imprisonment for life or for any term of years. (2) A person who neglects or refuses to comply with an investigative subpoena in violation of a court order is guilty of contempt punishable by imprisonment for not more than 1 year or by a fine of not more than $10,000.00, or both. If the witness appears before the court to purge himself or herself of that contempt, he or she shall be allowed to appear before the prosecuting attorney to answer any proper question concerning the matter under investigation, and after the witness appears

before the prosecuting attorney, upon transcript of the testimony, the witness shall be brought before the court and after examination, the court shall determine whether the witness has purged himself or herself of the contempt. The court shall commute the sentence if the court finds the witness has purged himself or herself of that contempt. History:Add. 1995, Act 148, Eff. Oct. 1, 1995

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.1 - Speedy Trial; Right of Parties; Duty of Public Officers.

Sec. 1. The people of this state and persons charged with crime are entitled to and shall have a speedy trial and determination of all prosecutions and it is hereby made the duty of all public officers having duties to perform in any criminal case, to bring such case to a final determination without delay except as may be necessary to secure to the accused a fair and impartial trial. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17294 ;-- CL 1948, 768.1

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.10 - Challenge to Juror for Cause; Effect of Opinion or Impression Not Positive in Character; Declaration by Juror.

Sec. 10. The previous formation or expression of opinion or impression, not positive in its character, in reference to the circumstances upon which any criminal prosecution is based, or in reference to the guilt or innocence of the prisoner, or a present opinion or impression in reference thereto, such opinion or impression not being positive in its character, or not being based on personal knowledge of the facts in the case, shall not be a sufficient ground of challenge for principal cause, to any person who is otherwise legally qualified to serve as a juror upon the trial of such action: Provided, That the person proposed as a juror, who may have formed or expressed, or has such opinion or impression as aforesaid, shall declare on oath, that he verily believes that he can render an impartial verdict according to the evidence submitted to the jury on such trial: Provided further, That the court shall be satisfied that the person so proposed as a juror does not entertain such a present opinion as would influence his verdict as a juror. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17303 ;-- CL 1948, 768.10Former Law:See Act 117 of 1893, being How., § 9564; CL 1897, § 11947; and CL 1915, § 15820.

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Sec. 12. (1) A person who is put on trial for an offense that is not punishable by death or life imprisonment shall be allowed to challenge peremptorily 5 of the persons drawn to serve as jurors. In a case involving 2 or more defendants who are being jointly tried for an offense that is not punishable by death or life imprisonment, each of the defendants shall be allowed to challenge peremptorily 5 persons returned as jurors. The prosecuting officers on behalf of the people shall be allowed to challenge 5 jurors peremptorily if a defendant is being tried alone or, if defendants are tried jointly, shall be allowed the total number of peremptory challenges to which all the defendants are entitled. (2) On motion and a showing of good cause, the court may grant 1 or more of the parties an increased number of peremptory challenges. The number of additional peremptory challenges the court grants may cause the various parties to have unequal numbers of peremptory challenges. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17305 ;-- CL 1948, 768.12 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007Former Law:See section 58 of Ch. 103 of R.S. 1846, being CL 1857, § 4400; CL 1871, § 6027; How., § 7607; CL 1897, § 10238; CL 1915, § 14594; Act 147 of 1883; Sections 3 and 4 of Ch. 165 of R.S. 1846, being CL 1857, §§ 6070 and 6071; CL 1871, §§ 7949 and 7950; How., §§ 9561 and 9562; CL 1897, §§ 11944 and 11945; and CL 1915, §§ 15817 and 15818.

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Sec. 13. (1) A person who is being tried alone for an offense punishable by death or imprisonment for life, shall be allowed to challenge peremptorily 12 of the persons drawn to serve as jurors. In a case punishable by death or imprisonment for life that involves 2 or more defendants, a defendant shall be allowed the following number of peremptory challenges: (a) Two defendants – 10 each. (b) Three defendants – 9 each. (c) Four defendants – 8 each. (d) Five or more defendants – 7 each. (2) In a case punishable by death or imprisonment for life, the prosecuting officers on behalf of the people shall be allowed to challenge peremptorily 12 jurors if a defendant is being tried alone or, if defendants are tried jointly, shall be allowed the total number of peremptory challenges to which all the defendants are entitled. (3) On motion and a showing of good cause, the court may grant 1 or more of the parties an increased number of peremptory challenges. The number of additional peremptory challenges the court grants may cause the various parties to have unequal numbers of peremptory challenges. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17306 ;-- CL 1948, 768.13 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007Former Law:See section 5 of Ch. 165 of R.S. 1846, being CL 1857, § 6072; CL 1871, § 7951; How., § 9563; CL 1897, § 11946; CL 1915, § 15819; Act 72 of 1861; and Act 139 of 1883.

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Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.14 - Jurors; Form of Oath.

Sec. 14. The following oath shall be administered to the jurors for the trial of all criminal cases: "You shall well and truly try, and true deliverance make, between the people of this state and the prisoner at bar, whom you shall have in charge, according to the evidence and the laws of this state; so help you God." History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17307 ;-- CL 1948, 768.14Former Law:See section 7 of Ch. 165 of R.S. 1846, being CL 1857, § 6074; CL 1871, § 7953; How., § 9565; CL 1897, § 11948; and CL 1915, § 15821.

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Sec. 15. Any juror shall be allowed to make affirmation, substituting the words "This you do under the pains and penalties of perjury" instead of the words "so help you God." History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17308 ;-- CL 1948, 768.15Former Law:See section 8 of Ch. 165 of R.S. 1846, being CL 1857, § 6075; CL 1871, § 7954; How., § 9566; CL 1897, § 11949; and CL 1915, §15822.

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Sec. 16. The jurors sworn to try a criminal action in any court of record in this state, may, at any time before the cause is submitted to the jury, in the discretion of the court, be permitted to separate or to be kept in charge of proper officers. When an order shall have been entered by the court in which such action is being tried, directing said jurors to be kept in charge of such officers, the following oath shall be administered by the clerk of the court to said officers: "You do solemnly swear that you will, to the utmost of your ability, keep the persons sworn as jurors on this trial from separating from each other; that you will not suffer any communication to be made to them, or any of them, orally or otherwise; that you will not communicate with them, or any of them, orally or otherwise, except by the order of this court, or to ask them if they have agreed on their verdict, until they shall be discharged; and that you will not, before they render their verdict, communicate to any person the state of their deliberations or the verdict they have agreed upon, so help you God." And thereafter it shall be the duty of the officer so sworn to keep the jury from separating, or from receiving any communication of any character, until they shall have rendered their verdict, except under a special instruction in writing from the trial judge. After the jurors retire to consider their verdict, the court may permit the jurors to separate temporarily, whenever in his judgment such a separation is deemed proper: Provided, That in cases where separation of the members of a jury is now forbidden by law, the authority hereby granted shall not extend to permitting separation of the members of the jury of the same sex. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17309 ;-- CL 1948, 768.16Former Law:See section 1 of Act 176 of 1893, being CL 1897, § 11960; CL 1915, § 15833; and Act 4 of 1909.

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Sec. 17. The trial judge may order, in case of illness of any jurors mentioned in the preceding section, that such juror may receive medical attendance, and may be removed to his home or some other place agreeable to the judge during the continuance of his illness; and that any of the jurors may receive such newspapers and letters as make no mention of the trial then in progress, or of any facts connected therewith, which shall first be inspected by the said judge. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17310 ;-- CL 1948, 768.17Former Law:See section 2 of Act 176 of 1893, being CL 1897, § 11961; and CL 1915, § 15834.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.18 - Jury; Impaneling; Number of Members; Qualifications; Excusing Jurors; Reducing Jury to 12 Members.

Sec. 18. (1) Any judge of a court of record in this state about to try a felony case which is likely to be protracted, may order a jury impaneled of not to exceed 14 members, who shall have the same qualifications and shall be impaneled in the same manner as is, or may be, provided by law for impaneling juries in such courts. All of those jurors shall sit and hear the cause. Should any condition arise during the trial of the cause which in the opinion of the trial court justifies the excusal of any of the jurors so impaneled from further service, he may do so and the trial shall proceed, unless the number of jurors be reduced to less than 12. In the event that more than 12 jurors are left on the jury after the charge of the court, the clerk of the court in the presence of the trial judge shall place the names of all of the jurors on slips, folded so as to conceal the names thereon, in a suitable box provided for that purpose, and shall draw therefrom the names of a sufficient number to reduce the jury to 12 members who shall then proceed to determine the issue presented in the manner provided by law. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17311 ;-- CL 1948, 768.18 ;-- Am. 1974, Act 63, Eff. May 1, 1974Compiler's Notes:This section is a substantial reenactment of Act 56 of 1923. Section 2 of Act 63 of 1974 provides:“Effective date.“Section 2. To give judges, prosecutors, and defense counsel a reasonable opportunity to become aware of and familiar with the time periods and sequence prescribed in this amendatory act and the effects of

noncompliance, sections 20 and 21 of chapter 8 of Act No. 175 of the Public Acts of 1927, being sections 768.20 and 768.21 of the Michigan Compiled Laws, as amended by this amendatory act shall take effect May 1, 1974, and apply to cases in which the arraignment on an information occurs on or after that date. The other provisions of this amendatory act shall take effect May 1, 1974 and apply to offenses committed on or after that date."

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Sec. 19. Any officer having taken an oath required by any provision of this chapter who shall knowingly and wilfully violate the same or permit the same to be violated, shall, on conviction thereof, be adjudged guilty of the crime of perjury and subject to all the pains and penalties thereof. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17312 ;-- CL 1948, 768.19Former Law:See section 3 of Act 176 of 1893, being CL 1897, § 11962; and CL 1915, § 15835.

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Sec. 2. The trial of criminal cases shall take precedence over all other cases; but this provision shall not be interpreted to mean that trials of civil cases shall not be interspersed between trials of criminal cases triable before a jury at any term of court. No adjournments, continuances or delays of criminal causes shall be granted by any court except for good cause shown in the manner provided by law for adjournments, continuances and delays in the trial of civil causes in courts of record: Provided, That no court shall adjourn, continue or delay the trial of any criminal cause by the consent of the prosecution and accused unless in his discretion it shall clearly appear by a sufficient showing to said court to be entered upon the record, that the reasons for such consent are founded upon strict necessity and that the trial of said cause cannot be then had without a manifest injustice being done. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17295 ;-- CL 1948, 768.2

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.20 - Alibi as Defense in Felony Case; Notice of Intention to Claim Defense; Notice of Rebuttal; Disclosure and Calling of Additional Witnesses.

Sec. 20. (1) If a defendant in a felony case proposes to offer in his defense testimony to establish an alibi at the time of the alleged offense, the defendant shall at the time of arraignment on the information or within 15 days after that arraignment but not less than 10 days before the trial of the case, or at such other time as the court directs, file and serve upon the prosecuting attorney a notice in writing of his intention to claim that defense. The notice shall contain, as particularly as is known to the defendant or the defendant's attorney, the names of witnesses to be called in behalf of the defendant to establish that defense. The defendant's notice shall include specific information as to the place at which the accused claims to have been at the time of the alleged offense. (2) Within 10 days after the receipt of the defendant's notice but not later than 5 days before the trial of the case, or at such other time as the court may direct, the prosecuting attorney shall file and serve upon the defendant a notice of rebuttal which shall contain, as particularly as is known to the prosecuting attorney, the names of the witnesses whom the prosecuting attorney proposes to call in rebuttal to controvert the defendant's defense at the trial of the case. (3) Both the defendant and the prosecuting attorney shall be under a continuing duty to disclose promptly the names of additional witnesses which come to the attention of either party subsequent to filing their respective notices as provided in this section. Upon motion with notice to the other party and upon a showing by the moving party that the name of an additional witness was not available when the notice required by subsections (1) or (2) was filed and could not have been available by the exercise of due diligence, the additional witness may be called by the moving party to testify as a witness for the purpose of establishing or rebutting an alibi defense. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- Am. 1929, Act 24, Imd. Eff. Apr. 2, 1929 ;-- CL 1929, 17313 ;-- Am. 1939, Act 80, Eff. Sept. 29, 1939 ;-- CL 1948, 768.20 ;-- Am. 1974, Act 63, Eff. May 1, 1974 ;-- Am. 1975, Act 180, Eff. Aug. 6, 1975Compiler's Notes:Section 2 of Act 63 of 1974 provides:"Effective date."Section 2. To give judges, prosecutors, and defense counsel a reasonable opportunity to become aware of and familiar with the time periods and sequence prescribed in this amendatory act and the effects of noncompliance, sections 20 and 21 of chapter 8 of Act No. 175 of the Public Acts of 1927, being sections 768.20 and 768.21 of the Michigan Compiled Laws, as amended by this amendatory act shall take effect May 1, 1974, and apply to cases in which the arraignment on an information occurs on or after that date. The other provisions of this amendatory act shall take effect May 1, 1974 and apply to offenses committed on or after that date."

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.20a - Insanity as Defense in Felony Case; Notice of Intention to Assert Defense; Examination; Independent Psychiatric Evaluation; Cooperation Required; Admissibility of Statements; Report; Notice of Rebuttal; Admissibility of Reports; "Qualified Personnel" Defined.

Sec. 20a. (1) If a defendant in a felony case proposes to offer in his or her defense testimony to establish his or her insanity at the time of an alleged offense, the defendant shall file and serve upon the court and the prosecuting attorney a notice in writing of his or

her intention to assert the defense of insanity not less than 30 days before the date set for the trial of the case, or at such other time as the court directs. (2) Upon receipt of a notice of an intention to assert the defense of insanity, a court shall order the defendant to undergo an examination relating to his or her claim of insanity by personnel of the center for forensic psychiatry or by other qualified personnel, as applicable, for a period not to exceed 60 days from the date of the order. When the defendant is to be held in jail pending trial, the center or the other qualified personnel may perform the examination in the jail, or may notify the sheriff to transport the defendant to the center or facility used by the qualified personnel for the examination, and the sheriff shall return the defendant to the jail upon completion of the examination. When the defendant is at liberty pending trial, on bail or otherwise, the defendant shall make himself or herself available for the examination at the place and time established by the center or the other qualified personnel. If the defendant, after being notified of the place and time of the examination, fails to make himself or herself available for the examination, the court may, without a hearing, order his or her commitment to the center. (3) The defendant may, at his or her own expense, secure an independent psychiatric evaluation by a clinician of his or her choice on the issue of his or her insanity at the time the alleged offense was committed. If the defendant is indigent, the court may, upon showing of good cause, order that the county pay for an independent psychiatric evaluation. The defendant shall notify the prosecuting attorney at least 5 days before the day scheduled for the independent evaluation that he or she intends to secure such an evaluation. The prosecuting attorney may similarly obtain independent psychiatric evaluation. A clinician secured by an indigent defendant is entitled to receive a reasonable fee as approved by the court. (4) The defendant shall fully cooperate in his or her examination by personnel of the center for forensic psychiatry or by other qualified personnel, and by any other independent examiners for the defense and prosecution. If he or she fails to cooperate, and that failure is established to the satisfaction of the court at a hearing prior to trial, the defendant shall be barred from presenting testimony relating to his or her insanity at the trial of the case. (5) Statements made by the defendant to personnel of the center for forensic psychiatry, to other qualified personnel, or to any independent examiner during an examination shall not be admissible or have probative value in court at the trial of the case on any issues other than his or her mental illness or insanity at the time of the alleged offense. (6) Upon conclusion of the examination, the center for forensic psychiatry or the other qualified personnel, and any independent examiner, shall prepare a written report and shall submit the report to the prosecuting attorney and defense counsel. The report shall contain: (a) The clinical findings of the center, the qualified personnel, or any independent examiner. (b) The facts, in reasonable detail, upon which the findings were based. (c) The opinion of the center or qualified personnel, and the independent examiner on the issue of the defendant's insanity at the time the alleged offense was committed and whether the defendant was mentally ill or intellectually disabled at the time the alleged offense was committed. (7) Within 10 days after the receipt of the report from the center for forensic psychiatry or from the qualified personnel, or within 10 days after the receipt of the report of an independent examiner secured by the prosecution, whichever occurs later, but not later than 5 days before the trial of the case, or at another time the court directs, the prosecuting attorney shall file and serve upon the defendant a notice of rebuttal of the defense of insanity which shall contain the names of the witnesses whom the prosecuting attorney proposes to call in rebuttal. (8) The report of the center for forensic psychiatry, the qualified personnel, or any independent examiner may be admissible in evidence upon the stipulation of the prosecution and defense. (9) As used in this section, "qualified personnel" means personnel meeting standards determined by the department of community health under rules promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. History:Add. 1975, Act 180, Eff. Aug. 6, 1975 ;-- Am. 1983, Act 42, Imd. Eff. May 12, 1983 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007 ;-- Am. 2014, Act 76, Imd. Eff. Mar. 28, 2014Constitutionality:The requirement that a defendant who raises an insanity defense cooperate in a psychiatric examination relating to the claim of insanity or be barred from presenting evidence of insanity at trial does not infringe upon the defendant's right to present a defense; nor is the sanction unconstitutionally vague. People v Hayes, 421 Mich 271; 364 NW2d 635 (1984).

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.21 - Failure to File and Serve Notices or to State Names of Witnesses With Particularity; Exclusion of Evidence.

Sec. 21. (1) If the defendant fails to file and serve the written notice prescribed in section 20 or 20a, the court shall exclude evidence offered by the defendant for the purpose of establishing an alibi or the insanity of the defendant. If the notice given by the defendant does not state, as particularly as is known to the defendant or the defendant's attorney, the name of a witness to be called in behalf of the defendant to establish a defense specified in section 20 or 20a, the court shall exclude the testimony of a witness which is offered by the defendant for the purpose of establishing that defense. (2) If the prosecuting attorney fails to file and serve a notice of rebuttal upon the defendant as provided in section 20 or 20a, the court shall exclude evidence offered by the prosecution in rebuttal to the defendant's evidence relevant to a defense specified in section 20 or 20a. If the notice given by the prosecuting attorney does not state, as particularly as is known to the prosecuting attorney, the name of a witness to be called in rebuttal of the defense of alibi or insanity, the court shall exclude the testimony of a witness which is offered by the prosecuting attorney for the purpose of rebutting that defense. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17314 ;-- CL 1948, 768.21 ;-- Am. 1974, Act 63, Eff. May 1, 1974 ;-- Am. 1975, Act 180, Eff. Aug. 6, 1975 ;-- Am. 1976, Act 51, Imd. Eff. Mar. 21, 1976Compiler's Notes:Section 2 of Act 63 of 1974 provides:“Section 2. To give judges, prosecutors, and defense counsel a reasonable opportunity to become aware of and familiar with the time periods and sequence prescribed in this amendatory act and the effects of noncompliance, sections 20 and 21 of chapter 8 of Act No. 175 of the Public Acts of 1927, being sections 768.20 and 768.21 of the Michigan Compiled Laws, as amended by this amendatory act shall take effect May 1, 1974, and apply to cases in which the arraignment on an information

occurs on or after that date. The other provisions of this amendatory act shall take effect May 1, 1974 and apply to offenses committed on or after that date."

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.21a - Persons Deemed Legally Insane; Burden of Proof.

Sec. 21a. (1) It is an affirmative defense to a prosecution for a criminal offense that the defendant was legally insane when he or she committed the acts constituting the offense. An individual is legally insane if, as a result of mental illness as defined in section 400 of the mental health code, 1974 PA 258, MCL 330.1400, or as a result of having an intellectual disability as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b, that person lacks substantial capacity either to appreciate the nature and quality or the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law. Mental illness or having an intellectual disability does not otherwise constitute a defense of legal insanity. (2) An individual who was under the influence of voluntarily consumed or injected alcohol or controlled substances at the time of his or her alleged offense is not considered to have been legally insane solely because of being under the influence of the alcohol or controlled substances. (3) The defendant has the burden of proving the defense of insanity by a preponderance of the evidence. History:Add. 1975, Act 180, Eff. Aug. 6, 1975 ;-- Am. 1994, Act 56, Eff. Oct. 1, 1994 ;-- Am. 2014, Act 76, Imd. Eff. Mar. 28, 2014

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.21b - Breaking Prison; Defense of Duress; Notices; Additional Witnesses; Consideration of Conditions.

Sec. 21b. (1) If a defendant charged with breaking prison proposes to offer in his or her defense testimony to establish the defense of duress at the time of the alleged offense, the defendant at the time of arraignment on the information or within 15 days after that arraignment, but not less than 10 days before the trial of the case, or at such other time as the court directs, shall file and serve upon the prosecuting attorney a notice in writing of the intention to claim that defense. The notice shall contain, as particularly as is known to the defendant or the defendant's attorney, the names of witnesses to be called in behalf of the defendant to establish that defense. The defendant's notice shall include specific information relative to the defense. (2) Within 10 days after the receipt of the defendant's notice but not later than 5 days before the trial of the case, or at such other time as the court may direct, the prosecuting attorney shall file and serve upon the defendant a notice of rebuttal which shall contain, as particularly as is known to the prosecuting attorney, the names of the witnesses whom the prosecuting attorney proposes to call in rebuttal to controvert the defendant's defense at the trial of the case. (3) Both the defendant and the prosecuting attorney shall be under a continuing duty to promptly disclose the names of additional witnesses which come to the attention of either party after filing the respective notices as provided in this section. Upon motion with notice to the other party and upon a showing by the moving party that the name of an additional witness was not available when the notice required by subsection (1) or (2) was filed, and could not have been available by the exercise of due diligence, the additional witness may be called by the moving party to testify as a witness for the purpose of establishing or rebutting the defense of duress or necessity. (4) In determining whether or not the defendant broke prison while under duress the jury or court may consider the following conditions if supported by competent evidence: (a) Whether the defendant was faced with a specific threat of death, forcible sexual attack or substantial bodily injury in the immediate future. (b) Whether there was insufficient time for a complaint to the authorities. (c) Whether there was a history of complaints by the defendant which failed to provide relief. (d) Whether there was insufficient time or opportunity to resort to the courts. (e) Whether force or violence was not used towards innocent persons in the prison break. (f) Whether the defendant immediately reported to the proper authorities upon reaching a position of safety from the immediate threat. History:Add. 1978, Act 600, Imd. Eff. Jan. 4, 1979

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.21c - Use of Deadly Force by Individual in Own Dwelling; "Dwelling" Defined.

Sec. 21c. (1) In cases in which section 2 of the self-defense act does not apply, the common law of this state applies except that the duty to retreat before using deadly force is not required if an individual is in his or her own dwelling or within the curtilage of that dwelling. (2) As used in this section, "dwelling" means a structure or shelter that is used permanently or temporarily as a place of abode, including an appurtenant structure attached to that structure or shelter. History:Add. 2006, Act 313, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.21d.added - Admissibility of Sex, Gender Identity, Gender Expression, or Sexual Orientation.

***** 768.21d.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 21d. (1) Evidence of the discovery of, knowledge about, or potential disclosure of an individual's actual or perceived sex, gender identity, gender expression, or sexual orientation is not admissible for any of the following purposes: (a) To demonstrate reasonable provocation. (b) To show that an act was committed in a heat of passion. (c) To support a defense of reduced mental capacity under section 20a of this chapter. (2) Notwithstanding the provisions of any other law of this state, an

individual is not justified in using force against another individual based on the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived sex, gender identity, gender expression, or sexual orientation. History:Add. 2024, Act 87, Eff. (sine die)

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.22 - Rules of Evidence; Applicability of Criminal and Quasi Criminal Proceedings; Evidence of Prior Conviction.

Sec. 22. (1) The rules of evidence in civil actions, insofar as the same are applicable, shall govern in all criminal and quasi criminal proceedings except as otherwise provided by law. (2) In prosecutions charging a second or subsequent offense under Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Compiled Laws of 1948, a certification by a judge or clerk of a court under the seal of the court of a prior conviction for the same offense is admissible and is prima facie evidence of the fact of conviction. The certification shall include the person's full name, address, date of birth, operator's or chauffeur's license number and vehicle registration number, if such information is available to the person so certifying, and the dates of the offense and the conviction thereof. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17315 ;-- CL 1948, 768.22 ;-- Am. 1967, Act 44, Eff. Nov. 2, 1967Former Law:See Act 208 of 1917.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.23 - Exception; Necessity of Taking.

Sec. 23. It shall not be necessary in the trial of any criminal cause to except to any ruling or action of the court, if an objection thereto was fully made but an exception shall be deemed to follow as a matter of course. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17316 ;-- CL 1948, 768.23Former Law:See section 2 of Ch. 166 of R.S. 1846, being CL 1857, § 6083; CL 1871, § 7964; How., § 9577; CL 1897, § 11964; CL 1915, §15837; and Act 79 of 1885.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.24 - Evidence; Leading Question.

Sec. 24. Within the discretion of the court no question asked of a witness shall be deemed objectionable solely because it is leading. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17317 ;-- CL 1948, 768.24

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.25 - Evidence; Proof of Signature.

Sec. 25. Whenever in the trial of any criminal case it shall be necessary or proper to prove the signature of any person, it shall be competent to introduce in evidence for the purpose of comparison, any specimen or specimens of the handwriting or signature of such person, admitted or proved to the satisfaction of the court to be genuine, whether or not the paper on which such handwriting or signature appears is one in evidence or connected with the case or not. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17318 ;-- CL 1948, 768.25

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.26 - Evidence; Use of Former Testimony; Deposition for Defendant.

Sec. 26. Testimony taken at an examination, preliminary hearing, or at a former trial of the case, or taken by deposition at the instance of the defendant, may be used by the prosecution whenever the witness giving such testimony can not, for any reason, be produced at the trial, or whenever the witness has, since giving such testimony become insane or otherwise mentally incapacitated to testify. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17319 ;-- CL 1948, 768.26

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.27 - Evidence; Proof of Intent or Motive by Similar Acts.

Sec. 27. In any criminal case where the defendant's motive, intent, the absence of, mistake or accident on his part, or the defendant's scheme, plan or system in doing an act, is material, any like acts or other acts of the defendant which may tend to show his motive, intent, the absence of, mistake or accident on his part, or the defendant's scheme, plan or system in doing the act, in question, may be proved, whether they are contemporaneous with or prior or subsequent thereto; notwithstanding that such proof may show or tend to show the commission of another or prior or subsequent crime by the defendant. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17320 ;-- CL 1948, 768.27

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.27a - Evidence That Defendant Committed Another Listed Offense Against Minor; Admissibility; Disclosure of Evidence to Defendant; Definitions.

Sec. 27a. (1) Notwithstanding section 27, in a criminal case in which the defendant is accused of committing a listed offense against a minor, evidence that the defendant committed another listed offense against a minor is admissible and may be considered for its bearing on any matter to which it is relevant. If the prosecuting attorney intends to offer evidence under this section, the prosecuting attorney shall disclose the evidence to the defendant at least 15 days before the scheduled date of trial or at a later time as allowed by the court for good cause shown, including the statements of witnesses or a summary of the substance of any testimony that is expected to be offered. (2) As used in this section: (a) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. (b) "Minor" means an individual less than 18 years of age. History:Add. 2005, Act 135, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.27b.amended - Domestic Violence, Sexual Assault, or Human Trafficking or Prostitution Offense; Commission of Other Domestic Violence Acts; Admissibility; Disclosure; Definitions; Applicability of Section.

***** 768.27b.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 27b. (1) Except as provided in subsection (4), in a criminal action in which the defendant is accused of an offense involving domestic violence, sexual assault, or a violation of chapter LXVII or chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.448 to 750.462 and 750.462a to 750.462h, evidence of the defendant's commission of other acts of domestic violence, sexual assault, or acts constituting violations of chapter LXVII or chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.448 to 750.462 and 750.462a to 750.462h, is admissible for any purpose for which it is relevant, if it is not otherwise excluded under Michigan rule of evidence 403. (2) If the prosecuting attorney intends to offer evidence under this section, the prosecuting attorney shall disclose the evidence, including the statements of witnesses or a summary of the substance of any testimony that is expected to be offered, to the defendant not less than 15 days before the scheduled date of trial or at a later time as allowed by the court for good cause shown. (3) This section does not limit or preclude the admission or consideration of evidence under any other statute, including, but not limited to, under section 27a of this chapter, rule of evidence, or case law. (4) Evidence of an act occurring more than 10 years before the charged offense is inadmissible under this section unless the court determines that 1 or more of the following apply: (a) The act was a sexual assault that was reported to law enforcement within 5 years of the date of the sexual assault. (b) The act was a sexual assault and a sexual assault evidence kit was collected. (c) The act was a sexual assault and the testing of evidence connected to the assault resulted in a DNA identification profile that is associated with the defendant. (d) Admitting the evidence is in the interest of justice. (5) The 2018 amendatory act that amended this subsection did not alter or in any manner affect the statutes of limitation for the offenses described in this section. (6) As used in this section: (a) "Domestic violence" or "offense involving domestic violence" means an occurrence of 1 or more of the following acts by a person that is not an act of self-defense: (i) Causing or attempting to cause physical or mental harm to a family or household member. (ii) Placing a family or household member in fear of physical or mental harm. (iii) Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress. (iv) Engaging in activity toward a family or household member that would cause a reasonable individual to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (b) "Family or household member" means any of the following: (i) A spouse or former spouse. (ii) An individual with whom the person resides or has resided. (iii) An individual with whom the person has or has had a child in common. (iv) An individual with whom the person has or has had a dating relationship. As used in this subparagraph, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. (c) "Sexual assault" means a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. (7) This section applies to trials and evidentiary hearings commenced or in progress on or after May 1, 2006. History:Add. 2006, Act 78, Imd. Eff. Mar. 24, 2006 ;-- Am. 2018, Act 372, Eff. Mar. 17, 2019 ;-- Am. 2024, Act 184, Eff. (sine die)

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.27b - Domestic Violence or Sexual Assault Offense; Commission of Other Domestic Violence Acts; Admissibility; Disclosure; Definitions; Applicability of Section.

***** 768.27b THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 768.27b.amended ***** Sec. 27b. (1) Except as provided in subsection (4), in a criminal action in which the defendant is accused of an offense involving domestic violence or sexual assault, evidence of the defendant's commission of other acts of domestic violence or sexual assault is admissible for any purpose for which it is relevant, if it is not otherwise excluded under Michigan rule of evidence 403. (2) If the prosecuting attorney intends to offer evidence under this section, the prosecuting attorney shall disclose the evidence, including the statements of witnesses or a summary of the substance of any testimony that is expected to be offered, to the defendant not less than 15 days before the scheduled date of trial or at a later time as allowed by the court for good cause shown. (3) This section does not limit or preclude the admission or consideration of evidence under any other statute, including, but not limited to, under section 27a, rule of evidence, or case law. (4) Evidence of an act occurring more than 10 years before the charged offense is inadmissible under this section unless the court determines that 1 or more of the following apply: (a) The act was a sexual assault that was reported to law enforcement within 5 years of the date of the sexual assault. (b) The act was

a sexual assault and a sexual assault evidence kit was collected. (c) The act was a sexual assault and the testing of evidence connected to the assault resulted in a DNA identification profile that is associated with the defendant. (d) Admitting the evidence is in the interest of justice. (5) The amendatory act that amended this subsection does not alter or in any manner affect the statutes of limitation for the offenses described in this section. (6) As used in this section: (a) "Domestic violence" or "offense involving domestic violence" means an occurrence of 1 or more of the following acts by a person that is not an act of self-defense: (i) Causing or attempting to cause physical or mental harm to a family or household member. (ii) Placing a family or household member in fear of physical or mental harm. (iii) Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress. (iv) Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (b) "Family or household member" means any of the following: (i) A spouse or former spouse. (ii) An individual with whom the person resides or has resided. (iii) An individual with whom the person has or has had a child in common. (iv) An individual with whom the person has or has had a dating relationship. As used in this subparagraph, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. (c) "Sexual assault" means a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. (7) This section applies to trials and evidentiary hearings commenced or in progress on or after May 1, 2006. History:Add. 2006, Act 78, Imd. Eff. Mar. 24, 2006 ;-- Am. 2018, Act 372, Eff. Mar. 17, 2019

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.27c.amended - Statement by Declarant; Admissibility; Circumstances Relevant to Trustworthiness; Disclosure; Privilege; Definitions; Applicability of Section.

***** 768.27c.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 27c. (1) Evidence of a statement by a declarant is admissible if all of the following apply: (a) The statement purports to narrate, describe, or explain the infliction or threat of physical injury upon the declarant. (b) The action in which the evidence is offered under this section is an offense involving domestic violence, or a violation of chapter LXVII or chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.448 to 750.462 and 750.462a to 750.462h. (c) The statement was made at or near the time of the infliction or threat of physical injury. Evidence of a statement made more than 5 years before the filing of the current action or proceeding is inadmissible under this section. (d) The statement was made under circumstances that would indicate the statement's trustworthiness. (e) The statement was made to a law enforcement officer. (2) For the purpose of subsection (1)(d), circumstances relevant to the issue of trustworthiness include, but are not limited to, all of the following: (a) Whether the statement was made in contemplation of pending or anticipated litigation in which the declarant was interested. (b) Whether the declarant has a bias or motive for fabricating the statement, and the extent of any bias or motive. (c) Whether the statement is corroborated by evidence other than statements that are admissible only under this section. (3) If the prosecuting attorney intends to offer evidence under this section, the prosecuting attorney shall disclose the evidence, including the statements of witnesses or a summary of the substance of any testimony that is expected to be offered, to the defendant not less than 15 days before the scheduled date of trial or at a later time as allowed by the court for good cause shown. (4) Nothing in this section shall be construed to abrogate any privilege conferred by law. (5) As used in this section: (a) "Declarant" means an individual who makes a statement. (b) "Domestic violence" or "offense involving domestic violence" means an occurrence of 1 or more of the following acts by a person that is not an act of self-defense: (i) Causing or attempting to cause physical or mental harm to a family or household member. (ii) Placing a family or household member in fear of physical or mental harm. (iii) Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress. (iv) Engaging in activity toward a family or household member that would cause a reasonable individual to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (c) "Family or household member" means any of the following: (i) A spouse or former spouse. (ii) An individual with whom the person resides or has resided. (iii) An individual with whom the person has or has had a child in common. (iv) An individual with whom the person has or has had a dating relationship. As used in this subparagraph, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. (d) "Infliction or threat of physical injury" includes all of the following: (i) Physically harming or restraining any individual. (ii) Threatening to harm or physically restrain any individual or the creation of any scheme, plan, or pattern intended to cause an individual to believe that failure to perform an act would result in physical, psychological, reputational, or financial harm to, or physical restraint of, any individual. (iii) Facilitating or controlling an individual's access to a controlled substance, as that term is defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104, other than for a legitimate medical purpose. (6) This section applies to trials and evidentiary hearings commenced or in progress on or after May 1, 2006. History:Add. 2006, Act 79, Imd. Eff. Mar. 24, 2006 ;-- Am. 2024, Act 183, Eff. (sine die)

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.27c - Statement by Declarant; Admissibility; Circumstances Relevant to Trustworthiness; Disclosure; Privilege; Definitions; Applicability of Section.

***** 768.27c THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR

SESSION SINE DIE: See 768.27c.amended ***** Sec. 27c. (1) Evidence of a statement by a declarant is admissible if all of the following apply: (a) The statement purports to narrate, describe, or explain the infliction or threat of physical injury upon the declarant. (b) The action in which the evidence is offered under this section is an offense involving domestic violence. (c) The statement was made at or near the time of the infliction or threat of physical injury. Evidence of a statement made more than 5 years before the filing of the current action or proceeding is inadmissible under this section. (d) The statement was made under circumstances that would indicate the statement's trustworthiness. (e) The statement was made to a law enforcement officer. (2) For the purpose of subsection (1)(d), circumstances relevant to the issue of trustworthiness include, but are not limited to, all of the following: (a) Whether the statement was made in contemplation of pending or anticipated litigation in which the declarant was interested. (b) Whether the declarant has a bias or motive for fabricating the statement, and the extent of any bias or motive. (c) Whether the statement is corroborated by evidence other than statements that are admissible only under this section. (3) If the prosecuting attorney intends to offer evidence under this section, the prosecuting attorney shall disclose the evidence, including the statements of witnesses or a summary of the substance of any testimony that is expected to be offered, to the defendant not less than 15 days before the scheduled date of trial or at a later time as allowed by the court for good cause shown. (4) Nothing in this section shall be construed to abrogate any privilege conferred by law. (5) As used in this section: (a) "Declarant" means a person who makes a statement. (b) "Domestic violence" or "offense involving domestic violence" means an occurrence of 1 or more of the following acts by a person that is not an act of self-defense: (i) Causing or attempting to cause physical or mental harm to a family or household member. (ii) Placing a family or household member in fear of physical or mental harm. (iii) Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress. (iv) Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (c) "Family or household member" means any of the following: (i) A spouse or former spouse. (ii) An individual with whom the person resides or has resided. (iii) An individual with whom the person has or has had a child in common. (iv) An individual with whom the person has or has had a dating relationship. As used in this subparagraph, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. (6) This section applies to trials and evidentiary hearings commenced or in progress on or after May 1, 2006. History:Add. 2006, Act 79, Imd. Eff. Mar. 24, 2006

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.28 - Evidence; View by Jury.

Sec. 28. The court may order a view by any jury empaneled to try a criminal case, whenever such court shall deem such view necessary. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17321 ;-- CL 1948, 768.28Former Law:See section 10 of Ch. 165 of R.S. 1846, being CL 1857, § 6077; CL 1871, § 7956; How., § 9569; CL 1897, § 11952; and CL 1915, § 15825.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.28a - Evidence Obtained Pursuant to Federal Court Order Authorizing or Approving Interception of Wire or Oral Communications; Admissibility.

Sec. 28a. Evidence obtained pursuant to an order authorizing or approving the interception of wire or oral communications issued by a federal court in compliance with section 802 of title III of the omnibus crime control and safe streets act of 1968, Public Law 90-351, 18 U.S.C. 2510 to 2513 and 2515 to 2521, that is otherwise admissible under the rules of evidence of this state, may be admitted in evidence in a court of this state in a criminal prosecution for any of the following offenses: (a) A violation of section 7401(2)(a)(i), 7401(2)(a)(ii), 7401(2)(a)(iii), 7401(2)(a)(iv), 7402(2)(a), 7403(2)(a)(i), 7403(2)(a)(ii), 7403(2)(a)(iii), or 7403(2)(a)(iv) of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401, 333.7402, and 333.7403 of the Michigan Compiled Laws. (b) A violation of section 83, 89, 91, 157b, 316, 317, 327, 328, 349, 350, 422, 436, 520b, 529, 531, or 544 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.83, 750.89, 750.91, 750.157b, 750.316, 750.317, 750.327, 750.328, 750.349, 750.350, 750.422, 750.436, 750.520b, 750.529, 750.531, and 750.544 of the Michigan Compiled Laws, that is punishable by imprisonment for life. (c) A conspiracy to commit an offense listed in subdivision (a) or (b). History:Add. 1988, Act 8, Imd. Eff. Feb. 8, 1988

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.29 - Judge's Duty at Trial; Effect of Failure to Instruct.

Sec. 29. It shall be the duty of the judge to control all proceedings during the trial, and to limit the introduction of evidence and the argument of counsel to relevant and material matters, with a view to the expeditious and effective ascertainment of the truth regarding the matters involved. The court shall instruct the jury as to the law applicable to the case and in his charge make such comment on the evidence, the testimony and character of any witnesses, as in his opinion the interest of justice may require. The failure of the court to instruct on any point of law shall not be ground for setting aside the verdict of the jury unless such instruction is requested by the accused. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17322 ;-- CL 1948, 768.29

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal

Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.29a - Defense of Insanity in Criminal Action Tried Before Jury; Instructions.

Sec. 29a. (1) If the defendant asserts a defense of insanity in a criminal action which is tried before a jury, the judge shall, before testimony is presented on that issue, instruct the jury on the law as contained in sections 400a and 500(g) of Act No. 258 of the Public Acts of 1974 and in section 21a of chapter 8 of this act. (2) At the conclusion of the trial, where warranted by the evidence, the charge to the jury shall contain instructions that it shall consider separately the issues of the presence or absence of mental illness and the presence or absence of legal insanity and shall also contain instructions as to the verdicts of guilty, guilty but mentally ill, not guilty by reason of insanity, and not guilty with regard to the offense or offenses charged and, as required by law, any lesser included offenses. History:Add. 1975, Act 180, Eff. Aug. 6, 1975

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.3 - Person Indicted; Presence at Trial.

Sec. 3. No person indicted for a felony shall be tried unless personally present during the trial; persons indicted or complained against for misdemeanors may, at their own request, through an attorney, duly authorized for that purpose, by leave of the court, be put on trial in their absence. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17296 ;-- CL 1948, 768.3Former Law:See section 9 of Ch. 165 of R.S. 1846, being CL 1857, § 6076; CL 1871, § 7955; How., § 9568; CL 1897, § 11951; and CL 1915, § 15824.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.30 - Exception to Charge or Refusal to Charge; Necessity.

Sec. 30. It shall not be necessary in any criminal suit, action or proceeding in any court of record, to except to the charge given to the jury, or to the refusal to give any charge requested by either of the parties to such suit, action or proceeding, but any party aggrieved by any such charge or refusal to charge, may assign error upon such charge or refusal to charge in his assignments of error, the same as if exception had been made to such charge or refusal to charge. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17323 ;-- CL 1948, 768.30Former Law:See Act 101 of 1885, being How., § 7621b; CL 1897, § 10247; CL 1915, § 14576; and Act 52 of 1901.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.31 - Joint Defendants; Discharge for Insufficient Evidence.

Sec. 31. Whenever 2 or more persons shall be included in the same indictment and it shall appear that there is not sufficient evidence to put any defendant on his defense, it shall be the duty of the court to order such defendant to be discharged from such indictment, before the evidence shall be deemed to be closed. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17324 ;-- CL 1948, 768.31Former Law:See section 13 of Ch. 165 of R.S. 1846, being CL 1857, § 6080; CL 1871, § 7959; How., § 9572; CL 1897, § 11955; and CL 1915, § 15828.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.32 - Indictment for Offense Consisting of Different Degrees or for Offense Specified in MCL 333.7401 and 333.7403; Finding of Jury or Judge; Instructions.

Sec. 32. (1) Except as provided in subsection (2), upon an indictment for an offense, consisting of different degrees, as prescribed in this chapter, the jury, or the judge in a trial without a jury, may find the accused not guilty of the offense in the degree charged in the indictment and may find the accused person guilty of a degree of that offense inferior to that charged in the indictment, or of an attempt to commit that offense. (2) Upon an indictment for an offense specified in section 7401(2)(a)(i) or (ii) or section 7403(2)(a)(i) or (ii) of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 and 333.7403 of the Michigan Compiled Laws, or conspiracy to commit 1 or more of these offenses, the jury, or judge in a trial without a jury, may find the accused not guilty of the offense in the degree charged in the indictment but may find the accused guilty of a degree of that offense inferior to that charged in the indictment only if the lesser included offense is a major controlled substance offense. A jury shall not be instructed as to other lesser included offenses involving the same controlled substance nor as to an attempt to commit either a major controlled substance offense or a lesser included offense involving the same controlled substance. The jury shall be instructed to return a verdict of not guilty of an offense involving the controlled substance at issue if it finds that the evidence does not establish the defendant's guilt as to the commission of a major controlled substance offense involving that controlled substance. A judge in a trial without a jury shall find the defendant not guilty of an offense involving the controlled substance at issue if the judge finds that the evidence does not establish the defendant's guilt as to the commission of a major controlled substance offense involving that controlled substance. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17325 ;-- CL 1948, 768.32 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1988, Act 90, Imd. Eff. Mar. 30, 1988Former Law:See section 16 of Ch. 161 of R.S. 1846, being

CL 1857, § 5952; CL 1871, § 7818; How., § 9428; CL 1897, § 11789; and CL 1915, § 15616.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.33 - Offense Consisting of Different Degrees; Subsequent Trial Prohibited.

Sec. 33. When a defendant shall be acquitted or convicted upon any indictment for an offense, consisting of different degrees, he shall not thereafter be tried or convicted for a different degree of the same offense; nor shall he be tried or convicted for any attempt to commit the offense charged in the indictment or to commit any degree of such offense. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17326 ;-- CL 1948, 768.33Former Law:See section 17 of Ch. 161 of R.S. 1846, being CL 1857, § 5953; CL 1871, § 7819; How., § 9429; CL 1897, § 11790; and CL 1915, § 15617.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.34 - Discharged or Acquitted Prisoner; Liability for Costs or Fees.

Sec. 34. No prisoner or person under recognizance who shall be acquitted by verdict or discharged because no indictment has been found against him, or for want of prosecution, shall be liable for any costs or fees of office or for any charge for subsistence while he was in custody. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17327 ;-- CL 1948, 768.34Former Law:See section 12 of Ch. 165 of R.S. 1846, being CL 1857, § 6079; CL 1871, § 7958; How., § 9427; CL 1897, § 11954; and CL 1915, § 15827.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.35 - Plea of Guilty; Investigation by Judge; Sentence; Refusal to Accept.

Sec. 35. Whenever any person shall plead guilty to an information filed against him in any court, it shall be the duty of the judge of such court, before pronouncing judgment or sentence upon such plea, to become satisfied after such investigation as he may deem necessary for that purpose respecting the nature of the case, and the circumstances of such plea, that said plea was made freely, with full knowledge of the nature of the accusation, and without undue influence. And whenever said judge shall have reason to doubt the truth of such plea of guilty, it shall be his duty to vacate the same, direct a plea of not guilty to be entered and order a trial of the issue thus formed. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17328 ;-- CL 1948, 768.35Former Law:See Act 99 of 1875, being How., § 9558; CL 1897, § 11957; and CL 1915, § 15830.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.36 - Defense of Insanity in Compliance With MCL 768.20a; Finding of “Guilty but Mentally Ill”; Waiver of Right to Trial; Plea of Guilty but Mentally Ill; Examination of Reports; Hearing; Sentence; Evaluation and Treatment; Discharge; Report to Parole Board; Treatment as Condition of Parole or Probation; Period of Probation; Psychiatric Reports.

Sec. 36. (1) If the defendant asserts a defense of insanity in compliance with section 20a of this chapter, the defendant may be found "guilty but mentally ill" if, after trial, the trier of fact finds all of the following: (a) The defendant is guilty beyond a reasonable doubt of an offense. (b) The defendant has proven by a preponderance of the evidence that he or she was mentally ill at the time of the commission of that offense. (c) The defendant has not established by a preponderance of the evidence that he or she lacked the substantial capacity either to appreciate the nature and quality or the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law. (2) If the defendant asserts a defense of insanity in compliance with section 20a of this chapter and the defendant waives his or her right to trial, by jury or by judge, the trial judge, with the approval of the prosecuting attorney, may accept a plea of guilty but mentally ill in lieu of a plea of guilty or a plea of nolo contendere. The judge shall not accept a plea of guilty but mentally ill until, with the defendant's consent, the judge has examined the report or reports prepared in compliance with section 20a of this chapter, the judge has held a hearing on the issue of the defendant's mental illness at which either party may present evidence, and the judge is satisfied that the defendant has proven by a preponderance of the evidence that the defendant was mentally ill at the time of the offense to which the plea is entered. The reports shall be made a part of the record of the case. (3) If a defendant is found guilty but mentally ill or enters a plea to that effect which is accepted by the court, the court shall impose any sentence that could be imposed by law upon a defendant who is convicted of the same offense. If the defendant is committed to the custody of the department of corrections, the defendant shall undergo further evaluation and be given such treatment as is psychiatrically indicated for his or her mental illness or intellectual disability. Treatment may be provided by the department of corrections or by the department of community health as provided by law. Sections 1004 and 1006 of the mental health code, 1974 PA 258, MCL 330.2004 and 330.2006, apply to the discharge of the defendant from a facility of the department of community health to which the defendant has been admitted and to the return of the defendant to the department of corrections for the balance of the defendant's sentence. When a treating facility designated by either the department of corrections or the department of community health discharges the defendant before the expiration of the defendant's sentence, that treating facility shall transmit to the parole board a report on the condition of the defendant that contains the clinical facts, the diagnosis, the course of treatment, the prognosis for the remission of symptoms, the potential for recidivism, the danger of the defendant to himself or herself or to the

public, and recommendations for future treatment. If the parole board considers the defendant for parole, the board shall consult with the treating facility at which the defendant is being treated or from which the defendant has been discharged and a comparable report on the condition of the defendant shall be filed with the board. If the defendant is placed on parole, the defendant's treatment shall, upon recommendation of the treating facility, be made a condition of parole. Failure to continue treatment except by agreement with the designated facility and parole board is grounds for revocation of parole. (4) If a defendant who is found guilty but mentally ill is placed on probation under the jurisdiction of the sentencing court as provided by law, the trial judge, upon recommendation of the center for forensic psychiatry, shall make treatment a condition of probation. Reports as specified by the trial judge shall be filed with the probation officer and the sentencing court. Failure to continue treatment, except by agreement with the treating agency and the sentencing court, is grounds for revocation of probation. The period of probation shall not be for less than 5 years and shall not be shortened without receipt and consideration of a forensic psychiatric report by the sentencing court. Treatment shall be provided by an agency of the department of community health or, with the approval of the sentencing court and at individual expense, by private agencies, private physicians, or other mental health personnel. A psychiatric report shall be filed with the probation officer and the sentencing court every 3 months during the period of probation. If a motion on a petition to discontinue probation is made by the defendant, the probation officer shall request a report as specified from the center for forensic psychiatry or any other facility certified by department of community health for the performance of forensic psychiatric evaluation. History:Add. 1975, Act 180, Eff. Aug. 6, 1975 ;-- Am. 2002, Act 245, Eff. May 1, 2002 ;-- Am. 2014, Act 76, Imd. Eff. Mar. 28, 2014Constitutionality:The Michigan supreme court found that subsection (4) of this section, governing the grant of probation to guilty but mentally ill persons, does not violate the equal protection and due process clauses of the federal and state constitutions. People v McCleod, 407 Mich 632; 288 NW2d 909 (1980).Compiler's Notes:For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.37 - Under Influence of or Impairment by Alcoholic Liquor or Drug as Defense Prohibited; Exception; Definitions.

Sec. 37. (1) Except as provided in subsection (2), it is not a defense to any crime that the defendant was, at that time, under the influence of or impaired by a voluntarily and knowingly consumed alcoholic liquor, drug, including a controlled substance, other substance or compound, or combination of alcoholic liquor, drug, or other substance or compound. (2) It is an affirmative defense to a specific intent crime, for which the defendant has the burden of proof by a preponderance of the evidence, that he or she voluntarily consumed a legally obtained and properly used medication or other substance and did not know and reasonably should not have known that he or she would become intoxicated or impaired. (3) As used in this section: (a) "Alcoholic liquor" means that term as defined in section 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105. (b) "Consumed" means to have eaten, drunk, ingested, inhaled, injected, or topically applied, or to have performed any combination of those actions, or otherwise introduced into the body. (c) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104. History:Add. 2002, Act 366, Eff. Sept. 1, 2002Compiler's Notes:Enacting section 1 of Act 366 of 2002 provides:“Enacting section 1. This amendatory act takes effect September 1, 2002, and applies to crimes committed on or after that date.”

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.4 - Proof of Felony at Trial for Misdemeanor; Effect.

Sec. 4. If, upon the trial of any person for a misdemeanor, the facts given in evidence amount in law to a felony, he shall not by reason thereof, be entitled to an acquittal of such misdemeanor, and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts, unless the court before which the trial shall be had, shall discharge the jury from giving any verdict upon such trial, and shall direct such person to be indicted for felony. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17297 ;-- CL 1948, 768.4Former Law:See section 4 of Act 77 of 1855, being CL 1857, § 6050; CL 1871, § 7919; How., § 9530; CL 1897, § 11915; and CL 1915, § 15742.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.5 - Defendants Jointly Indicted; Separation of Trials.

Sec. 5. When 2 or more defendants shall be jointly indicted for any criminal offense, they shall be tried separately or jointly, in the discretion of the court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17298 ;-- CL 1948, 768.5Former Law:See section 14 of Ch. 165 of R.S. 1846, being CL 1857, § 6081; CL 1871, § 7960; How., § 9573; CL 1897, § 11956; and CL 1915, § 15829.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.6 - Commission of Offense in Certain State Institutions; Penalty.

Sec. 6. Any person now or hereafter confined in any penal or reformatory institution in this state, and who during the term of such confinement shall commit any crime or offense punishable under the laws of this state by imprisonment in such institution, shall be subject to the same punishment as if the crime had been committed at any other place or by a person not so confined. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17299 ;-- CL 1948, 768.6Former Law:See section 1 of Act 132 of 1887, being How., § 9414a; CL 1897, § 11772; CL 1915, § 11586; and section 64 of Act 118 of 1893, being CL 1897, § 2143; and CL 1915, § 1762.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.7 - Jurisdiction Over Cases Arising Under MCL 768.6; Proceedings; Examination; Warrant; Custody of Person Confined; Applicability of Section and MCL 768.6.

Sec. 7. The circuit court for the county in which the prison or institution named in the preceding section is, shall have jurisdiction over cases arising under the foregoing section, and the proceedings thereto pertaining shall in all ways conform to the law and rules in cases of like offenses occurring elsewhere, except that the examination may be held in 1 of the offices of the penal institutions where the crime is committed, at the option of the magistrate before whom the complaint may be made, and that the warrant shall be made in the ordinary form, shall be directed to the warden or keeper of such institution, and shall set forth that the accused is imprisoned in such institution under and by authority of the laws of the state of Michigan; and further, that the person so confined shall remain in the custody of such warden or keeper subject to the order of the circuit court for the county in which such institution is located. The provisions of this and the preceding section shall apply to persons who are temporarily outside the limits of the institutions named in such sections, except those prisoners who have received a parole by due process of law and are at liberty under the terms of such parole. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17300 ;-- CL 1948, 768.7 ;-- Am. 1987, Act 268, Imd. Eff. Dec. 29, 1987Former Law:See sections 2 and 4 of Act 132 of 1887, being How., §§ 9414b and 9414d; CL 1897, §§ 11773 and 11775; CL 1915, §§ 15587 and 15589; section 65 of Act 118 of 1893, being CL 1897, § 2144; CL 1915, § 1763; and Act 35 of 1917 .

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.7a - Commission of Crime During Incarceration in or Escape From Penal or Reformatory Institution; Felony Committed While on Parole; Term of Imprisonment; Supplementary Powers Conferred Upon Court.

Sec. 7a. (1) A person who is incarcerated in a penal or reformatory institution in this state, or who escapes from such an institution, and who commits a crime during that incarceration or escape which is punishable by imprisonment in a penal or reformatory institution in this state shall, upon conviction of that crime, be sentenced as provided by law. The term of imprisonment imposed for the crime shall begin to run at the expiration of the term or terms of imprisonment which the person is serving or has become liable to serve in a penal or reformatory institution in this state. (2) If a person is convicted and sentenced to a term of imprisonment for a felony committed while the person was on parole from a sentence for a previous offense, the term of imprisonment imposed for the later offense shall begin to run at the expiration of the remaining portion of the term of imprisonment imposed for the previous offense. (3) The powers conferred upon the court by this section are supplementary to any other power conferred by law. History:Add. 1954, Act 100, Imd. Eff. Apr. 14, 1954 ;-- Am. 1976, Act 184, Imd. Eff. July 8, 1976 ;-- Am. 1988, Act 48, Eff. June 1, 1988

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.7b - Commission of Subsequent Felony by Person Charged With Felony; Consecutive Sentences; Report.

Sec. 7b. (1) Beginning April 1, 1988, and through December 31, 1991, if a person who has been charged with a felony, pending the disposition of the charge, commits a subsequent offense that is a felony, upon conviction of the subsequent offense or acceptance of a plea of guilty, guilty but mentally ill, or nolo contendere to the subsequent offense, the sentences imposed for the prior charged offense and the subsequent offense shall run consecutively. (2) Beginning January 1, 1992, if a person who has been charged with a felony, pending the disposition of the charge, commits a subsequent offense that is a felony, upon conviction of the subsequent offense or acceptance of a plea of guilty, guilty but mentally ill, or nolo contendere to the subsequent offense, the following shall apply: (a) Unless the subsequent offense is a major controlled substance offense, the sentences imposed for the prior charged offense and the subsequent offense may run consecutively. (b) If the subsequent offense is a major controlled substance offense, the sentences imposed for the prior charged offense and the subsequent offense shall run consecutively. (3) The department of corrections shall report to the legislature no later than June 1, 1991, on the impact that the amendatory act that added this subsection has had on prison capacity and population. History:Add. 1971, Act 180, Eff. Mar. 30, 1972 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1988, Act 31, Eff. Apr. 1, 1988

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.8 - Issues of Fact to Be Tried by Jury; Waiver of Trial by Jury.

Sec. 8. Issues of fact shall be tried by a jury drawn, returned, examined on voir dire, and empaneled in the manner provided by law for the trial of issues of fact in civil cases. The accused may waive any trial by jury in the manner set forth in section 3 of chapter III. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17301 ;-- CL 1948, 768.8 ;-- Am. 1988, Act 89, Eff. June 1, 1988Former Law:See section 1 of Ch. 165 of R.S. 1846, being CL 1857, § 6068; CL 1871, § 7947; How., § 9559; CL 1897, § 11942; and CL 1915, § 15815.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-VIII - Chapter VIII Trials (768.1...768.37)Section 768.9 - Challenge to Juror for Cause; Membership on Grand Jury.

Sec. 9. No member of the grand jury which has found an indictment shall be put upon the jury for the trial of such indictment, if challenged for that cause by the defendant. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17302 ;-- CL 1948, 768.9Former Law:See section 2 of Ch. 165 of R.S. 1846, being CL 1857, § 6069; CL 1871, § 7948; How., § 9560; CL 1897, § 11943; and CL 1915, § 15816.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-X - Chapter X New Trials, Writs of Error and Bills of Exceptions (770.1...770.16)Section 770.1 - Granting New Trial to Defendant.

Sec. 1. The judge of a court in which the trial of an offense is held may grant a new trial to the defendant, for any cause for which by law a new trial may be granted, or when it appears to the court that justice has not been done, and on the terms or conditions as the court directs. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17355 ;-- CL 1948, 770.1 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 1 of Ch. 166 of R.S. 1846, being CL 1857, § 6082; CL 1871, § 7963; How., § 9576; CL 1897, § 11963; and CL 1915, § 15836.

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Sec. 12. (1) Except as provided in subsection (2), the people of this state may take an appeal of right in a criminal case, if the protection against double jeopardy under section 15 of article I of the state constitution of 1963 and amendment V of the constitution of the United States would not bar further proceedings against the defendant, from either of the following: (a) A final judgment or final order of the circuit court or recorder's court, except a judgment or order of the circuit court or recorder's court on appeal from any other court. (b) A final judgment or order of a court or tribunal from which appeal of right has been established by law. (2) The people of this state may take an appeal by leave in a criminal case, if the protection against double jeopardy under section 15 of article I of the state constitution of 1963 and amendment V of the constitution of the United States would not bar further proceedings against the defendant, from any of the following: (a) A judgment or order of the circuit court or recorder's court that is not a final judgment appealable of right. (b) A final judgment entered by the circuit court or the recorder's court on appeal from any other court. (c) Any other judgment or order appealable by law or rule. (d) A judgment or order when an appeal of right could have been taken but was not timely filed. (e) A final order or judgment based upon a defendant's plea of guilty or nolo contendere. (3) The right of the defendant to bail upon appeal under this section shall be governed by section 9a of this chapter and section 7 of chapter V. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17366 ;-- Am. 1941, Act 132, Eff. Jan. 10, 1942 ;-- CL 1948, 770.12 ;-- Am. 1977, Act 34, Eff. Mar. 30, 1978 ;-- Am. 1988, Act 66, Eff. Mar. 30, 1988 ;-- Am. 1994, Act 374, Imd. Eff. Dec. 27, 1994Compiler's Notes:For provisions of chapter 5, referred to in this section, see MCL 765.7.Former Law:See section 1 of Act 159 of 1917.

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Sec. 16. (1) Notwithstanding the limitations of section 2 of this chapter, a defendant convicted of a felony at trial before January 8, 2001 who is serving a prison sentence for the felony conviction may petition the circuit court to order DNA testing of biological material identified during the investigation leading to his or her conviction, and for a new trial based on the results of that testing. Notwithstanding the limitations of section 2 of this chapter, a defendant convicted of a felony at trial on or after January 8, 2001 who establishes that all of the following apply may petition the circuit court to order DNA testing of biological material identified during the investigation leading to his or her conviction, and for a new trial based on the results of that testing: (a) That DNA testing was done in the case or under this act. (b) That the results of the testing were inconclusive. (c) That testing with current DNA technology is likely to result in conclusive results. (2) A petition under this section shall be filed in the circuit court for the county in which the defendant was sentenced and shall be assigned to the sentencing judge or his or her successor. The petition shall be served on the prosecuting attorney of the county in which the defendant was sentenced. (3) A petition under this section shall allege that biological material was collected and identified during the investigation of the defendant's case. If the defendant, after diligent

investigation, is unable to discover the location of the identified biological material or to determine whether the biological material is no longer available, the defendant may petition the court for a hearing to determine whether the identified biological material is available. If the court determines that identified biological material was collected during the investigation, the court shall order appropriate police agencies, hospitals, or the medical examiner to search for the material and to report the results of the search to the court. (4) The court shall order DNA testing if the defendant does all of the following: (a) Presents prima facie proof that the evidence sought to be tested is material to the issue of the convicted person's identity as the perpetrator of, or accomplice to, the crime that resulted in the conviction. (b) Establishes all of the following by clear and convincing evidence: (i) A sample of identified biological material described in subsection (1) is available for DNA testing. (ii) The identified biological material described in subsection (1) was not previously subjected to DNA testing or, if previously tested, will be subject to DNA testing technology that was not available when the defendant was convicted. (iii) The identity of the defendant as the perpetrator of the crime was at issue during his or her trial. (5) The court shall state its findings of fact on the record or shall make written findings of fact supporting its decision to grant or deny a petition brought under this section. (6) If the court grants a petition for DNA testing under this section, the identified biological material and a biological sample obtained from the defendant shall be subjected to DNA testing by a laboratory approved by the court. If the court determines that the applicant is indigent, the cost of DNA testing ordered under this section shall be borne by the state. The results of the DNA testing shall be provided to the court and to the defendant and the prosecuting attorney. Upon motion by either party, the court may order that copies of the testing protocols, laboratory procedures, laboratory notes, and other relevant records compiled by the testing laboratory be provided to the court and to all parties. (7) If the results of the DNA testing are inconclusive or show that the defendant is the source of the identified biological material, both of the following apply: (a) The court shall deny the motion for new trial. (b) The defendant's DNA profile shall be provided to the department of state police for inclusion under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176. (8) If the results of the DNA testing show that the defendant is not the source of the identified biological material, the court shall appoint counsel pursuant to MCR 6.505(A) and hold a hearing to determine by clear and convincing evidence all of the following: (a) That only the perpetrator of the crime or crimes for which the defendant was convicted could be the source of the identified biological material. (b) That the identified biological material was collected, handled, and preserved by procedures that allow the court to find that the identified biological material is not contaminated or is not so degraded that the DNA profile of the tested sample of the identified biological material cannot be determined to be identical to the DNA profile of the sample initially collected during the investigation described in subsection (1). (c) That the defendant's purported exclusion as the source of the identified biological material, balanced against the other evidence in the case, is sufficient to justify the grant of a new trial. (9) Upon motion of the prosecutor, the court shall order retesting of the identified biological material and shall stay the defendant's motion for new trial pending the results of the DNA retesting. (10) The court shall state its findings of fact on the record or make written findings of fact supporting its decision to grant or deny the defendant a new trial under this section. Notwithstanding section 3 of this chapter, an aggrieved party may appeal the court's decision to grant or deny the petition for DNA testing and for new trial by application for leave granted by the court of appeals. (11) If the name of the victim of the felony conviction described in subsection (1) is known, the prosecuting attorney shall give written notice of a petition under this section to the victim. The notice shall be by first-class mail to the victim's last known address. Upon the victim's request, the prosecuting attorney shall give the victim notice of the time and place of any hearing on the petition and shall inform the victim of the court's grant or denial of a new trial to the defendant. (12) The investigating law enforcement agency shall preserve any biological material identified during the investigation of a crime or crimes for which any person may file a petition for DNA testing under this section. The identified biological material shall be preserved for the period of time that any person is incarcerated in connection with that case. History:Add. 2000, Act 402, Imd. Eff. Jan. 8, 2001 ;-- Am. 2005, Act 4, Imd. Eff. Apr. 1, 2005 ;-- Am. 2008, Act 410, Imd. Eff. Jan. 6, 2009 ;-- Am. 2011, Act 212, Imd. Eff. Nov. 8, 2011 ;-- Am. 2015, Act 229, Imd. Eff. Dec. 17, 2015

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Sec. 2. (1) Except as provided in section 16, in a case appealable as of right to the court of appeals, a motion for a new trial shall be made within 60 days after entry of the judgment or within any further time allowed by the trial court during the 60-day period. (2) In a misdemeanor or ordinance violation case appealable as of right from a municipal court in a city that adopts a resolution of approval under section 23a of the Michigan uniform municipal court act, 1956 PA 5, MCL 730.523a, or from a court of record to the circuit court, a motion for a new trial shall be made within 20 days after entry of the judgment. (3) In a misdemeanor or ordinance violation case appealable de novo to the circuit court, a motion for a new trial shall be made within 20 days after entry of the judgment. (4) If the applicable period of time prescribed in subsection (1) or (2) has expired, a court of record may grant a motion for a new trial for good cause shown. If the applicable time period prescribed in subsection (3) has expired and the defendant has not appealed, a municipal court may grant a motion for new trial for good cause shown. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17356 ;-- CL 1948, 770.2 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1981, Act 205, Eff. Jan. 1, 1982 ;-- Am. 1998, Act 407, Eff. Jan. 1, 1999 ;-- Am. 2000, Act 402, Imd. Eff. Jan. 8, 2001

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770.3 - Appeal by Aggrieved Party.

Sec. 3. (1) Subject to the limitations imposed by section 12 of this chapter and except as provided in section 16, an aggrieved party shall have a right of appeal from a final judgment or trial order as follows: (a) Except as otherwise provided in subdivision (d), in a felony or misdemeanor case tried in the circuit court, there shall be a right of appeal to the court of appeals. (b) Except as otherwise provided in subdivision (d), in a misdemeanor or ordinance violation case tried in a municipal court in a city that adopts a resolution of approval under section 23a of the Michigan uniform municipal court act, 1956 PA 5, MCL 730.523a, or tried in the district court, there shall be a right of appeal to the circuit court in the county in which the misdemeanor or ordinance violation was committed. (c) In a misdemeanor or ordinance violation case tried in a municipal court in a city that does not adopt a resolution of approval under section 23a of the Michigan uniform municipal court act, 1956 PA 5, MCL 730.523a, there shall be a right of appeal as provided in chapter XIV. (d) All appeals from final orders and judgments based upon pleas of guilty or nolo contendere shall be by application for leave to appeal. (2) An appeal from an interlocutory judgment or order in a felony, misdemeanor, or ordinance violation may be taken, in the manner provided by court rules, by application for leave to appeal to the same court of which a final judgment in that case would be appealable as a matter of right under subsection (1). (3) After expiration of the period prescribed for timely appeal, the appellate court may grant leave to appeal from any order or judgment from which timely appeal would have been available as of right, or by leave, upon conditions prescribed by court rules. (4) Further appellate review of matters appealed to the circuit court under subsection (1)(b), (1)(d), or (2) may be had only upon application for leave to appeal granted by the court of appeals. (5) Further appellate review of matters appealed to the recorder's court under subsection (1)(c) may be had only upon application for leave to appeal granted by the court of appeals. (6) Further review of any matter appealed to the court of appeals under this section may be had only upon application for leave to appeal granted by the supreme court. (7) An appeal as of right and an appeal by application for leave to appeal provided for in this section shall be taken pursuant to and within the time prescribed by court rules. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17357 ;-- CL 1948, 770.3 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1981, Act 205, Eff. Jan. 1, 1982 ;-- Am. 1994, Act 374, Imd. Eff. Dec. 27, 1994 ;-- Am. 1998, Act 407, Eff. Jan. 1, 1999 ;-- Am. 2000, Act 402, Imd. Eff. Jan. 8, 2001Former Law:See sections 1, 6, and 7 of Ch. 138 of R.S. 1846, being CL 1857, §§ 5332, 5337, and 5338; CL 1871, §§ 7119, 7124, and 7125; How., §§ 8678, 8683, and 8684; CL 1897, §§ 10484, 10489, and 10490; and CL 1915, §§ 14587, 14592, and 14593.

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Sec. 8. During the time between the trial court judgment and the decision of the court to which an appeal is taken, the trial judge may admit the defendant to bail, if the offense charged is bailable and if the offense is not an assaultive crime as defined in section 9a of this chapter. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17362 ;-- CL 1948, 770.8 ;-- Am. 1977, Act 34, Eff. Mar. 30, 1978Former Law:See section 3 of Act 159 of 1917.

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Sec. 9. During the pendency of an appeal or application for leave to appeal, a justice or judge of the court in which the appeal or application is filed may admit the defendant to bail, if the offense charged is bailable and if the offense is not an assaultive crime as defined in section 9a of this chapter or sexual assault of a minor as described in section 9b of this chapter. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17363 ;-- CL 1948, 770.9 ;-- Am. 1977, Act 34, Eff. Mar. 30, 1978 ;-- Am. 2004, Act 32, Eff. June 30, 2004Former Law:See section 8 of Ch. 138 of R.S. 1846, being CL 1857, § 5339; CL 1871, § 7126; How., § 8685; CL 1897, § 10491; CL 1915, § 14590; Secs. 5 to 7 of Ch. 166 of R.S. 1846, being CL 1857, §§ 6086 to 6088; CL 1871, §§ 7967 to 7969; How., §§ 9580 to 9582; CL 1897, §§ 11967 to 11969; CL 1915, §§ 15840 to 15842; and section 3 of Act 159 of 1917.

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Sec. 9a. (1) A defendant convicted of an assaultive crime and awaiting sentence shall be detained and shall not be admitted to bail unless the trial court finds by clear and convincing evidence that the defendant is not likely to pose a danger to other persons and that section 9b of this chapter does not apply. (2) A defendant convicted of an assaultive crime and sentenced to a term of imprisonment who has filed an appeal or an application for leave to appeal shall be detained and shall not be admitted to bail unless the trial court or the court to which the appeal is taken finds by clear and convincing evidence that section 9b of this chapter does not apply and that both of the following exist: (a) The defendant is not likely to pose a danger to other persons. (b) The appeal or application raises a substantial question of law or fact. (3) As used in this section, "assaultive crime" means an offense against a person described in section 81c(3), 82, 83, 84, 86, 87, 88, 89, 90a, 90b(a) or (b), 91, 200 to 212a, 316, 317, 321, 349, 349a, 350, 397, 411h(2)(b) or (3), 411i, 520b, 520c, 520d, 520e, 520g, 529, 529a, 530, or 543a to 543z of the Michigan penal code, 1931 PA 328,

MCL 750.81c, 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.90a, 750.90b, 750.91, 750.200 to 750.212a, 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.411h, 750.411i, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, 750.530, and 750.543a to 750.543z. (4) The appeal or application for leave to appeal filed by a person denied bail under this section shall be expedited pursuant to rules adopted for that purpose by the supreme court. History:Add. 1977, Act 34, Eff. Mar. 30, 1978 ;-- Am. 1994, Act 195, Eff. Oct. 1, 1994 ;-- Am. 2001, Act 208, Eff. Apr. 1, 2002 ;-- Am. 2002, Act 483, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 32, Eff. June 30, 2004

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Sec. 9b. (1) A defendant convicted of sexual assault of a minor and awaiting sentence shall be detained and shall not be admitted to bail. (2) A defendant convicted of sexual assault of a minor sentenced to a term of imprisonment who has filed an appeal or an application for leave to appeal shall be detained and shall not be admitted to bail. (3) As used in this section: (a) "Minor" means an individual less than 16 years of age. (b) "Sexual assault of a minor" means a violation of any of the following: (i) Section 520b, 520c, 520d(1)(b), (c), (d), or (e) of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, in which the victim of the offense is a minor. (ii) Section 520d(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d, if the actor is 5 or more years older than the victim. (iii) Section 520g of the Michigan penal code, 1931 PA 328, MCL 750.520g, for assaulting an individual with the intent to commit criminal sexual conduct described in subparagraphs (i) and (ii). History:Add. 2004, Act 32, Eff. June 30, 2004Compiler's Notes:In subsection (3)(b)(i), the phrase "Section 520b, 520c, 520d(1)(b), (c), (d), or (e) of the Michigan penal code" evidently should read "Section 520b, 520c, or 520d(1)(b), (c), (d), or (e) of the Michigan penal code."

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.1 - Requirements for Probation; Delayed Sentence; Fee; Applicability of Section to Certain Juveniles; Waiver of Fee; "Electronic Monitoring Device" Defined.

Sec. 1. (1) In all prosecutions for felonies, misdemeanors, or ordinance violations other than murder, treason, criminal sexual conduct in the first or third degree, armed robbery, or major controlled substance offenses, if the defendant has been found guilty upon verdict or plea and the court determines that the defendant is not likely again to engage in an offensive or criminal course of conduct and that the public good does not require that the defendant suffer the penalty imposed by law, the court may place the defendant on probation under the charge and supervision of a probation officer. (2) In an action in which the court may place the defendant on probation, the court may delay sentencing the defendant for not more than 1 year to give the defendant an opportunity to prove to the court his or her eligibility for probation or other leniency compatible with the ends of justice and the defendant's rehabilitation, such as participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1088. When sentencing is delayed, the court shall enter an order stating the reason for the delay upon the court's records. The delay in passing sentence does not deprive the court of jurisdiction to sentence the defendant at any time during the period of delay. (3) Except as provided in subsection (5), if a defendant is before the circuit court and the court delays imposing sentence under subsection (2), the court shall include in the delayed sentence order that the department of corrections collect a supervision fee of $30.00 multiplied by the number of months of delay ordered, but not more than 12 months, if the individual is placed on supervision without electronic monitoring. If the individual is placed on supervision with an electronic monitoring device under this subsection, the court shall include in the delayed sentence order that the department of corrections collect a supervision fee of $60.00 multiplied by the number of months of supervision ordered under the delay of sentence, but not more than 12 months. The fee is payable when the delayed sentence order is entered, but the fee may be paid in monthly installments if the court approves installment payments for that defendant. The fee must be collected as provided in section 25a of the corrections code of 1953, 1953 PA 232, MCL 791.225a. A person must not be subject to more than 1 supervision fee at the same time. If a supervision fee is ordered for a person for any month or months during which that person already is subject to a supervision fee, the court shall waive the fee having the shorter remaining duration. (4) This section does not apply to a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309. (5) The court may waive the fee required to be collected under this section if the court determines the supervised individual is indigent. (6) As used in this section, "electronic monitoring device" includes any electronic device or instrument that is used to track the location of an individual, enforce a curfew, or detect the presence of alcohol in an individual's body. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17371 ;-- Am. 1931, Act 308, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 5, Eff. Sept. 6, 1945 ;-- CL 1948, 771.1 ;-- Am. 1961, Act 185, Eff. Sept. 8, 1961 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1982, Act 470, Eff. Mar. 30, 1983 ;-- Am. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1988, Act 90, Imd. Eff. Mar. 30, 1988 ;-- Am. 1993, Act 185, Eff. Oct. 1, 1993 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999 ;-- Am. 2002, Act 483, Eff. Oct. 1, 2002 ;-- Am. 2002, Act 666, Eff. Mar. 1, 2003 ;-- Am. 2004, Act 219, Eff. Jan. 1, 2005 ;-- Am. 2006, Act 631, Imd. Eff. Jan. 3, 2007 ;-- Am. 2019, Act 165, Eff. Mar. 19, 2020Former Law:See section 1 of Act 105 of 1913, being CL 1915, § 2029.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.14 - Presentence Investigation

Report; Contents; Information Related to Victim Prohibited From Inclusion; Information Exempted From Disclosure; Amendment or Alteration; Review of Report; Challenge; Findings; Copies.

Sec. 14. (1) Before the court sentences a person charged with a felony or a person who is a licensee or registrant under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, as described in section 1(14) of chapter IX, and, if directed by the court, in any other case in which a person is charged with a misdemeanor within the jurisdiction of the court, the probation officer shall inquire into the antecedents, character, and circumstances of the person, and shall report in writing to the court. (2) A presentence investigation report prepared under subsection (1) shall not include any address or telephone number for the home, workplace, school, or place of worship of any victim or witness, or a family member of any victim or witness, unless an address is used to identify the place of the crime or to impose conditions of release from custody that are necessary for the protection of a named individual. Upon request, any other address or telephone number that would reveal the location of a victim or witness or a family member of a victim or witness shall be exempted from disclosure unless an address is used to identify the place of the crime or to impose conditions of release from custody that are necessary for the protection of a named individual. A presentence investigation report prepared under subsection (1) shall include all of the following: (a) An evaluation of and a prognosis for the person's adjustment in the community based on factual information contained in the report. (b) If requested by a victim, any written impact statement submitted by the victim under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834. (c) A specific written recommendation for disposition based on the evaluation and other information as prescribed by the assistant director of the department of corrections in charge of probation. (d) A statement prepared by the prosecuting attorney as to whether consecutive sentencing is required or authorized by law. (e) For a person to be sentenced under the sentencing guidelines set forth in chapter XVII, all of the following: (i) For each conviction for which a consecutive sentence is authorized or required, the sentence grid in part 6 of chapter XVII that contains the recommended minimum sentence range. (ii) Unless otherwise provided in subparagraph (i), for each crime having the highest crime class, the sentence grid in part 6 of chapter XVII that contains the recommended minimum sentence range. (iii) Unless otherwise provided in subparagraph (i), the computation that determines the recommended minimum sentence range for the crime having the highest crime class. (iv) A specific statement as to the applicability of intermediate sanctions, as defined in section 31 of chapter IX. (v) The recommended sentence. (f) If a person is to be sentenced for a felony or for a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance, a statement that the person is licensed or registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, if applicable. (g) Diagnostic opinions that are available and not exempted from disclosure under subsection (3). (h) A statement as to whether the person has provided the identification documents referenced in subsection (9)(b). (3) The court may exempt from disclosure in the presentence investigation report information or a diagnostic opinion that might seriously disrupt a program of rehabilitation or sources of information obtained on a promise of confidentiality. If a part of the presentence investigation report is not disclosed, the court shall state on the record the reasons for its action and inform the defendant and his or her attorney that information has not been disclosed. The action of the court in exempting information from disclosure is subject to appellate review. Information or a diagnostic opinion exempted from disclosure under this subsection shall be specifically noted in the presentence investigation report. (4) If a prepared presentence investigation report is amended or altered before sentencing by the supervisor of the probation officer who prepared the report or by any other person who has the authority to amend or alter a presentence investigation report, the probation officer may request that the court strike his or her name from the report and the court shall comply with that request. (5) The court shall permit the prosecutor, the defendant's attorney, and the defendant to review the presentence investigation report before sentencing. (6) At the time of sentencing, either party may challenge, on the record, the accuracy or relevancy of any information contained in the presentence investigation report. The court may order an adjournment to permit the parties to prepare a challenge or a response to a challenge. If the court finds on the record that the challenged information is inaccurate or irrelevant, that finding shall be made a part of the record, the presentence investigation report shall be amended, and the inaccurate or irrelevant information shall be stricken accordingly before the report is transmitted to the department of corrections. (7) A copy of the report described under subsection (5) and the amended report described under subsection (6) shall be provided to the prosecutor and the defendant's attorney or the defendant if he or she is not represented by an attorney. The copy of the report described under subsection (5) shall be provided not less than 2 business days before sentencing unless that period is waived by the defendant. The prosecutor and the defendant's attorney or the defendant if he or she is not represented by an attorney have the right to retain a copy of the report and the amended report provided under this subsection. (8) On appeal, the defendant's attorney, or the defendant if proceeding pro se, shall be provided with a copy of the presentence investigation report and any attachments to the report with the exception of any information exempted from disclosure by the court under subsection (3). (9) If the person is committed to a state correctional facility, both of the following apply: (a) A copy or amended copy of the presentence investigation report and, if a psychiatric examination of the person has been made for the court, a copy of the psychiatric report shall accompany the commitment papers. If the person is sentenced by fine or imprisonment or placed on probation or other disposition of his or her case is made by the court, a copy or amended copy of the presentence investigation report, including a psychiatric examination report made in the case, shall be filed with the department of corrections. (b) The person shall be provided notification that provides an explanation of the importance of obtaining an operator's license or state personal identification card upon release from incarceration and lists the personal identification documents described in section 34c of the corrections code of 1953, 1953 PA 232, MCL 791.234c, necessary for obtaining an operator's license or state personal identification card. The notification also shall contain a request that the person obtain and provide those documents to the department of corrections. The notification also shall state that the department of corrections will retain in the file maintained for the person any identification documents provided by the

person until he or she is released from secure confinement. Any identification documents previously provided by the person shall accompany the commitment papers. (10) A prisoner under the jurisdiction of the department of corrections shall be provided with a copy of any presentence investigation report in the department's possession about that prisoner, except for information exempted from disclosure under subsection (3), not less than 30 days before a parole interview is conducted under section 35 of the corrections code of 1953, 1953 PA 232, MCL 791.235. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17384 ;-- Am. 1931, Act 308, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 256, Imd. Eff. July 22, 1937 ;-- Am. 1939, Act 286, Eff. Sept. 29, 1939 ;-- CL 1948, 771.14 ;-- Am. 1979, Act 81, Eff. Dec. 31, 1979 ;-- Am. 1982, Act 61, Eff. Mar. 30, 1983 ;-- Am. 1985, Act 88, Imd. Eff. July 10, 1985 ;-- Am. 1993, Act 85, Eff. Apr. 1, 1994 ;-- Am. 1994, Act 445, Eff. Feb. 1, 1995 ;-- Am. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2010, Act 247, Imd. Eff. Dec. 14, 2010 ;-- Am. 2012, Act 27, Imd. Eff. Feb. 23, 2012Constitutionality:A postconviction presentence psychiatric examination of a defendant, ordered by the trial court in the presence of defense counsel without objection and conducted two weeks later outside the presence of counsel, which was referred to by the trial court in imposing sentence, did not violate the defendant's Fifth Amendment right against self-incrimination or his Sixth Amendment right to counsel. People v Wright, 431 Mich 282; 430 NW2d 133 (1988).Compiler's Notes:Section 3 of Act 210 of 1979 provides:“The provisions of Act Nos. 81 and 89 of the Public Acts of 1979 shall not take effect in a county with a population of 1.5 million or more prior to a majority vote of the elected members of the county's board of commissioners to place the question of the creation of a charter commission under the terms of enacted Senate Bill No. 652 before the county electorate. Subsequent to the above action by the board of commissioners, funds appropriated for probation services for a county with a population of 1.5 million or more shall become immediately effective, and shall be retroactive to the extent of the funds provided.”Section 4 of Act 210 of 1979 provides:“Implementation of Act Nos. 81 and 89 of the Public Acts of 1979 shall not be effective in counties which refuse to provide probation support costs as required in those acts.”Former Law:See section 14 of Act 105 of 1913, being CL 1915, § 2042.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.14a - Inquiry and Report Before Sentencing Juvenile; Disclosures; Exemptions; Review of Report; Challenges or Responses to Challenges; Finding; Amendment of Report; Copy of Report and Attachments; Report Additional to Presentence Investigation Report.

Sec. 14a. (1) Before the court sentences a juvenile under section 1(3) or (4) of chapter IX, the family independence agency or county juvenile agency, as applicable, shall inquire into the juvenile's antecedents, character, and circumstances and shall report in writing to the court as provided in section 4 of the juvenile facilities act, 1988 PA 73, MCL 803.224. (2) The court may exempt from disclosure in a report under this section information or a diagnostic opinion that might seriously disrupt a program of rehabilitation or sources of information obtained on a promise of confidentiality. If a part of the report is not disclosed, the court shall state on the record the reasons for its action and inform the juvenile and his or her attorney that information has not been disclosed. The action of the court in exempting information from disclosure is subject to appellate review. Information or a diagnostic opinion exempted from disclosure under this subsection shall be specifically noted in the report. (3) The court shall permit the prosecutor, the juvenile's attorney, and the juvenile to review the report before sentencing. (4) At the time of sentencing, either party may challenge on the record the accuracy or relevancy of any information contained in the report. The court may order an adjournment to permit the parties to prepare a challenge or a response to a challenge. If the court finds that the challenged information is inaccurate or irrelevant, that finding shall be made a part of the record and the report shall be amended by striking the inaccurate or irrelevant information. (5) The juvenile and, on appeal, the juvenile's attorney shall be provided with a copy of the report and any attachments to the report, with the exception of any information exempted from disclosure under subsection (2). (6) If the juvenile is committed to a state penal institution or is placed on probation and committed to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, a copy of the report and any attachments to it shall accompany the commitment papers. If the juvenile is sentenced by fine or imprisonment or placed on probation but not committed to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, a copy of the report and any attachments to it shall be filed with the department of corrections. (7) A report under this section is in addition to, and not in lieu of, a presentence investigation report required by section 14 of this chapter. History:Add. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999Compiler's Notes:Section 3 of Act 78 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 181 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.2 - Probation Period; Extension; Eligibility and Requirements for Early Discharge; Hearing; Reduced Probation; Registration Pursuant to Sex Offenders Registration Act; Subsection (1) Inapplicable to Certain Juveniles.

Sec. 2. (1) Except as provided in section 2a of this chapter and section 36 of chapter VIII, if the defendant is convicted of an offense that is not a felony, the probation period must not exceed 2 years. Except as provided in section 2a of this chapter and section 36 of chapter VIII, if the defendant is convicted of a felony, the probation period must not exceed 3 years. However, the probation term for a felony under this subsection may be extended not more than 2 times for not more than 1 additional year for each extension if the court finds that there is a specific rehabilitation goal that has not yet been achieved, or a specific, articulable, and ongoing risk of harm to a victim that can be mitigated only with continued probation supervision. (2) Except as provided in subsection (10), section

2a of this chapter, and section 36 of chapter VIII, after the defendant has completed 1/2 of the original felony or misdemeanor probation period, he or she may be eligible for early discharge as provided in this section. The defendant must be notified at sentencing of his or her eligibility and the requirements for early discharge from probation, and the procedure provided under subsection (3) to notify the court of his or her eligibility. (3) If a probationer has completed all required programming, the probation department may notify the sentencing court that the probationer may be eligible for early discharge from probation. If the probation department does not notify the sentencing court as required under this subsection and the probationer has not violated probation in the immediately preceding 3 months, the probationer may notify the court that he or she may be eligible for early discharge from probation on a form provided by the state court administrative office. This subsection does not prohibit the court from considering a probationer for early discharge from probation at the court's discretion. (4) A probationer must not be considered ineligible for early discharge because of an inability to pay for the conditions of his or her probation, or for outstanding court-ordered fines, fees, or costs, so long as the probationer has made good-faith efforts to make payments. However, nothing in this subsection relieves a probationer from his or her court-ordered financial obligations after discharge from probation. (5) Upon notification as provided under subsection (3), the sentencing court may review the case and the probationer's conduct while on probation to determine whether the probationer's behavior warrants an early discharge. Except as provided in subsection (7), if the court determines that the probationer's behavior warrants a reduction in the probationary term, the court may grant an early discharge from probation without holding a hearing. Before granting early discharge to a probationer who owes outstanding restitution, the court must consider the impact of early discharge on the victim and the payment of outstanding restitution. If a probationer has made a good-faith effort to pay restitution and is otherwise eligible for early discharge, the court may grant early discharge or retain the probationer on probation up to the maximum allowable probation term for the offense, with the sole condition of continuing restitution payments. (6) If after reviewing the case under subsection (5), the court determines that the probationer's behavior does not warrant an early discharge, the court must conduct a hearing to allow the probationer to present his or her case for an early discharge and find on the record any specific rehabilitation goal that has not yet been achieved or a specific, articulable, and ongoing risk of harm to a victim that can only be mitigated with continued probation supervision. (7) The sentencing court shall hold a hearing before granting early discharge to a probationer serving a term of probation for a felony offense eligible for early discharge that involves a victim who has requested to receive notice under section 18b, 19, 19a, 20, or 20a of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.768b, 780.769, 780.769a, 780.770, and 780.770a, or for a misdemeanor violation of section 81, 81a, or 136b of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.136b, that is eligible for early discharge. If a probationer owes outstanding restitution, the court must consider the impact of early discharge on the payment of outstanding restitution and may grant early discharge or retain the probationer on probation up to the maximum allowable probation term for the offense, with the sole condition of continuing restitution payments. (8) If a hearing is to be held under subsection (7), the prosecutor shall notify the victim of the date and time of the hearing and the victim must be given an opportunity to be heard. (9) The department of corrections shall report, no later than December 31 of each year, to the committees of the senate and house of representatives concerning the judiciary or criminal justice the number of felony probationers who were released early from probation under this section and any available recidivism data. (10) A defendant who was convicted of 1 or more of the following crimes is not eligible for reduced probation under this section: (a) A domestic violence related violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or an offense involving domestic violence as that term is defined in section 1 of 1978 PA 389, MCL 400.1501. (b) A violation of section 84 of the Michigan penal code, 1931 PA 328, MCL 750.84. (c) A violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h. (d) A violation of section 411i of the Michigan penal code, 1931 PA 328, MCL 750.411i. (e) A violation of section 520c of the Michigan penal code, 1931 PA 328, MCL 750.520c. (f) A violation of section 520e of the Michigan penal code, 1931 PA 328, MCL 750.520e. (g) A listed offense. (h) An offense for which a defense was asserted under section 36 of chapter VIII. (i) A violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h, or former section 462i or 462j of that act. (11) The court shall, by order to be entered in the case as the court directs by general rule or in each case, fix and determine the period, conditions, and rehabilitation goals of probation. The order is part of the record in the case. The court may amend the order in form or substance at any time. If the court reduces a defendant's probationary term under this section, the period by which that term was reduced must be reported to the department of corrections. (12) A defendant who was placed on probation under section 1(4) of this chapter as it existed before March 1, 2003 for an offense committed before March 1, 2003 is subject to the conditions of probation specified in section 3 of this chapter, including payment of a probation supervision fee as prescribed in section 3c of this chapter, and to revocation for violation of these conditions, but the probation period must not be reduced other than by a revocation that results in imprisonment or as otherwise provided by law. (13) If an individual is placed on probation for a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the individual's probation officer shall register the individual or accept the individual's registration as provided in that act. (14) Subsection (1) does not apply to a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309. (15) As used in this section, "listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17372 ;-- CL 1948, 771.2 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1992, Act 251, Eff. Jan. 1, 1993 ;-- Am. 1993, Act 185, Eff. Oct. 1, 1993 ;-- Am. 1994, Act 286, Eff. Oct. 1, 1995 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999 ;-- Am. 2002, Act 666, Eff. Mar. 1, 2003 ;-- Am. 2010, Act 351, Imd. Eff. Dec. 22, 2010 ;-- Am. 2017, Act 10, Eff. June 29, 2017 ;-- Am. 2020, Act 397, Eff. Apr. 1, 2021Compiler's Notes:Section 3 of Act 78 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was

amended by Act 181 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”Former Law:See section 2 of Act 105 of 1913, being CL 1915, § 2030; and Act 203 of 1925.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.2a - Probation for Not More Than 5 Years; Probation for Term of Years; Order Fixing Period and Conditions of Probation; Applicability of Section to Certain Juveniles; Probation for Not Less Than 5 Years; Conditions; Residing or Working Within School Safety Zone; Exemption; Definitions.

Sec. 2a. (1) The court may place an individual convicted of violating section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h, on probation for not more than 5 years. The sentence is subject to the conditions of probation set forth in section 411h(3) of the Michigan penal code, 1931 PA 328, MCL 750.411h, and section 3 of this chapter. The probation is subject to revocation for any violation of a condition of that probation. (2) The court may place an individual convicted of violating section 411i of the Michigan penal code, 1931 PA 328, MCL 750.411i, on probation for any term of years, but not less than 5 years. The sentence is subject to the conditions of probation set forth in section 411i(4) of the Michigan penal code, 1931 PA 328, MCL 750.411i, and section 3 of this chapter. The probation is subject to revocation for any violation of a condition of that probation. (3) The court may place an individual convicted of a violation of section 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b, that is designated as a misdemeanor on probation for not more than 5 years. (4) Except as provided in subsections (2) and (6), the court may place an individual convicted of a violent felony on probation for not more than 5 years. (5) The court shall by order, to be filed or entered in the cause as the court directs by general rule or in each case, fix and determine the period, conditions, and rehabilitation goals of probation. The order is part of the record in the cause. The court may amend the order in form or substance at any time. (6) Subsections (1), (2), (3), (4), and (5) do not apply to a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309. (7) Except as otherwise provided by law, the court may place an individual convicted of a listed offense on probation subject to the requirements of this subsection and subsections (8) through (13) for any term of years but not less than 5 years. (8) Except as otherwise provided in subsections (9) to (13), if an individual is placed on probation under subsection (7), the court shall order the individual not to do any of the following: (a) Reside within a student safety zone. (b) Work within a student safety zone. (c) Loiter within a student safety zone. (9) The court shall not impose a condition of probation described in subsection (8)(a) if any of the following apply: (a) The individual is not more than 19 years of age and attends secondary school or postsecondary school, and resides with his or her parent or guardian. However, an individual described in this subdivision must be ordered not to initiate or maintain contact with a minor within that student safety zone. The individual must be permitted to initiate or maintain contact with a minor with whom he or she attends secondary school or postsecondary school in conjunction with that school attendance. (b) The individual is not more than 26 years of age, attends a special education program, and resides with his or her parent or guardian or in a group home or assisted living facility. However, an individual described in this subdivision must be ordered not to initiate or maintain contact with a minor within that student safety zone. The individual must be permitted to initiate or maintain contact with a minor with whom he or she attends a special education program in conjunction with that attendance. (c) The individual was residing within that student safety zone on January 1, 2006. However, if the individual was residing within the student safety zone on January 1, 2006, the court shall order the individual not to initiate or maintain contact with any minors within that student safety zone. This subdivision does not prohibit the court from allowing contact with any minors named in the probation order for good cause shown and as specified in the probation order. (10) An order issued under subsection (8)(a) must not prohibit an individual from being a patient in a hospital or hospice that is located within a student safety zone. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone. (11) The court shall not impose a condition of probation described in subsection (8)(b) if the individual was working within the student safety zone on January 1, 2006. However, if the individual was working within the student safety zone on January 1, 2006, the court shall order the individual not to initiate or maintain contact with any minors in the course of his or her employment within that student safety zone. This subsection does not prohibit the court from allowing contact with any minors named in the probation order for good cause shown and as specified in the probation order. (12) The court shall not impose a condition of probation described in subsection (8)(b) if the individual only intermittently or sporadically enters a student safety zone for purposes of work. If the individual intermittently or sporadically works within a student safety zone, the court shall order the individual not to initiate or maintain contact with any minors in the course of his or her employment within that safety zone. This subsection does not prohibit the court from allowing contact with any minors named in the probation order for good cause shown and as specified in the probation order. (13) The court may exempt an individual from probation under subsection (7) if any of the following apply: (a) The individual has successfully completed his or her probationary period under sections 11 to 15 of chapter II for committing a listed offense and has been discharged from youthful trainee status. (b) The individual was convicted of committing or attempting to commit a violation solely described in section 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520e, and at the time of the violation was 17 years of age or older but less than 21 years of age and is not more than 5 years older than the victim. (14) As used in this section: (a) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. (b) "Loiter" means to remain for a period of time and under circumstances that a reasonable person would determine is for the primary purpose of observing or contacting minors. (c) "Minor" means an individual less than 18 years of age. (d) "School" means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12.

School does not include a home school. (e) "School property" means a building, facility, structure, or real property owned, leased, or otherwise controlled by a school, other than a building, facility, structure, or real property that is no longer in use on a permanent or continuous basis, to which either of the following applies: (i) It is used to impart educational instruction. (ii) It is for use by students not more than 19 years of age for sports or other recreational activities. (f) "Student safety zone" means the area that lies 1,000 feet or less from school property. (g) "Violent felony" means that term as defined in section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236. History:Add. 1992, Act 251, Eff. Jan. 1, 1993 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999 ;-- Am. 2005, Act 126, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 507, Imd. Eff. Dec. 29, 2006 ;-- Am. 2020, Act 397, Eff. Apr. 1, 2021

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.3 - Probation; Conditions; Entry of Order Into Lein; Costs as Part of Sentence of Probation; Compliance as Condition of Probation; Revocation of Probation; Fees in Delayed or Deferred Entry of Judgment or Sentencing; Individually Tailored Probation Conditions.

Sec. 3. (1) The sentence of probation must include all of the following conditions: (a) During the term of his or her probation, the probationer shall not violate any criminal law of this state, the United States, or another state or any ordinance of any municipality in this state or another state. (b) During the term of his or her probation, the probationer shall not leave the state without the consent of the court granting his or her application for probation. (c) The probationer shall report to the probation officer, in person, virtually, or in writing, monthly or as often as the probation officer requires. This subdivision does not apply to a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309. (d) If sentenced in circuit court, the probationer shall pay a probation supervision fee as prescribed in section 3c of this chapter. (e) The probationer shall pay restitution to the victim of the defendant's course of conduct giving rise to the conviction or to the victim's estate as provided in chapter IX. An order for payment of restitution may be modified and must be enforced as provided in chapter IX. (f) The probationer shall pay an assessment ordered under section 5 of 1989 PA 196, MCL 780.905. (g) The probationer shall pay the minimum state cost prescribed by section 1j of chapter IX. (h) If the probationer is required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the probationer shall comply with that act. (2) Subject to subsection (11), as a condition of probation, the court may require the probationer to do 1 or more of the following: (a) Be imprisoned in the county jail for not more than 12 months at the time or intervals that may be consecutive or nonconsecutive, within the probation as the court determines. However, the period of confinement must not exceed the maximum period of imprisonment provided for the offense charged if the maximum period is less than 12 months. The court may permit day parole as authorized under 1962 PA 60, MCL 801.251 to 801.258. The court may, subject to sections 3d and 3e of this chapter, permit the individual to be released from jail to work at his or her existing job or to attend a school in which he or she is enrolled as a student. This subdivision does not apply to a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309. (b) Pay immediately or within the period of his or her probation a fine imposed when placed on probation. (c) Pay costs pursuant to subsection (5). (d) Pay any assessment ordered by the court other than an assessment described in subsection (1)(f). (e) Engage in community service. (f) Agree to pay by wage assignment any restitution, assessment, fine, or cost imposed by the court. (g) Participate in inpatient or outpatient drug treatment, or a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1084. (h) Participate in mental health treatment. (i) Participate in mental health or substance abuse counseling. (j) Participate in a community corrections program. (k) Be under house arrest. (l) Be subject to electronic monitoring. (m) Participate in a residential probation program. (n) Satisfactorily complete a program of incarceration in a special alternative incarceration unit as provided in section 3b of this chapter. (o) Be subject to conditions reasonably necessary for the protection of 1 or more named persons. (p) Reimburse the county for expenses incurred by the county in connection with the conviction for which probation was ordered as provided in the prisoner reimbursement to the county act, 1984 PA 118, MCL 801.81 to 801.93. (q) Complete his or her high school education or obtain the equivalency of a high school education in the form of a general education development (GED) certificate. (3) Subject to subsection (11), the court may impose other lawful conditions of probation as the circumstances of the case require or warrant or as in its judgment are proper. (4) If an order or amended order of probation contains a condition for the protection of 1 or more named persons as provided in subsection (2)(o), the court or a law enforcement agency within the court's jurisdiction shall enter the order or amended order into the law enforcement information network. If the court rescinds the order or amended order or the condition, the court shall remove the order or amended order or the condition from the law enforcement information network or notify that law enforcement agency and the law enforcement agency shall remove the order or amended order or the condition from the law enforcement information network. (5) If the court requires the probationer to pay costs under subsection (2), the costs must be limited to expenses specifically incurred in prosecuting the defendant or providing legal assistance to the defendant and supervision of the probationer. (6) If the court imposes costs under subsection (2) as part of a sentence of probation, all of the following apply: (a) The court shall not require a probationer to pay costs under subsection (2) unless the probationer is or will be able to pay them during the term of probation. In determining the amount and method of payment of costs under subsection (2), the court shall take into account the probationer's financial resources and the nature of the burden that payment of costs will impose, with due regard to his or her other obligations. (b) A probationer who is required to pay costs under subsection (1)(g) or (2)(c) and who is not in willful default of the payment of the costs may petition the sentencing judge or his or her successor at any time for a remission of the payment of any unpaid portion of those costs. If the court determines that payment of the amount due will impose a manifest hardship on the probationer or his or her

immediate family, the court may remit all or part of the amount due in costs or modify the method of payment. (7) If a probationer is required to pay costs as part of a sentence of probation, the court may require payment to be made immediately or the court may provide for payment to be made within a specified period of time or in specified installments. (8) If a probationer is ordered to pay costs as part of a sentence of probation, compliance with that order must be a condition of probation. Subject to the requirements of section 4b of this chapter, the court may only sanction a probationer to jail or revoke the probation of a probationer who fails to comply with the order if the probationer has the ability to pay and has not made a good-faith effort to comply with the order. In determining whether to revoke probation, the court shall consider the probationer's employment status, earning ability, and financial resources, the willfulness of the probationer's failure to pay, and any other special circumstances that may have a bearing on the probationer's ability to pay. The proceedings provided for in this subsection are in addition to those provided in section 4 of this chapter. (9) If entry of judgment is deferred in the circuit court, the court shall require the individual to pay a supervision fee in the same manner as is prescribed for a delayed sentence under section 1(3) of this chapter, shall require the individual to pay the minimum state costs prescribed by section 1j of chapter IX, and may impose, as applicable, the conditions of probation described in subsection (1), and subject to subsection (11), the conditions of probation described in subsections (2) and (3). (10) If sentencing is delayed or entry of judgment is deferred in the district court or in a municipal court, the court shall require the individual to pay the minimum state costs prescribed by section 1j of chapter IX and may impose, as applicable, the conditions of probation described in subsection (1), and subject to subsection (11), the conditions of probation described in subsections (2) and (3). (11) The conditions of probation imposed by the court under subsections (2) and (3) must be individually tailored to the probationer, must specifically address the assessed risks and needs of the probationer, must be designed to reduce recidivism, and must be adjusted if the court determines adjustments are appropriate. The court shall also consider the input of the victim and shall specifically address the harm caused to the victim, as well as the victim's safety needs and other concerns, including, but not limited to, any request for protective conditions or restitution. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17373 ;-- Am. 1931, Act 308, Eff. Sept. 18, 1931 ;-- CL 1948, 771.3 ;-- Am. 1957, Act 72, Eff. Sept. 27, 1957 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1980, Act 514, Eff. Mar. 31, 1981 ;-- Am. 1982, Act 137, Imd. Eff. Apr. 27, 1982 ;-- Am. 1985, Act 89, Imd. Eff. July 10, 1985 ;-- Am. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1989, Act 184, Eff. Oct. 1, 1989 ;-- Am. 1993, Act 185, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 343, Eff. May 1, 1994 ;-- Am. 1994, Act 286, Eff. Oct. 1, 1995 ;-- Am. 1994, Act 445, Eff. Feb. 1, 1995 ;-- Am. 1998, Act 449, Eff. Aug. 1, 1999 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999 ;-- Am. 2003, Act 101, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 116, Imd. Eff. May 26, 2004 ;-- Am. 2004, Act 219, Eff. Jan. 1, 2005 ;-- Am. 2004, Act 330, Imd. Eff. Sept. 23, 2004 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007 ;-- Am. 2012, Act 612, Eff. Mar. 1, 2013 ;-- Am. 2020, Act 397, Eff. Apr. 1, 2021Compiler's Notes:Section 3 of Act 78 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 181 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”Former Law:See section 3 of Act 105 of 1913, being CL 1915, § 2031; and Act 203 of 1925.

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Sec. 3a. (1) A person under 22 years of age who is convicted of a crime in this state for which a sentence in a state prison may be imposed may be required under a probation order to spend not more than 1 year of the probation period, as the court directs, in a probation camp made available to the court by the department of corrections. Admission to a probation camp under this section shall be made only with the prior consent of the department of corrections. The department shall have custody of the probationer for the period the court directs. A probationer fleeing the department's custody may be pursued and recaptured as if the probationer had been regularly committed to a penal institution and had escaped from the institution. A violation by the probationer of the department's rules constitutes sufficient grounds for the court to revoke its probation order and to sentence the probationer for the offense for which he or she was originally convicted and placed on probation. This section does not restrict or limit the court's jurisdiction to place a person on probation in another facility suitable and available to the court. The expense of transporting a probationer to and from the probation camp shall be borne by the county from which the probationer was committed to the department of corrections. (2) This section does not apply to a person placed on probation under sections 1(3) and 2(3) of this chapter or to a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309. History:Add. 1955, Act 154, Imd. Eff. June 7, 1955 ;-- Am. 1958, Act 106, Eff. Sept. 13, 1958 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978 ;-- Am. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999Compiler's Notes:Section 3 of Act 78 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 181 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.3b - Special Alternative Incarceration Program.

Sec. 3b. (1) In addition to any other terms or conditions of probation provided for under this chapter, the court may require under a probation order that a person convicted of a crime, except a crime specified in subsection (17), for which a sentence in a state correctional facility may be imposed shall satisfactorily complete a program of incarceration in a special alternative incarceration unit, and a period of not less than 120 days of probation under intensive supervision. The special alternative incarceration program

shall be established and operated by the department of corrections as provided in the special alternative incarceration act, 1988 PA 287, MCL 798.11 to 798.18. The court also may require the person to satisfactorily complete a local residential program of vocational training, education, and substance abuse treatment, pursuant to subsection (9) or (10). (2) In order for a person to be placed in a special alternative incarceration program, the person shall meet all of the following requirements: (a) The person has never served a sentence of imprisonment in a state correctional facility. (b) The person would likely be sentenced to imprisonment in a state correctional facility. (c) The felony sentencing guidelines upper limit for the recommended minimum sentence for the person's offense is 12 months or more, as determined by the department. This subdivision does not apply in either of the following circumstances: (i) The person's offense is not covered by the felony sentencing guidelines. (ii) The reason for the person being considered for placement is that he or she violated the conditions of his or her probation. (d) The person is physically able to participate in the special alternative incarceration program. (e) The person does not appear to have any mental disability that would prevent participation in the special alternative incarceration program. (3) Subsection (2)(b) and (c) do not prevent the department of corrections from entering into contracts with counties for participation in the county jail special alternative incarceration program. The county jail special alternative program is a program in which convicted felons who would have been sentenced to a county jail with a sentence of 6 to 12 months can participate. (4) Before a court may place a person pursuant to this section, an initial investigation shall be completed by the probation officer. The initial investigation shall establish that the person meets the requirements of subsection (2)(a) and (b). (5) After a person is placed in a special alternative incarceration program, the department shall establish that the person meets the requirements of subsection (2). If the person does not meet the requirements of subsection (2), the person shall be returned to the court for sentencing. The placement of a person in a special alternative incarceration program is conditioned upon the person meeting the requirements of subsection (2). If a person does not meet the requirements of subsection (2), the probation order is rescinded, and the person shall be sentenced in the manner provided by law. (6) A person shall not be placed in a program of special alternative incarceration unless the person consents to the placement. (7) In every case in which a person is placed in a special alternative incarceration program, the clerk of the sentencing court shall, within 5 working days after the placement, mail to the department of corrections a certified copy of the judgment of sentence and the presentence investigation report of the person being placed. (8) Except as provided in subsections (9) to (12), a person shall be placed in a special alternative incarceration program for a period of not more than 120 days. If, during that period, the person misses more than 5 days of program participation due to medical excuse for illness or injury occurring after he or she was placed in the program, the period of placement shall be increased by the number of days missed, beginning with the sixth day of medical excuse, up to a maximum of 20 days. A medical excuse shall be verified by a physician's statement, a copy of which shall be provided to the sentencing court. A person who is medically unable to participate in the program for more than 25 days shall be returned to the court for sentencing pursuant to subsection (5). (9) The order of probation under subsection (1) may require that a person who successfully completes a special alternative incarceration program also successfully complete an additional period of not more than 120 days of residential treatment in the local governmental jurisdiction from which the person was committed, beginning immediately upon completion of the special alternative incarceration program, if the local unit of government has created a residential program providing vocational training, education, and substance abuse treatment, designed in whole or in part for persons who complete a program of special alternative incarceration. (10) The order of probation under subsection (1) may authorize the department of corrections to require a person who successfully completes a special alternative incarceration program to also successfully complete an additional period of not more than 120 days of residential treatment in a program operated by the department of corrections pursuant to section 4(2) of the special alternative incarceration act, 1988 PA 287, MCL 798.14. A probationer sentenced pursuant to subsection (9) is not eligible for residential treatment pursuant to this subsection. (11) An order of probation under subsection (1) that requires an additional period of residential treatment upon completion of the special alternative incarceration program shall be considered to be entered pursuant to subsection (9). (12) A person who successfully completes a program of special alternative incarceration shall be placed on probation under intensive supervision for a period of not less than 120 days. The period of probation under intensive supervision shall begin upon the completion of the program of special alternative incarceration, unless the person has been ordered to complete an additional program of residential treatment as described in subsection (9) or (10), in which case the period of probation under intensive supervision shall begin upon completion of the program of residential treatment. (13) Upon receiving a satisfactory report of performance in the program from the department of corrections, the court shall authorize the release of the person from confinement in the special alternative incarceration unit. The receipt of an unsatisfactory report shall be grounds for revocation of probation as would any other violation of a condition or term of probation. (14) A term of special alternative incarceration shall be served in the manner provided in the special alternative incarceration act, 1988 PA 287, MCL 798.11 to 798.18. (15) Except as provided in subsection (16), a person shall not be incarcerated in a special alternative incarceration unit more than once. (16) If a person was placed in a special alternative incarceration program but was returned to the court for sentencing because of a medical condition existing at the time of the placement, the person may be placed again in a special alternative incarceration program after the medical condition is corrected. (17) A person who is convicted of any of the following crimes shall not be eligible for placement in the special alternative incarceration program: (a) A crime described in section 145c, 520b, 520c, 520d, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.145c, 750.520b, 750.520c, 750.520d, and 750.520g. (b) Section 72, 73, or 75 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.73, and 750.75. (c) An attempt to commit a crime described in subdivision (a) or (b). History:Add. 1988, Act 286, Imd. Eff. Aug. 1, 1988 ;-- Am. 1989, Act 304, Imd. Eff. Jan. 3, 1990 ;-- Am. 1992, Act 21, Imd. Eff. Mar. 19, 1992 ;-- Am. 1994, Act 426, Imd. Eff. Jan. 6, 1995 ;-- Am. 1998, Act 49, Imd. Eff. Mar. 30, 1998

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Sec. 3c. (1) Except as provided in subsection (2), the circuit court shall include in each order of probation for a defendant convicted of a crime that the department of corrections collect a probation supervision fee of $30.00 multiplied by the number of months of probation ordered, but not more than 60 months, if a defendant is placed on probation supervision without an electronic monitoring device. If a defendant is placed on probation supervision with an electronic monitoring device under this subsection, the circuit court's order shall include in its order that the department of corrections collect a probation supervision fee of $60.00 multiplied by the number of months of probation ordered, but not more than 60 months. The fee is payable when the probation order is entered, but the fee may be paid in monthly installments if the court approves installment payments for that probationer. The fee must be collected as provided in section 25a of the corrections code of 1953, 1953 PA 232, MCL 791.225a. A person must not be subject to more than 1 supervision fee at the same time. If a supervision fee is ordered for a person for any month or months during which that person already is subject to a supervision fee, the court shall waive the fee having the shorter remaining duration. (2) The circuit court may waive the fee required to be collected under this section if the court determines that the supervised individual is indigent. (3) If a person who is subject to a probation supervision fee is also subject to any combination of fines, costs, restitution orders, assessments, or payments arising out of the same criminal proceeding, the allocation of money collected for those obligations must be as otherwise provided in section 22 of chapter XV. (4) This section does not apply to a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309. (5) As used in this section, "electronic monitoring device" includes any electronic device or instrument that is used to track the location of an individual, enforce a curfew, or detect the presence of alcohol in an individual's body. History:Add. 1989, Act 184, Eff. Oct. 1, 1989 ;-- Am. 1993, Act 185, Eff. Oct. 1, 1993 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999 ;-- Am. 2002, Act 483, Eff. Oct. 1, 2002 ;-- Am. 2019, Act 165, Eff. Mar. 19, 2020

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Sec. 3d. (1) Before an individual convicted of a felony is released from jail under section 3 of this chapter to attend work or school, the court, at the time of sentencing, shall order the department of corrections to verify that the individual is currently employed or currently enrolled in school, as applicable. However, the requirement for verification of employment or school enrollment by the department of corrections does not apply if the county sheriff has provided or will provide that verification. If required, the department of corrections shall provide this verification to the court within 7 days after the order is issued. The court shall not order the individual to be released to attend work or school unless the county sheriff or the department has determined that the individual is currently employed or currently enrolled in school, as applicable. The order of release shall provide that release is contingent at all times upon the approval of the county sheriff. (2) As used in this section, "school" means any of the following: (a) A school of secondary education. (b) A community college, college, or university. (c) A state-licensed technical or vocational school or program. (d) A program that prepares the person for the general education development (GED) test. History:Add. 2012, Act 612, Eff. Mar. 1, 2013

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Sec. 3e. (1) If the court permits an individual convicted of a felony to be released from jail under section 3 of this chapter for purposes of attending work or school, the court shall order the individual to wear an electronic monitoring device on his or her person that will provide a signal to the county sheriff through the use of the global positioning satellite system or by other means of the individual's movement and location at all times while he or she is on that release. The device shall be an ankle-worn device approved by the court that provides information to the county sheriff if it is tampered with or removed. The information provided by the electronic monitoring device shall be recorded and monitored by the county sheriff to ensure the individual's compliance with his or her work release requirements. The installation, maintenance, monitoring, and removal costs of the electronic monitoring device shall be paid for by the individual. (2) This section applies only if the court has in place a program to provide for the electronic monitoring of individuals placed on probation that complies with the requirements of this section. History:Add. 2012, Act 610, Eff. Mar. 28, 2013

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Sec. 3f. (1) A person shall not knowingly and without authority remove, destroy, or circumvent the operation of an electronic

monitoring device or knowingly interfere with a signal, impulse, or data that is being transmitted by or stored within an electronic monitoring device worn or otherwise used by an individual as a condition for any of the following: (a) Work release or house arrest. (b) Bond or other pretrial release. (c) Probation. (d) Parole. (e) Postrelease supervision or postconviction bond. (f) Release under section 3e. (2) A person shall not knowingly and without authority request or solicit any other person to remove, destroy, or circumvent the operation of an electronic monitoring device or knowingly interfere with a signal, impulse, or data that is being transmitted by or stored within an electronic monitoring device worn or otherwise used by an individual as described in subsection (1). (3) Subsections (1) and (2) do not apply to either of the following: (a) The owner of the electronic monitoring device or his or her agent while performing proper maintenance and repairs on that device. (b) A person who removes the electronic monitoring device at the direction of a physician due to an immediate medical necessity. (4) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $4,000.00, or both. (5) As used in this section, "electronic monitoring device" includes any electronic device or instrument that is used to track the location of a person or detect the presence of alcohol. History:Add. 2012, Act 612, Eff. Mar. 1, 2013

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.3g - Medical Probation; Eligibility; Notification to Court by County Sheriff; Order; Expenses; Reimbursement; Reexamination as Condition; Revocation; Definitions.

Sec. 3g. (1) A county sheriff may notify the court in writing that a prisoner may be eligible for medical probation if the county sheriff has consulted with a physician and the physician determined either of the following: (a) The prisoner is physically or mentally incapacitated due to a medical condition that renders the prisoner unable to perform activities of basic daily living, and the prisoner requires 24-hour care. The physician shall evaluate when the physical or mental incapacitation arose. (b) The prisoner requires acute long-term medical treatment or services. (2) A county sheriff's notification submitted to the court under subsection (1) must be accompanied with the evidence the physician considered in making a determination under subsection (1)(a) or (b). (3) Subject to subsection (4), a court may enter an order of probation placing a prisoner on medical probation under the charge and supervision of a probation officer if the court finds that the prisoner requires acute long-term medical treatment or services, or that the prisoner is physically or mentally incapacitated with a medical condition that renders the prisoner unable to perform activities of basic daily living and the prisoner requires 24-hour care. (4) A court shall not place a prisoner on medical probation unless all of the following apply: (a) A placement option has been secured for the prisoner in the community. A placement option may include, but is not limited to, home confinement or a medical facility. (b) The county sheriff has made a reasonable effort to determine whether expenses related to the prisoner's placement secured under subdivision (a) are covered by Medicaid, a health care policy, a certificate of insurance, or another source for the payment of medical expenses or whether the prisoner has sufficient income or assets to pay for expenses related to the placement. (c) The court conducted a public hearing in which the prosecuting attorney of the county and each victim who requests notice in the manner provided in the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, are provided adequate notice of the hearing and an opportunity to be heard during the hearing. (5) If a court's placement of a prisoner on medical probation results in expenses incurred by the county that are not covered by a payment source identified under subsection (4)(b), to the extent permitted under applicable law, the county may seek reimbursement for those expenses. (6) An order of medical probation entered under subsection (3) may include as a condition of the medical probation that the prisoner submit to reexamination by a physician to assess whether the prisoner continues to meet the requirements for medical probation under subsection (3). At any time while the prisoner is placed on medical probation, the court or probation officer may require the prisoner to submit to a reexamination. If, after the prisoner is reexamined, the court finds that the requirements for medical probation under subsection (3) are no longer met, the court shall revoke medical probation and order the prisoner committed to the county jail for a term of imprisonment that does not exceed the penalty that was imposed, less time served, for the offense for which the prisoner was originally convicted and placed on medical probation. (7) As used in this section and section 3h of this chapter: (a) "County sheriff" includes the sheriff of a county in this state or the sheriff's designee. (b) "Physician" means that term as defined in section 17001 of the public health code, 1978 PA 368, MCL 333.17001. (c) "Prisoner" means an individual committed or sentenced to imprisonment under section 28 of chapter IX. History:Add. 2018, Act 149, Eff. Aug. 14, 2018

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Sec. 3h. (1) A county sheriff may notify the court in writing that a prisoner may be eligible for compassionate release if the county sheriff has consulted with a physician and the physician determined that the prisoner has a life expectancy of not more than 6 months. The notification must be accompanied with the evidence the physician considered in making the determination regarding the prisoner's life expectancy. (2) Subject to subsection (3), a court may grant compassionate release to a prisoner if the court finds that the prisoner has a life expectancy of not more than 6 months and that the release of the prisoner would not reasonably pose a threat to public safety or the prisoner. If a court grants a prisoner compassionate release, the court shall enter an amended judgment of sentence specifying that the prisoner is released from the term of imprisonment imposed for the offense for which the prisoner

was originally convicted. (3) A court shall not grant a prisoner compassionate release unless all of the following apply: (a) A placement option has been secured for the prisoner in the community. A placement option may include, but is not limited to, placement in the prisoner's home or a medical facility. (b) The sheriff has made a reasonable effort to determine whether expenses related to the prisoner's placement secured under subdivision (a) are covered by Medicaid, a health care policy, a certificate of insurance, or another source for the payment of medical expenses or whether the prisoner has sufficient income or assets to pay for expenses related to the placement. (c) The court conducted a public hearing in which the prosecuting attorney of the county and each victim who requests notice in the manner provided in the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, are provided adequate notice of the hearing and an opportunity to be heard during the hearing. (4) If a court's grant of compassionate release to a prisoner results in expenses incurred by the county that are not covered by a payment source identified under subsection (3)(b), to the extent permitted under applicable law, the county may seek reimbursement for those expenses. History:Add. 2018, Act 149, Eff. Aug. 14, 2018

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Sec. 4. (1) It is the intent of the legislature that the granting of probation is a matter of grace requiring the agreement of the probationer to its granting and continuance. (2) All probation orders are revocable subject to the requirements of section 4b of this chapter, but revocation of probation, and subsequent incarceration, should be imposed only for repeated technical violations, for new criminal behavior, as otherwise allowed in section 4b of this chapter, or upon request of the probationer. Hearings on the revocation must be summary and informal and not subject to the rules of evidence or of pleadings applicable in criminal trials. (3) In its probation order or by general rule, the court may provide for the apprehension, detention, and confinement of a probationer accused of violating a probation condition. (4) The method of hearing and presentation of charges are within the court's discretion, except that the probationer is entitled to a written copy of the charges constituting the claim that he or she violated probation and to a probation revocation hearing. (5) Subject to the requirements of section 4b of this chapter, the court may investigate and enter a disposition of the probationer as the court determines best serves the public interest. If a probation order is revoked, the court may sentence the probationer in the same manner and to the same penalty as the court might have done if the probation order had never been made. (6) This section does not apply to a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17374 ;-- Am. 1947, Act 246, Imd. Eff. June 20, 1947 ;-- CL 1948, 771.4 ;-- Am. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999 ;-- Am. 2020, Act 397, Eff. Apr. 1, 2021Compiler's Notes:Section 3 of Act 78 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 181 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”Former Law:See section 4 of Act 105 of 1913, being CL 1915, § 2032; and Act 203 of 1925.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.4a - Violation of Sex Offenders Registration Act; Probation Revocation.

Sec. 4a. The court shall revoke probation pursuant to section 4 of this chapter if the individual willfully violates the sex offenders registration act. History:Add. 1994, Act 286, Eff. Oct. 1, 1995

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.4b - Technical Probation Violation; Rebuttable Presumption; Summons or Show Cause Order; Definitions.

Sec. 4b. (1) Except as otherwise provided in this section, a probationer who commits a technical probation violation and is sentenced to temporary incarceration may be incarcerated for each technical violation as follows: (a) For a technical violation committed by an individual who is on probation because he or she was convicted of or pleaded guilty to a misdemeanor: (i) For a first violation, jail incarceration for not more than 5 days. (ii) For a second violation, jail incarceration for not more than 10 days. (iii) For a third violation, jail incarceration for not more than 15 days. (iv) For a fourth or subsequent violation, jail incarceration for any number of days, but not exceeding the total of the remaining eligible jail sentence. (b) For a technical violation committed by an individual who is on probation because he or she was convicted of or pleaded guilty to a felony: (i) For a first violation, jail incarceration for not more than 15 days. (ii) For a second violation, jail incarceration for not more than 30 days. (iii) For a third violation, jail incarceration for not more than 45 days. (iv) For a fourth or subsequent violation, jail or prison incarceration for any number of days, but not exceeding the total of the remaining eligible jail or prison sentence. (2) A probationer may acknowledge a technical probation violation in writing without a hearing before the court being required. (3) A jail sanction under subsection (1)(a) or (b) may be extended to not more than 45 days if the probationer is awaiting placement in a treatment facility and does not have a safe alternative location to await treatment. (4) Subject to the exception in subsection (6), the court shall not revoke probation on the basis of a technical probation violation unless a probationer has already been sanctioned for 3 or more technical probation violations and commits a new technical probation violation. (5) If more than 1 technical probation violation arises out of the same transaction, the court shall treat the technical probation violations as a single technical probation violation for purposes of this section. (6)

Subsection (1) does not apply to a probationer who is on probation for a domestic violence violation of section 81 or 81a, an offense involving domestic violence as that term is defined in section 1 of 1978 PA 389, MCL 400.1501, or a violation of section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.411h, and 750.411i. (7) Except as otherwise provided in this subsection, there is a rebuttable presumption that the court shall not issue a warrant for arrest for a technical probation violation and shall issue a summons or order to show cause to the probationer instead. The court may overcome the presumption and issue a warrant if it states on the record a specific reason to suspect that 1 or more of the following apply: (a) The probationer presents an immediate danger to himself or herself, another person, or the public. (b) The probationer has left court-ordered inpatient treatment without the court's or the treatment facility's permission. (c) A summons or order to show cause has already been issued for the technical probation violation and the probationer failed to appear as ordered. (8) A probationer who is arrested and detained for a technical probation violation must be brought to a hearing on the technical probation violation as soon as is possible. If the hearing is not held within the applicable and permissible jail sanction, as determined under subsection (1)(a) or (b), the probationer must be returned to community supervision. (9) As used in this section: (a) "Absconding" means the intentional failure of a probationer to report to his or her supervising agent or to advise his or her supervising agent of his or her whereabouts for a continuous period of not less than 60 days. (b) "Technical probation violation" means a violation of the terms of a probationer's probation order that is not listed below, including missing or failing a drug test, subparagraph (ii) notwithstanding. Technical probation violations do not include the following: (i) A violation of an order of the court requiring that the probationer have no contact with a named individual. (ii) A violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law, whether or not a new criminal offense is charged. (iii) The consumption of alcohol by a probationer who is on probation for a felony violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625. (iv) Absconding. History:Add. 2017, Act 9, Eff. June 29, 2017 ;-- Am. 2020, Act 397, Eff. Apr. 1, 2021

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Sec. 5. (1) When the probation period terminates, the probation officer shall report that fact and the probationer's conduct during the probation period to the court. Upon receiving the report, the court may discharge the probationer from further supervision and enter a judgment of suspended sentence or extend the probation period as the circumstances require, so long as the maximum probation period is not exceeded. (2) This section does not apply to a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17375 ;-- CL 1948, 771.5 ;-- Am. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999Compiler's Notes:Section 3 of Act 78 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 181 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”Former Law:See section 5 of Act 105 of 1913, being CL 1915, § 2033.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.6 - Probation; Record of Discharge.

Sec. 6. When a probationer is discharged upon the expiration of the probation period, or upon its earlier termination by order of the court, entry of the discharge shall be made in the records of the court, and the probationer shall be entitled to a certified copy thereof. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17376 ;-- CL 1948, 771.6Former Law:See section 6 of Act 105 of 1913, being CL 1915, § 2034.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XI - Chapter XI Probation (771.1...771.24)Section 771.7 - Revoking Probation of Juvenile for Conviction of Felony or Misdemeanor; Commitment of Juvenile to Department of Corrections; Violation of Probation; Order.

Sec. 7. (1) If the court finds that a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, violated probation by being convicted of a felony or a misdemeanor punishable by imprisonment for more than 1 year, the court shall revoke probation and order the juvenile committed to the department of corrections for a term of years that does not exceed the penalty that could have been imposed for the offense for which the juvenile was originally convicted and placed on probation. The court shall grant credit against the sentence for the period of time the juvenile served on probation. (2) If the court finds that a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, violated probation other than as provided in subsection (1), the court may order the juvenile committed to the department of corrections or may order any of the following for the juvenile: (a) A change of placement. (b) Community service. (c) Substance abuse counseling. (d) Mental health counseling. (e) Participation in a vocational-technical education program. (f) Incarceration in a county jail for not more than 30 days. If a juvenile is under 17 years of age, the juvenile shall be placed in a room or ward out of sight and sound from adult prisoners. (g) Other participation or

performance as the court considers necessary. History:Add. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1993, Act 343, Eff. May 1, 1994 ;-- Am. 1996, Act 247, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999Compiler's Notes:Former MCL 771.7, which pertained to discharge of accused, was repealed by Act 81 of 1979, Eff. Dec. 31, 1979.Section 3 of Act 78 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 181 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”

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Sec. 1. This chapter shall be known and may be cited as the "probation swift and sure sanctions act". History:Add. 2012, Act 616, Imd. Eff. Jan. 9, 2013

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Sec. 2. As used in this chapter: (a) "Circuit court" includes a unified trial court having jurisdiction over probationers. (b) "Probationer" means an individual placed on probation for committing a felony. History:Add. 2012, Act 616, Imd. Eff. Jan. 9, 2013

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIA - Chapter Xia Probation Swift and Sure Sanctions Act (771a.1...771a.8)Section 771A.3 - State Swift and Sure Sanctions Program; Intent to Create; Implementation.

Sec. 3. It is the intent of the legislature to create a voluntary state program to fund swift and sure probation supervision based on the immediate detection of probation violations and the prompt imposition of sanctions and remedies to address those violations. In furtherance of this intent, the state swift and sure sanctions program must be implemented and maintained as provided in this chapter as follows: (a) Probationers are to be sentenced with prescribed terms of probation meeting the objectives of this chapter. Probationers are to be aware of their probation terms as well as the consequences for violating the terms of their probation. (b) Probationers are to be closely monitored and every detected violation is to be promptly addressed by the court. (c) Probationers are to be arrested as soon as a violation has been detected and are to be promptly taken before a judge for a hearing on the violation. (d) Continued violations are to be addressed by increasing sanctions and remedies as necessary to achieve results. (e) To the extent possible and considering local resources, probationers subject to swift and sure probation under this chapter shall be treated uniformly throughout this state. History:Add. 2012, Act 616, Imd. Eff. Jan. 9, 2013 ;-- Am. 2017, Act 17, Eff. June 29, 2017

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIA - Chapter Xia Probation Swift and Sure Sanctions Act (771a.1...771a.8)Section 771A.4 - Swift and Sure Probation Supervision Fund; Creation; Investment; Interest and Earnings; Money Remaining at Close of Fiscal Year; Allocation and Expenditure of Funds; Grants; Participants From Other Jurisdiction; Basis; Validity of Transfer.

Sec. 4. (1) The swift and sure probation supervision fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (2) The state treasurer shall allocate sufficient funds to allow the state court administrative office to, under the supervision of the supreme court, expend funds from the swift and sure probation supervision fund to administer this chapter and to provide grants under this chapter to fund programs of swift and sure probation supervision in the circuit court that meet the objectives set forth in section 3 of this chapter and the requirements of section 5 of this chapter. (3) A court may apply for a grant to fund a program of swift and sure probation supervision under this chapter by filing a written application with the state court administrative office in the manner required by that office. The funding of all grants under this chapter is subject to appropriation. (4) A court that has received a grant under this chapter to fund programs of swift and sure probation supervision may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a swift and sure probation supervision program in the jurisdiction where the participant is charged. The transfer may occur at any time during the proceedings, including, but not limited to, prior to adjudication. The receiving court shall have jurisdiction to impose sentence, including, but not limited to, sanctions, incentives, incarceration, and phase changes. A transfer under this subsection is not valid unless it is agreed to by all of the following individuals: (a) The defendant or respondent in writing. (b) The attorney representing the defendant or respondent. (c) The judge of the transferring court and the prosecutor of the case. (d) The judge of the receiving court and the prosecutor of the receiving court funding unit. History:Add. 2012, Act 616, Imd. Eff. Jan. 9, 2013 ;-- Am. 2017, Act 17, Eff. June 29, 2017

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIA - Chapter Xia Probation Swift and Sure Sanctions Act (771a.1...771a.8)Section 771A.5 - Duties of Judge; Powers of State Court Administrative Office.

Sec. 5. (1) A judge shall do all of the following if swift and sure probation applies to a probationer: (a) Inform the probationer in person of the requirements of his or her probation and the sanctions and remedies that may apply to probation violations. (b) Adhere to and not depart from the prescribed list of sanctions and remedies imposed on the probationer. (c) Require the probationer to initially meet in person with a probation agent or probation officer and as otherwise required by the court. (d) Provide for an appearance before the judge or another judge for any probation violation as soon as possible but within 72 hours after the violation is reported to the court unless a departure from the 72-hour requirement is authorized for good cause as determined by criteria established by the state court administrative office. (e) Provide for the immediate imposition of sanctions and remedies approved by the state court administrative office to effectively address probation violations. The sanctions and remedies approved under this subdivision may include, but are not limited to, 1 or more of the following: (i) Temporary incarceration in a jail or other facility authorized by law to hold probation violators. (ii) Extension of the period of supervision within the period provided by law. (iii) Additional reporting and compliance requirements. (iv) Testing for the use of drugs and alcohol. (v) Counseling and treatment for emotional or other mental health problems, including for substance abuse. (vi) Probation revocation. (vii) Any other sanction approved by the state court administrative office. (2) The state court administrative office may, under the supervision of the supreme court, do any of the following regarding programs funded under this chapter: (a) Establish general eligibility requirements for offender participation. (b) Require courts and offenders to enter into written participation agreements. (c) Create recommended and mandatory sanctions and remedies for use by participating courts. (d) Establish criteria for deviating from recommended and mandatory sanctions and remedies if necessary to address special circumstances. (e) Establish a system for determining sanctions and remedies that should or may be imposed under subdivision (c) and for alternative sanctions and remedies under subdivision (d). History:Add. 2012, Act 616, Imd. Eff. Jan. 9, 2013 ;-- Am. 2017, Act 17, Eff. June 29, 2017

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIA - Chapter Xia Probation Swift and Sure Sanctions Act (771a.1...771a.8)Section 771A.6 - Programming Requirements; Consultation; Eligibility of Individual; Exceptions.

Sec. 6. (1) The state court administrative office may, under the supervision of the supreme court, consult with the department of corrections to establish programming requirements under this chapter. (2) An individual is eligible for the swift and sure probation supervision program if he or she receives a risk score of other than low on a validated risk assessment. (3) A defendant who is charged with a crime under 1 or more of the following is not eligible under this chapter: (a) Section 316, 317, 520b, 520d, 529, or 544 of the Michigan penal code, 1931 PA 328, MCL 750.316, 750.317, 750.520b, 750.520d, 750.529, and 750.544. (b) A major controlled substance offense as that term is defined in section 2 of chapter I, except for a violation of section 7403(2)(a)(v) of the public health code, 1978 PA 368, MCL 333.7403. History:Add. 2012, Act 616, Imd. Eff. Jan. 9, 2013 ;-- Am. 2017, Act 17, Eff. June 29, 2017

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Sec. 7. The state court administrative office shall, under the supervision of the supreme court, review programs funded by grants under this chapter on an annual basis for effectiveness and for compliance with the requirements of this chapter. The state court administrative office shall, under the supervision of the supreme court, report its findings under this section in writing to the secretary of the senate and to the clerk of the house of representatives not later than March 1, 2013, and not later than March 1 annually thereafter. The report shall also identify each court that has applied for a grant under this chapter, the amount requested, and the amount received. History:Add. 2012, Act 616, Imd. Eff. Jan. 9, 2013

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIA - Chapter Xia Probation Swift and Sure Sanctions Act (771a.1...771a.8)Section 771A.8 - Audit.

Sec. 8. Programs funded under this chapter shall be subject to audit by the state court administrative office. History:Add. 2012, Act 616, Imd. Eff. Jan. 9, 2013

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.1 - Power of District or Municipal Judge to Cause Laws for Preservation of Public Peace to Be Kept; Requiring Security to Keep Peace.

Sec. 1. A district or municipal judge may cause all the laws made for the preservation of the public peace to be kept and, in the execution of this authority, may require a person to give security to keep the peace in the manner provided in this chapter. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17388 ;-- CL 1948, 772.1 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 1 of Ch. 162 of R.S. 1846, being CL 1857, § 5959; CL 1871, § 7825; How., § 9435; CL 1897, § 11800; CL 1915, § 15627; and Act 4 of 1858.

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Appellate Court to Affirm Order, Discharge Appellant, or Require Appellant to Enter Into New Recognizance; Costs.

Sec. 10. The circuit court or the recorder's court of the city of Detroit, before which the appeal is taken may affirm the order of the judge, discharge the appellant, or require the appellant to enter into a new recognizance with sufficient sureties in a sum and for a period not exceeding 5 years, as the appellate court considers proper. The circuit court or recorder's court of the city of Detroit also may order the payment of the costs of the prosecution as the court considers just. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17397 ;-- CL 1948, 772.10 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 11 of Ch. 162 of R.S. 1846, being CL 1857, § 5969; CL 1871, § 7835; How., § 9445; CL 1897, § 11809; and CL 1915, § 15636.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.11 - Failure to Prosecute Appeal; Effect on Recognizance; Costs; Condition.

Sec. 11. If a person appealing fails to prosecute the appeal, the person's recognizance shall remain in full force and effect without an affirmation of the judgment or order of the district or municipal court. The recognizance shall serve as a security for any costs that may be ordered by the court appealed to. The costs shall be paid by the appellant. The payment of costs shall be a condition incorporated in all recognizances given under section 8 of this chapter. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17398 ;-- CL 1948, 772.11 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 12 of Ch. 162 of R.S. 1846, being CL 1857, § 5970; CL 1871, § 7836; How., § 9446; CL 1897, § 11810; and CL 1915, § 15637.

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Sec. 12. A person committed for not finding sureties, or for refusing to recognize, as required by the court may be discharged from custody by the judge who entered the order or any other judge from the same court and judicial district when the person gives the security required. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17399 ;-- CL 1948, 772.12 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 13 of Ch. 162 of R.S. 1846, being CL 1857, § 5971; CL 1871, § 7837; How., § 9447; CL 1897, § 11811; and CL 1915, § 15638.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.13 - Filing True Copy of Peace Bond.

Sec. 13. The clerk of the court shall file a true copy of a peace bond issued under this chapter with the law enforcement agency or agencies having jurisdiction of the area in which the complainant resides or works. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17400 ;-- CL 1948, 772.13 ;-- Am. 1978, Act 316, Imd. Eff. July 10, 1978 ;-- Am. 1980, Act 471, Eff. Mar. 31, 1981 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 14 of Ch. 162 of R.S. 1846, being CL 1857, § 5972; CL 1871, § 7838; How., § 9448; CL 1897, § 11812; and CL 1915, § 15639.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.13a - Violation of Recognizance; Arrest by Peace Officer.

Sec. 13a. If a peace officer has reason to believe that the conditions of a recognizance required under this chapter are being violated in his or her presence or were violated, the peace officer shall arrest the person and hold him or her for presentation to the court on the next day. History:Add. 1994, Act 71, Eff. July 1, 1994

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.13b - Violation of Peace Bond; Order to Appear; Warrant; Hearing.

Sec. 13b. If the court is presented with allegations that the person violated 1 or more conditions of a peace bond, the court may issue an order directing the person to appear before the court on a date certain within 7 days or may issue a warrant. If the person fails to appear as ordered, the court shall issue a warrant. If the person appears and denies violating any conditions of the recognizance, the court shall schedule a hearing to be held within 7 days. The hearing shall be conducted in the same manner as a probation violation hearing. History:Add. 1994, Act 71, Eff. July 1, 1994

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.14 - Forfeiture of Recognizance; Remission of Part of Penalty; Petition.

Sec. 14. If the court finds by admission or after a hearing that the conditions of the recognizance were violated, the court shall order the recognizance forfeited. The court may also require an additional recognizance with sufficient sureties to secure the peace. If the

person fails to recognize, the court shall proceed as set forth in section 6 of this chapter. If a recognizance is forfeited, the court, upon a petition by the person, may remit a portion of the penalty, as the circumstances render just and reasonable. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17401 ;-- CL 1948, 772.14 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 17 of Ch. 162 of R.S. 1846, being CL 1857, § 5975; CL 1871, § 7841; How., § 9451; CL 1897, § 11815; and CL 1915, § 15642.

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Sec. 14a. In addition to forfeiting the bond, a person who is required by an order issued under this chapter to keep the peace toward a spouse, former spouse, person with whom he or she has had a child in common, or person residing or having resided in the same household and who fails to comply with that order, is subject to the contempt powers of the court and may be imprisoned for not more than 90 days or fined not more than $500.00, or both. History:Add. 1978, Act 316, Imd. Eff. July 10, 1978 ;-- Am. 1980, Act 471, Eff. Mar. 31, 1981 ;-- Am. 1994, Act 71, Eff. July 1, 1994

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.15 - Surrender of Principal by Surety.

Sec. 15. A surety in a recognizance to keep the peace has the same authority and right to take and surrender the principal as in other criminal cases. Upon the surrender the surety shall be discharged and exempt from all liability for an act of the principal subsequent to the surrender that would be a breach of the condition of the recognizance. The surety is not discharged or exempt from liability for costs on an appeal taken by the principal in the recognizance. The person surrendered by a surety may recognize anew, with sufficient sureties, before a judge of the same court for the remainder of the term, and, upon doing so, shall be discharged from custody. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17402 ;-- CL 1948, 772.15 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 18 of Ch. 162 of R.S. 1846, being CL 1857, § 5976; CL 1871, § 7842; How., § 9452; CL 1897, § 11816; and CL 1915, § 15643.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.2 - Complaint; Examination of Complainant and Witnesses.

Sec. 2. If a complaint is made in writing and on oath to the district court or a municipal court that a person has threatened to commit an offense against the person or property of another, the judge shall examine on oath the complainant and any witnesses who may be produced. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17389 ;-- CL 1948, 772.2 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 2 of Ch. 162 of R.S. 1846, being CL 1857, § 5960; CL 1871, § 7826; How., § 9436; CL 1897, § 11801; and CL 1915, § 15628.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.3 - Warrant; Issuance.

Sec. 3. If the judge determines from the examination that there is just reason to believe the person will commit an offense described in section 2 of this chapter, the judge may enter an order directing the person to appear on a date certain within 7 days. If the person fails to appear as ordered, the court shall issue a warrant. Alternatively, the court may issue a warrant directed to the sheriff or any peace officer, reciting the substance of the complaint and commanding that the person be promptly apprehended and brought before the court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17390 ;-- CL 1948, 772.3 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 3 of Ch. 162 of R.S. 1846, being CL 1857, § 5961; CL 1871, § 7827; How., § 9437; CL 1897, § 11802; and CL 1915, § 15629.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.4 - Trial by Jury or Before Court Without Jury; Conduct of Trial and Selection of Jury; Recognizance to Keep Peace; Special Verdict.

Sec. 4. (1) If a person is brought before the court by a complaint made under section 2 of this chapter and does not consent to post a recognizance, the court shall conduct a trial and shall determine if a recognizance is required. The person has a right to a trial by jury. The person may, with the consent of the complainant and approval of the court, waive a determination of the facts by a jury and elect to be tried before a judge without a jury. The trial and the selection of a jury shall be conducted in the same manner as a trial and selection of a jury in the same court for a minor offense. (2) If the judge or jury finds the accused is likely to breach the peace, the court shall require the accused to enter into a recognizance with sufficient sureties approved by the court to keep the peace towards all the people of this state, and especially towards the person or persons named in the complaint. The recognizance shall be in a sum set by the court, for a period as the court directs, but not exceeding 5 years. In determining the amount of the

recognizance, the court shall consider the person's employment status, earning ability, and financial resources, and any other special circumstances that may have a bearing on the person's ability to provide that recognizance. The person ordered to post the recognizance may, at any time pursuant to the rules of the court, petition the court to reduce the recognizance or eliminate the requirement of a recognizance. The court may require specific conditions to be a requirement of the recognizance. (3) The judge or the jury may return a special verdict that the complaint and accusation is groundless or malicious. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17391 ;-- CL 1948, 772.4 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1988, Act 89, Eff. June 1, 1988 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 4 of Ch. 162 of R.S. 1846, being CL 1857, § 5962; CL 1871, § 7828; How., § 9438; CL 1897, § 11803; CL 1915, § 15630; and Act 17 of 1867.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.5 - Compliance With Order of Court; Discharge of Accused.

Sec. 5. Upon complying with the order of the court, the party complained of shall be discharged. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17392 ;-- CL 1948, 772.5 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 5 of Ch. 162 of R.S. 1846, being CL 1857, § 5963; CL 1871, § 7829; How., § 9439; CL 1897, § 11804; and CL 1915, § 15631.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.6 - Failure to Pay Recognizance; Commitment to County Jail; Hearing.

Sec. 6. If the person so ordered to recognize refuses or neglects to provide that recognizance, the court shall commit the person to the county jail during the period for which security was required, or until the person provides that recognizance. A person shall not be incarcerated for failure to pay the recognizance unless the court conducts a hearing and determines that the person has the resources to pay the recognizance and has not made a good faith effort to do so. In determining whether to incarcerate the person, the court shall also consider the person's employment status, earning ability, and financial resources; the willfulness of the person's failure to pay the recognizance; and any other special circumstances that may have a bearing on the person's ability to pay the recognizance. The court shall state in the warrant the cause of commitment with the sum and the time for which the security was required. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17393 ;-- CL 1948, 772.6 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 6 of Ch. 162 of R.S. 1846, being CL 1857, § 5964; CL 1871, § 7830; How., § 9440; CL 1897, § 11805; and CL 1915, § 15632.

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Sec. 7. If upon examination the court determines there is not just cause to believe that an offense will be committed by the person against whom the complaint is made, the person shall promptly be discharged. If the court finds the complaint unfounded, frivolous, or malicious, the court shall order the complainant to pay the costs of the prosecution. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17394 ;-- CL 1948, 772.7 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 4 and 7 of Ch. 162 of R.S. 1846, being CL 1857, §§ 5962 and 5965; CL 1871, §§ 7828 and 7831; How., §§ 9438 and 9441; CL 1897, §§ 11803 and 11806; CL 1915, §§ 15630 and 15633; and Act 17 of 1867.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.8 - Allowance and Payment of Costs.

Sec. 8. If an order respecting costs is not made by the court, costs shall be allowed and paid in the same manner as costs in a prosecution of a minor offense in the same court. If a person is required to give security to keep the peace, the court may further order that the costs of prosecution or any part of those costs be paid by that person. The person shall be committed until the costs are paid or until the person is otherwise legally discharged. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17395 ;-- CL 1948, 772.8 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 8 of Ch. 162 of R.S. 1846, being CL 1857, § 5966; CL 1871, § 7832; How., § 9442; CL 1897, § 11807; and CL 1915, § 15634.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XII - Chapter XII Proceedings to Prevent Crime (772.1...772.15)Section 772.9 - Appeal From Order to Recognize to Keep Peace.

Sec. 9. A person ordered by the court to recognize to keep the peace may, on giving the recognizance, appeal from the order in the same manner as provided for an appeal from a judgment on a misdemeanor prosecution entered in the same court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17396 ;-- CL 1948, 772.9 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1994, Act 71, Eff. July 1, 1994Former Law:See section 9 of Ch. 162 of R.S. 1846, being CL 1857, § 5967; CL 1871, § 7833; How., § 9443; CL 1897, § 11808; and CL 1915, § 15635.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIII - Chapter XIII Proceedings for the Discovery of Crime (773.1...773.23)Section 773.1 - Inquest; Procedures.

Sec. 1. A magistrate holding an inquest pursuant to Act No. 181 of the Public Acts of 1953, as amended, being sections 52.201 to 52.216 of the Michigan Compiled Laws, shall follow the procedures prescribed in this chapter. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17403 ;-- CL 1948, 773.1 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 1 of Ch. 167 of R.S. 1846, being CL 1857, § 6089; CL 1871, § 7970; How., § 9583; CL 1897, § 11818; CL 1915, § 15645; and Act 48 of 1885.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIII - Chapter XIII Proceedings for the Discovery of Crime (773.1...773.23)Section 773.11 - Expenses and Fees of Inquest; Payment.

Sec. 11. The expenses and fees of the inquest shall be paid from the general fund of the county in which the inquisition was taken. When an inquest is held for a person who died in a prison or public reformatory of this state, the expense of the inquest shall be audited and paid by the institution, in the same manner as other charges against the institution are audited and paid. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17413 ;-- CL 1948, 773.11 ;-- Am. 1965, Act 315, Eff. Mar. 31, 1966 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 11 of Ch. 167 of R.S. 1846, being CL 1857, § 6099; CL 1871, § 7980; How., § 9593; CL 1897, § 11828; and CL 1915, § 15655.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIII - Chapter XIII Proceedings for the Discovery of Crime (773.1...773.23)Section 773.15 - Complaint Concerning Deceased Person Buried in Judicial District; Request of Prosecuting Attorney or Medical Examiner; Examination of Complainant Who Knows or Has Good Reason to Believe Deceased Person Came to Death by Means of Poison or Violence or in Consequence of Criminal Act; Postmortem Examination; Disinterment.

Sec. 15. (1) Upon presentation to a magistrate of a written request of the prosecuting attorney or the medical examiner and a written complaint under oath stating that a deceased person is buried in the magistrate's judicial district, specifying in what township or city the person is buried, and stating that the complainant knows or has good reason to believe that the deceased person came to his or her death by means of poison or violence, or in consequence of a criminal act, the magistrate shall examine, under oath, the complainant and any witnesses which the complainant produces. The testimony of the complainant and any witnesses shall be recorded by a stenographer or district court recorder. (2) If the magistrate is satisfied from the examination that there is just cause to believe that the deceased person named or described in the complaint came to his or her death by means of poison or violence, or in consequence of a criminal act, and that a postmortem examination of the body of the deceased person is necessary or will materially aid in the prosecution of a person charged or who may be charged with a criminal act resulting in the death of the deceased person, the magistrate shall issue an order to the sheriff of the county, commanding the sheriff, in the name of the people of the state, to proceed to the place where the body is buried, and to disinter and remove the body to the county morgue or some suitable and convenient place in the county for the purpose of holding a postmortem examination. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17417 ;-- CL 1948, 773.15 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 1 of Act 57 of 1873, being How., § 9598; CL 1897, § 11833; and CL 1915, § 15660.

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Sec. 16. As soon as the inquest shall have been completed, as provided for in the preceding section, the sheriff shall at once cause the body of the deceased person to be reinterred in the same place from whence he removed the same. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17418 ;-- CL 1948, 773.16Former Law:See section 2 of Act 57 of 1873, being How., § 9599; CL 1897, § 11834; and CL 1915, § 15661.

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Sec. 18. It shall be the duty of said county clerk to deposit the same with the county treasurer, who shall safely keep said money or property for the period of 2 years from the time of receiving the same, unless the same shall be called for by the heirs or proper representatives of the deceased person, in which case the said money or valuable property shall be delivered to them, but if at the expiration of said 2 years no demand for the same shall have been made, said county treasurer shall sell the same in such manner and after such notice as is required by law for constable sales, and shall within 10 days thereafter pay into the state treasury all the proceeds to be credited to the general fund of the state. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17420 ;-- CL 1948, 773.18Former Law:See section 2 of Act 84 of 1883, being How., § 9599b; CL 1897, § 11836; and CL 1915, § 15663.

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Procedure (760.1 - 777.69)175-1927-XIII - Chapter XIII Proceedings for the Discovery of Crime (773.1...773.23)Section 773.2 - Inquest; Jury; Selection.

Sec. 2. Upon determining that an inquest shall be held, a jury of 6 persons shall be selected. The jury shall be selected in the same manner as a jury is selected for the trial of a minor offense in the same court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17404 ;-- CL 1948, 773.2 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 2 of Ch. 167 of R.S. 1846, being CL 1857, § 6090; CL 1871, § 7971; How., § 9584; CL 1897, § 11819; CL 1915, § 15646; and Act 48 of 1885.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIII - Chapter XIII Proceedings for the Discovery of Crime (773.1...773.23)Section 773.22 - Violation of Chapter; Misdemeanor, Penalty.

Sec. 22. Any persons who shall fail to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not to exceed 100 dollars or to be imprisoned in the county jail for a period not to exceed 90 days or both. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17424 ;-- CL 1948, 773.22Former Law:See section 3 of Act 84 of 1883, being How., § 9599c; CL 1897, § 11837; CL 1915, § 15664; and section 6 of Act 248 of 1921.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIII - Chapter XIII Proceedings for the Discovery of Crime (773.1...773.23)Section 773.23 - Effect on Prior Acts.

Sec. 23. Nothing herein contained shall be construed to repeal any of the provisions of Act 345 of the Public Acts of 1919, or any acts amendatory or supplementary thereto. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17425 ;-- CL 1948, 773.23Compiler's Notes:For provisions of act 345 of 1919, referred to in this section, see MCL 52.111 et seq.

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Sec. 3. (1) When the jurors summoned have appeared, the magistrate shall administer an oath or affirmation in substance as follows: "You do solemnly swear or affirm that you will diligently inquire in behalf of the people of this state, when, in what manner, and by what means, the deceased came to his or her death and that you will make a true inquest according to your knowledge and the evidence as brought before you". (2) The jurors need not view the body of the deceased. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17405 ;-- CL 1948, 773.3 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 3 of Ch. 167 of R.S. 1846, being CL 1857, § 6091; CL 1871, § 7972; How., § 9585; CL 1897, § 11820; CL 1915, § 15647; and Act 48 of 1885.

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Sec. 4. The magistrate may issue subpoenas for witnesses returnable immediately or at the time and place prescribed in the subpoena. The attendance of the person served with the subpoena may be enforced in the same manner and shall be subject to the same penalty as if the person had been served with a subpoena in behalf of the people of this state, to attend a trial before that magistrate. A magistrate holding an inquest may require by subpoena the attendance of a competent physician or surgeon for the purpose of making a postmortem examination and of testifying as to the result of the examination. The magistrate may also employ a chemist if there is reasonable ground of suspicion that death has been produced by poison. The amount of compensation for the attendance and services of a physician, surgeon, or chemist shall be audited and allowed by the county board of commissioners of the proper county, or by the board of county auditors in counties having a board of county auditors. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17406 ;-- CL 1948, 773.4 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 4 of Ch. 167 of R.S. 1846, being CL 1857, § 6092; CL 1871, § 7973; How., § 9586; CL 1897, § 11821; and CL 1915, § 15648.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIII - Chapter XIII Proceedings for the Discovery of Crime (773.1...773.23)Section 773.5 - Inquest; Oath or Affirmation to Be Administered Witnesses.

Sec. 5. An oath or affirmation to the following effect shall be administered to each witness by the magistrate: "You do solemnly swear, or affirm, that the evidence you shall give at this inquest, concerning the death of the deceased, shall be the truth, the whole truth, and nothing but the truth". History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17407 ;-- CL 1948, 773.5 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 5 of Ch. 167 of R.S. 1846, being CL 1857, § 6093; CL 1871, § 7974; How., § 9587; CL 1897, § 11822; and CL 1915, § 15649.

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- Inquest; Recording Testimony of Witnesses; Transcript.

Sec. 6. If there is a suspicion of murder, manslaughter, or assault, the testimony of all witnesses examined before the inquest shall be recorded by a stenographer or district court recorder. A written transcript of the testimony need not be prepared unless requested by the prosecuting attorney, medical examiner, the magistrate, or a judge of the court in the judicial district in which the offense could be tried. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17408 ;-- CL 1948, 773.6 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 6 of Ch. 167 of R.S. 1846, being CL 1857, § 6094; CL 1871, § 7975; How., § 9588; CL 1897, § 11823; and CL 1915, § 15650.

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Sec. 7. After hearing the testimony of the witnesses and making all necessary inquiries, the jury shall deliver to the magistrate their inquisition in which the jury shall find and certify when, in what manner, and by what means the deceased came to his or her death, the name of the deceased, if known, and the material circumstances attending the death. If it appears that the deceased came to his or her death by unlawful means, the jury shall state who, if known, is believed to be guilty, either as principal or accessory, or is believed to have been, in any manner, the cause of the death. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17409 ;-- CL 1948, 773.7 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 7 of Ch. 167 of R.S. 1846, being CL 1857, § 6095; CL 1871, § 7976; How., § 9589; CL 1897, § 11824; and CL 1915, § 15651.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIII - Chapter XIII Proceedings for the Discovery of Crime (773.1...773.23)Section 773.8 - Inquisition of Jury; Form.

Sec. 8. The inquisition issued by the jury may be in the following form: County of ..... , ss. An inquisition taken at ..... , in this county, on the ..... day of ..... , before ....., a magistrate, by the oaths of the jurors whose names are subscribed, who being sworn to inquire on behalf of the people of this state, when, in what manner, and by what means ..... (or, the unknown deceased person) came to his or her death, upon their oaths, say (insert when, where, in what manner, and by what means, persons, weapons, or instruments the deceased was killed or came to his or her death.) In testimony of which the magistrate and the jurors of this inquest have signed their names. .... (Day and year) History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17410 ;-- CL 1948, 773.8 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 8 of Ch. 167 of R.S. 1846, being CL 1857, § 6096; CL 1871, § 7977; How., § 9590; CL 1897, § 11825; and CL 1915, § 15652.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIII - Chapter XIII Proceedings for the Discovery of Crime (773.1...773.23)Section 773.9 - Returning Inquisition, Physical Evidence, and Transcript to Circuit Court or Recorder's Court if Jury Finds Murder, Manslaughter, or Assault Committed.

Sec. 9. If the jury finds that a murder, manslaughter, or assault was committed upon the deceased, the magistrate immediately shall return to the circuit court in the county or to the recorder's court of the city of Detroit if the offense was committed within the jurisdiction of that court, the inquisition, any physical evidence, and the transcript, if requested under section 6 of this chapter, of the testimony given and proceedings held before the magistrate. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17411 ;-- CL 1948, 773.9 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 9 of Ch. 167 of R.S. 1846, being CL 1857, § 6097; CL 1871, § 7978; How., § 9591; CL 1897, § 11826; and CL 1915, § 15653.

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Sec. 10. If a person is summoned to appear before a municipal court pursuant to this chapter as a juror or witness and fails to appear, or if the person appears but refuses to be sworn or to testify, the person shall be liable to the same penalties and may be proceeded against in the same manner as provided by law with respect to jurors and witnesses in civil proceedings in the district court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17435 ;-- CL 1948, 774.10 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 25 of Ch. 94 of R.S. 1846, being CL 1857, § 3948; CL 1871, § 5549; How., § 7117; CL 1897, § 1043; and CL 1915, § 15793.

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Sec. 12. After joining the issues, and before the municipal court proceeds to try the case, if the accused has not waived his or her right to a trial by jury, the court shall summon a jury of 6 persons as follows: (a) If a statute specifies the method of summoning

jurors for the municipal court, the court shall comply with the statute. (b) If another statute does not specify a method of summoning jurors, the court shall comply with sections 13 to 21 of this chapter and shall direct the chief of police or a police officer of the city to make a list in writing of the names of 18 inhabitants of the city, qualified to serve as jurors in the circuit court. From this list the prosecuting attorney and the accused may each strike out 6 names. A police officer shall not make the list if the police officer is the complainant in the case or is in any way interested in the case. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17437 ;-- CL 1948, 774.12 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 8 of Ch. 94 of R.S. 1846, being CL 1857, § 3931; CL 1871, § 5532; How., § 7099; CL 1897, § 1026; CL 1915, § 15776; and Act 155 of 1885.

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Sec. 13. If the prosecuting attorney or the accused neglects to strike out 6 names pursuant to section 12(b) of this chapter, the municipal court shall direct a suitable disinterested person to strike out the names for either or both of the parties. After the names have been stricken, the municipal judge shall issue a venire, directed to a police officer of the city, requiring the officer to summon the 6 persons whose names remain upon the list to appear before the municipal court, at the time and place named in the venire, to make a jury for the trial of the offense. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17438 ;-- CL 1948, 774.13 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 9 of Ch. 94 of R.S. 1846, being CL 1857, § 3932; CL 1871, § 5533; How., § 7100; CL 1897, § 1027; CL 1915, § 15777; and Act 76 of 1861.

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Sec. 14. The police officer to whom the venire is delivered shall summon the jurors personally, and shall make a list of the persons summoned. The police officer shall certify the list, annex it to the venire, and return the list with the venire to the municipal court within the time specified in the venire. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17439 ;-- CL 1948, 774.14 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 10 of Ch. 94 of R.S. 1846, being CL 1857, § 3933; CL 1871, § 5534; How., § 7101; CL 1897, § 1028; and CL 1915, § 15778.

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Sec. 15. If any of the jurors named in the venire fail to appear in court, or if there is a legal objection to a juror who appears, the municipal court shall supply the deficiency by directing any police officer of the city who is present and disinterested, to summon as a juror any of the bystanders or others who may be competent as jurors and against whom a cause of challenge does not appear. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17440 ;-- CL 1948, 774.15 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 11 of Ch. 94 of R.S. 1846, being CL 1857, § 3934; CL 1871, § 5535; How., § 7102; CL 1897, § 1029; and CL 1915, § 15779.

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Sec. 16. It is a cause for challenge of a juror in a municipal court, in addition to the other causes of challenge allowed by law, that the person has served as a juror in a municipal court 2 times within the 1-year period immediately preceding the challenge. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17441 ;-- CL 1948, 774.16 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 4 of Act 129 of 1867, being CL 1871, § 6046; How., § 7584a; CL 1897, § 349; CL 1915, § 14593; Act 62 of 1869; and Act 316 of 1907.

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Sec. 17. In a misdemeanor or ordinance violation case in the municipal court, the prosecuting attorney may challenge 5 jurors peremptorily and the defendant may challenge 5 jurors peremptorily. In addition, the prosecuting attorney and the defendant may challenge 5 talesmen peremptorily. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17442 ;-- CL 1948, 774.17 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 58 of Ch. 103 of R.S. 1846, being CL 1857, § 4400; CL 1871, § 6027; How., § 7607; CL 1897, § 10238; CL 1915, § 14594; Sec. 4 of Ch. 165 of R.S. 1846, being CL 1857, § 6071; CL 1871, § 7950; How., § 9562; CL 1897, § 11945; CL 1915, § 15818; and Act 104 of 1885, being How., § 6937a; CL 1897, § 820; CL 1915, § 14595.

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Sec. 18. If the police officer to whom the venire is delivered fails to return the venire as required, or if the jury fails to agree and is discharged by the municipal court, a new jury shall be selected and summoned in the same manner and the proceedings shall be continued as prescribed in sections 12 to 17 of this chapter, unless the accused consents to be tried by the court. If the accused consents to a trial by the court, the municipal court shall proceed to the trial of the issue as if a jury had not been demanded. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17443 ;-- CL 1948, 774.18 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 12 of Ch. 94 of R.S. 1846, being CL 1857, § 3935; CL 1871, § 5536; How., § 7103; CL 1897, § 1030; and CL 1915, § 15780.

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Sec. 19. The municipal judge shall administer substantially the following oath or affirmation to the jurors in a misdemeanor or ordinance violation case tried in a municipal court: "You do solemnly swear, (or, "You do solemnly and sincerely declare and affirm,") that you will well and truly try this case between the people of the state of Michigan and ..... , the accused, and give a true verdict according to law and the evidence given you in court, unless discharged by the court, so help you God.". History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17444 ;-- CL 1948, 774.19 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 13 of Ch. 94 of R.S. 1846, being CL 1857, § 3936; CL 1871, § 5537; How., § 7104; CL 1897, § 1031; and CL 1915, § 15781.

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Sec. 1a. At the arraignment of an accused charged with a misdemeanor or an ordinance violation, the magistrate shall read to the accused the charge as stated in the warrant or complaint. The accused shall plead to the charge, and the plea shall be entered in the court's minutes. If the accused refuses to plead, the magistrate shall order that a plea of not guilty be entered on behalf of the accused. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 1b. If the accused pleads not guilty or refuses to plead to the charge, the magistrate shall set a date for trial. The accused is entitled to trial by jury unless he or she expressly elects to be tried by the court without a jury, as provided in section 3 of chapter 3. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 1c. If the accused enters a plea of guilty or nolo contendere, the magistrate shall render judgment on that plea. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 1d. If the accused is acquitted in a misdemeanor or ordinance violation case, he or she shall be discharged immediately. If the court, before whom the trial is held, finds and certifies in its minutes that the complaint was wilful, malicious, and without probable cause, the complainant shall pay all of the costs that accrued to the court, including the witness and jury fees, in the proceedings held upon the complaint. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 1e. If the complainant refuses or neglects to pay the costs accrued under section 1d of this chapter, the court immediately may

enter judgment against the complainant for the amount of those costs and issue execution on that judgment, in the same manner and with the same effect as in case of an execution issued by the circuit court on a judgment in a civil action. Money collected under this section shall be paid to the trial court and shall be applied to the payment of the costs for which the judgment was rendered. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 2. (1) Each judge of a municipal court shall keep a loose-leaf docket made up of printed docket sheets numbered consecutively by the printer, in which the judge shall enter all completed criminal cases. The docket shall contain the following information: (a) Name and address of the defendant. (b) Operator or chauffeur license and vehicle registration or vessel number, if available, for motor vehicle or vessel violations. (c) Date and place of offense, and offense. (d) Date of complaint and name of complainant. (e) Date and warrant returned and by whom, or if a voluntary appearance, the date of the voluntary appearance. (f) Plea of defendant. (g) If trial, the date of the trial and whether the trial was by court or a jury, and the verdict of the court or a jury. (h) Sentence of the court and the date of the sentence. (i) Date of all adjournments and the date adjourned to. (j) Name of the prosecuting attorney or assistant prosecuting attorney, and name of the attorney who appeared for the defendant in the case, if any. (k) Names of witnesses sworn for the people and for the defendant. (l) If a trial by jury, the names of the jurors. (m) Date of appeal and date return was made in circuit court, if any. (2) Dockets shall be in a form that allows exact carbon copies to be made. A true copy of the docket shall be filed on or before the last day of the month following the month in which the case was completed, with each of the following: (a) The prosecuting attorney of the county. (b) The board of auditors, or the county board of commissioners if a board of auditors does not exist. (c) The secretary of state and the county clerk for all motor vehicle or traffic cases involving moving violations, and the director of the department of natural resources for all violations involving a vessel. The county clerk, secretary of state, and the director of the department of natural resources shall receive copies of dockets only if the defendant was convicted. The copy filed with the county clerk shall be a certificate of conviction, and the copy filed with the secretary of state or the director of the department of natural resources shall be an abstract of the court and record of conviction. The copy for the secretary of state or the director of the department of natural resources need contain only the information required by the secretary of state or the director of the department of natural resources. The form shall be approved by the secretary of state, except that for a violation involving a vessel, the form shall be approved by the director of the department of natural resources. (3) The copies of the docket shall be filed in all cases regardless of the disposition of the case. If examination is held by the municipal judge instead of a trial, the docket shall also contain information pertaining to whether or not probable cause was found by the municipal judge and the date the return on examination was filed in circuit court. The municipal judge may enter any other information in the docket that the municipal judge considers necessary. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17427 ;-- CL 1948, 774.2 ;-- Am. 1957, Act 274, Eff. Sept. 27, 1957 ;-- Am. 1965, Act 324, Eff. Mar. 31, 1966 ;-- Am. 1967, Act 287, Imd. Eff. Aug. 1, 1967 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 1 of Act 212 of 1879, being How., § 7134; CL 1897, § 1059; and CL 1915, § 15809.

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Sec. 20. After the jury is sworn, the jurors shall sit together and hear the proofs and allegations in the case, which shall be delivered in public and in the presence of the accused. After hearing the proofs and allegations, the jury shall be kept together in some convenient place, until they agree on a verdict or are discharged by the municipal court. An officer of the court shall be sworn to take charge of the jury, in the same manner as in a trial in a municipal court in a civil proceeding. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17445 ;-- CL 1948, 774.20 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 14 of Ch. 94 of R.S. 1846, being CL 1857, § 3937; CL 1871, § 5538; How., § 7105; CL 1897, § 1032; and CL 1915, § 15782.

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Sec. 21. When the jurors have agreed on their verdict they shall deliver the verdict publicly to the municipal court, which shall enter the verdict in the minutes of its proceedings. The jurors shall each be entitled to the same fees as provided by law for jurors sworn in civil cases in a municipal court. In a misdemeanor case, a certificate of service and fees from the municipal judge in whose court the jurors served, countersigned by the prosecuting attorney of the county, and given to each juror, shall authorize the county clerk of the county to draw an order upon the county treasurer for the payment of the fees of each juror. The fees shall be paid in the same manner as jurors' fees are paid in the circuit court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17446 ;-- CL 1948, 774.21 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 15 of Ch. 94 of R.S. 1846, being CL 1857, § 3938; CL 1871, § 5539; How., § 7106; CL 1897, § 1033; CL 1915, § 15783; Act 169 of 1877; and Act 183 of 1887.

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Sec. 22. If the accused is tried and found guilty in a municipal court, either by the court or by a jury, or is convicted upon a plea of guilty, the court shall render judgment and sentence the accused, either by a fine, imprisonment, or both, as the case may require. The court also may order the accused to pay the costs of prosecution and other reasonable costs and expenses, direct and indirect, as the public has been put to in connection with the offense, not to exceed $15.00 in a criminal case. The punishment provided for by the sentence shall not exceed the limit fixed by law for the offense charged. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17447 ;-- Am. 1941, Act 335, Eff. Jan. 10, 1942 ;-- CL 1948, 774.22 ;-- Am. 1958, Act 143, Eff. Sept. 13, 1958 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 16 of Ch. 94 of R.S. 1846, being CL 1857, § 3939; CL 1871, § 5540; How., § 7107; CL 1897, § 1034; CL 1915, § 15784; Act 76 of 1861; and Act 6 of 1881.

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Sec. 22c. The provisions of sections 1-c and 1-d of chapter 9, relative to psychiatrists and expenses of confinement shall be applicable to proceedings taken under this chapter. History:Add. 1937, Act 196, Imd. Eff. July 14, 1937 ;-- CL 1948, 774.22cCompiler's Notes:For provisions of sections 1c and 1d of chapter 9, referred to in this section, see MCL 769.1c and 769.1d.

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Sec. 26. All fines and costs imposed by a municipal court, for a violation of state law shall be received by the court and paid over to the county treasurer on or before the last day of the month following receipt of the fine or costs. The county treasurer shall reimburse the municipal court for the court's lawful fees within 15 days after auditing pursuant to law, and the fines shall be distributed as prescribed by law. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17451 ;-- Am. 1937, Act 168, Eff. Oct. 29, 1937 ;-- CL 1948, 774.26 ;-- Am. 1954, Act 79, Eff. Aug. 13, 1954 ;-- Am. 1957, Act 266, Eff. Sept. 27, 1957 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 21 of Ch. 94 of R.S. 1846, being CL 1857, § 3944; CL 1871, § 5545; How., § 7112; CL 1897, § 1039; and CL 1915, § 15789.

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Sec. 26a. (1) The county treasurer shall provide a municipal court within the county with blank forms which have been approved by the state treasurer. The forms shall provide space for recording the following information with respect to all sums of money which the municipal court receives in a criminal case on account of any forfeiture of bail, bond, recognizance, fine, penalty, or taxation of costs: (a) Receipt number. (b) Docket number. (c) Nature of offense. (d) Amount of the fine. (e) Amount of statutory court fees. (f) Officers' fees. (g) Other receipts, including a forfeitured bond. (h) Total receipts. (i) Disposition of the case. (j) Name of defendant. (k) The name of the municipal judge. (l) The name of the city. (2) Each municipal judge shall complete the forms and shall furnish 1 copy to the county treasurer, and 1 copy either to the county clerk or to the controller or board of auditors, in counties having a controller or board of auditors, and shall retain 1 completed form for the municipal court files. History:Add. 1957, Act 266, Eff. Sept. 27, 1957 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 2002, Act 88, Imd. Eff. Mar. 26, 2002

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Sec. 26b. (1) The county treasurer shall provide to each municipal court blank serially numbered receipt forms in triplicate, to be used if the court receives any money on account of a cash bail, bond, fine, penalty, or taxation of costs. The receipt forms shall provide space for recording the following information: (a) The name of the defendant and payor. (b) The name of the municipal judge. (c) The docket number. (d) The date. (e) The amount of a fine received. (f) The amount of costs received. (g) Amount and nature of any other sum received. (h) The total amount received. (2) One copy of the receipt form shall be for the payor, 1 for the court, and 1 for the county treasurer. History:Add. 1957, Act 266, Eff. Sept. 27, 1957 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 26c. (1) Each municipal court shall maintain a separate account in a financial institution for money received in criminal cases.

All money received in criminal cases shall be deposited in the account daily if the receipts exceed $500.00, or whenever the receipts exceed $500.00. (2) Withdrawals from the account shall be made only by check and only for the purposes of making a deposit with the county treasurer, making refunds or transfers of cash bail bonds, making payments for restitution, or making refunds to defendants in case of an error. (3) Assets acceptable for pledging to secure deposits of municipal court funds are limited to any of the following: (a) Assets considered acceptable to the state treasurer under section 3 of 1855 PA 105, MCL 21.143, to secure deposits of state surplus funds. (b) Any of the following: (i) Securities issued by the federal home loan mortgage corporation. (ii) Securities issued by the federal national mortgage association. (iii) Securities issued by the government national mortgage association. (c) Other securities considered acceptable to the municipal court and the financial institution. (4) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in this state under the laws of this state or the United States. History:Add. 1957, Act 266, Eff. Sept. 27, 1957 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1997, Act 39, Imd. Eff. June 30, 1997

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Sec. 26d. A person who fails to comply with sections 26, 26a, 26b, or 26c of this chapter is guilty of a misdemeanor. History:Add. 1957, Act 266, Eff. Sept. 27, 1957 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 28. (1) If a person who has received a fine or costs or any part of a fine or costs, neglects to pay the money pursuant to section 22 or 26 of this chapter, the county treasurer immediately shall commence an action for the unpaid amount, in the name of the people of this state, and shall prosecute the case diligently to effect. (2) A person who neglects to pay over a fine to the county treasurer within 60 days after receiving the fine, is guilty of a misdemeanor and shall be punished by a fine of not less than $50.00 nor more than $100.00, or imprisonment for not less than 30 nor more than 90 days, or both. (3) Each municipal judge shall keep an exact record of all proceedings held before the judge. If the municipal judge does not maintain the record required by this subsection, the judge shall be liable for the penalties prescribed in subsection (2). History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17453 ;-- CL 1948, 774.28 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 23 of Ch. 94 of R.S. 1846, being CL 1857, § 3946; CL 1871, § 5547; How., § 7114; CL 1897, § 1041; CL 1915, § 15791; and Act 76 of 1869.

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Sec. 2a. (1) A suitable cover or binder shall be used to preserve the docket sheets. There shall not be more than 1,000 loose-leaf docket sheets for each cover or binder. (2) An alphabetical index containing the names of all defendants and the number of each case as it appears in the docket shall be maintained by each municipal judge. (3) All forms and dockets necessary for the operation of a municipal court shall be furnished by the county without charge to the court. History:Add. 1957, Act 274, Eff. Sept. 27, 1957 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 2b. Each municipal court shall have a file for each criminal case. The file shall be in a suitable envelope, jacket, or folder, and shall contain the complaint, the warrant if returned, and any other papers filed in the case. History:Add. 1957, Act 274, Eff. Sept. 27, 1957 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 3. The dockets, files, and indexes shall be public records and shall be subject to inspection and examination during court hours. If a municipal court does not maintain regular hours, or if the court hours are less than 4 hours during the day, the dockets, files, and indexes shall be available for inspection and examination for at least 4 hours each day, Monday through Friday, except legal holidays. Completed dockets shall be delivered to the county clerk along with the indexes when the municipal judge considers it

advisable, but not before 1 year and not later than 4 years after the date of the last case in the docket. Files may be destroyed by the municipal judge, when the judge considers it advisable, at any time after 6 years from the date the case was completed. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17428 ;-- CL 1948, 774.3 ;-- Am. 1957, Act 274, Eff. Sept. 27, 1957 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 2 of Act 212 of 1879, being How., § 7135; CL 1897, § 1060; and CL 1915, § 15810.

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Sec. 34. (1) A defendant who is convicted of a misdemeanor or ordinance violation in a municipal court in a city that does not adopt a resolution of approval under section 23a of the Michigan municipal court act, 1956 PA 5, MCL 730.523, may appeal to the circuit court for a trial de novo even if the sentence has been suspended or the fine or costs, or both, have been paid. (2) To appeal by right, the defendant shall file a claim of appeal with the circuit court clerk within 20 days after the entry of judgment. A copy of the claim of appeal shall be filed with the municipal court. All applicable fees required by sections 2529 and 6536 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2529 and 600.6536, shall be paid when filing the claim of appeal. The defendant shall also enter into a recognizance to the people of the state in a sum not less than $50.00 nor more than $500.00 within 20 days after the entry of the judgment, conditioned upon the defendant prosecuting the appeal to effect and abiding by the orders and judgment of the court. If the defendant enters into a recognizance, the municipal judge from whose judgment the appeal is taken shall discharge the defendant or order the defendant's discharge, shall make a special return of the proceedings held before the judge, and shall file the complaint, warrant, and the return together with the recognizance with the circuit court. (3) The practice and procedure for appeals from a municipal court shall be as provided by supreme court rule. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17459 ;-- CL 1948, 774.34 ;-- Am. 1958, Act 32, Eff. Sept. 13, 1958 ;-- Am. 1959, Act 212, Eff. Mar. 19, 1960 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1998, Act 407, Eff. Jan. 1, 1999Former Law:See section 18 of Ch. 94 of R.S. 1846, being CL 1857, § 3941; CL 1871, § 5542; How., § 7109; CL 1897, § 1036; CL 1915, § 15786; Act 6 of 1848; Act 258 of 1849; Act 154 of 1855; Act 76 of 1861; and Act 23 of 1909.

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Sec. 3a. A municipal court docket maintained and filed pursuant to section 2 of this chapter, or a true copy of the docket, shall be admissible as evidence of the facts contained in the docket. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 42. The circuit court for the county in which the defendant filed an appeal from a municipal court judgment pursuant to section 34 of this chapter, may continue the recognizance entered under section 34 of this chapter or require a new recognizance with further or other security until a decision is rendered in the case. If a defendant defaults on the recognizance, the court may commit the defendant to jail. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17467 ;-- CL 1948, 774.42 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 8 of Act 258 of 1849, being CL 1857, § 3959; CL 1871, § 5560; How., § 7128; CL 1897, § 1054; and CL 1915, § 15804.

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Sec. 43. If the defendant who appeals a conviction in municipal court in a city that does not adopt a resolution of approval under section 23a of the Michigan municipal court act, 1956 PA 5, MCL 730.523, is found not guilty on appeal in circuit court, the circuit court shall discharge the defendant. If the defendant is convicted on appeal to circuit court, the circuit court has the authority to enter judgment, sentence, and impose costs as provided in section 22 of this chapter. If the defendant was released on recognizance as provided in section 34 or 42 of this chapter and is sentenced to jail by the circuit court, the defendant shall be remanded back to the county jail for the length of time determined by the circuit court, less any time served under the sentence imposed by the municipal court and less any time spent in jail awaiting trial. The defendant shall also be given credit for any fine paid under the sentence of the municipal court against any fine imposed by the circuit court on appeal. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17468 ;-- CL 1948, 774.43 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1998, Act 407, Eff. Jan. 1, 1999Former Law:See section 9 of Act 258 of 1849, being CL 1857, § 3960; CL 1871, § 5561; How., § 7129; CL 1897, § 1055; and CL 1915, § 15805.

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(774.1...774.49)Section 774.44 - Withdrawal or Dismissal of Appeal; Order Revoking Recognizance and Directing Sentence Be Carried Out.

Sec. 44. If a defendant takes an appeal from a municipal court in a city that does not adopt a resolution of approval under section 23a of the Michigan municipal court act, 1956 PA 5, MCL 730.523, and withdraws the appeal, or if the circuit court dismisses the appeal leaving the municipal court conviction in effect, the circuit court may enter an order revoking a recognizance and may also direct that the sentence of the municipal court be carried out. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17469 ;-- CL 1948, 774.44 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1998, Act 407, Eff. Jan. 1, 1999Former Law:See section 10 of Act 258 of 1849, being CL 1857, § 3961; CL 1871, § 5562; How., § 7130; CL 1897, § 1056; and CL 1915, § 15806.

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Sec. 46. (1) Municipal judges may issue the writs and process considered necessary in criminal and ordinance violation cases to carry into effect the judge's orders and sentences. (2) This section shall not be construed to eliminate the requirements of section 1 of chapter 4 regarding the approval of the prosecuting attorney prior to the issuance of a warrant in a criminal case. History:Add. 1941, Act 199, Eff. Jan. 10, 1942 ;-- CL 1948, 774.46 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 47. In a municipal court having more than 1 judge, whenever a warrant is issued for the arrest of a person charged with an offense against the laws of this state, or for the violation of a city ordinance, any judge of that municipal court may arraign, set bail, adjourn, try, take testimony in, conduct a preliminary examination, dismiss, hold for trial in circuit court, and do any other act in connection with the trial and disposition of the case brought before the municipal court. History:Add. 1941, Act 264, Eff. Jan. 10, 1942 ;-- CL 1948, 774.47 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 48. (1) Each municipal judge shall deliver to his or her successor in office all files, indexes, and dockets. Upon the death of a municipal judge, or if for any other reason the office becomes vacant, and also at the end of each term, the board of auditors of the county or the county board of commissioners shall cause the records of the municipal court judge to be audited immediately. The audit shall be completed within 30 days from the date of the vacancy or end of the term. If a municipal court judge has been reelected to office, the audit shall be completed within 6 months from the date of the expiration of the judge's previous term. (2) The audit report shall set forth the amount due the municipal court and the amount due the county for fines and costs collected by the court. The board of auditors or county board of commissioners shall issue to the municipal judge or the executor or administrator of the judge's estate, a certificate stating that all amounts required to be paid to the county during the judge's term of office have been paid, if the audit determines that all amounts required to be paid have in fact been paid. This certificate shall not be effective if it is later determined that there was fraud, embezzlement, or other criminal concealment or acts involved in the funds collected by the municipal judge. History:Add. 1957, Act 274, Eff. Sept. 27, 1957 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981

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Sec. 49. (1) In all matters of substance, authority, and jurisdiction with regard to a felony, misdemeanor, or ordinance violation case, a municipal court shall be governed by the statutes applicable to the district court, except to the extent that those provisions conflict with a statute which is specifically applicable to the particular municipal court or to municipal courts in general. (2) In all matters of practice and procedure in the exercise of jurisdiction in a felony, misdemeanor, or ordinance violation case, a municipal court shall be governed by the statutes and supreme court rules applicable to the district court, except to the extent that those provisions conflict with a statute or supreme court rule specifically applicable to the particular municipal court or to municipal courts in general. History:Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XIV - Chapter XIV Jurisdiction and Procedure of Justices' Courts in Criminal Cases (774.1...774.49)Section 774.9 - Authority of Municipal Court Judge to Issue Subpoena and Administer Oaths in

Misdemeanor and Ordinance Violation Cases.

Sec. 9. A judge of a municipal court has the same authority to issue a subpoena to compel the attendance of a witness and to administer oaths in misdemeanor or ordinance violation cases as a district court judge has in misdemeanor or ordinance violation cases which are tried in the district court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17434 ;-- CL 1948, 774.9 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 24 of Ch. 94 of R.S. 1846, being CL 1857, § 3947; CL 1871, § 5548; How., § 7116; CL 1897, § 1042; and CL 1915, § 15792.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XV - Chapter XV Fees (775.1...775.22)Section 775.1 - Fees; Allowances.

Sec. 1. For the following services hereafter performed, in the cases authorized by law, the officers hereinafter named shall be allowed, respectively, the fees in this chapter directed. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17471 ;-- CL 1948, 775.1Former Law:See section 1 of Ch. 169 of R.S. 1846, being CL 1857, § 5678; CL 1871, § 7477; How., § 9052; CL 1897, § 12003; and CL 1915, § 15896.

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Sec. 10. The provisions of law prohibiting the taking of any fees for services in civil cases, other than such as are allowed by law, shall apply to the taking of fees in criminal cases beyond the amount allowed by law for such services. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17480 ;-- CL 1948, 775.10Former Law:See section 10 of Ch. 169 of R.S. 1846, being CL 1857, § 5687; CL 1871, § 7486; How., § 9061; CL 1897, § 12012; and CL 1915, § 15905.

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Sec. 11. In all criminal prosecutions where an indictment shall be found and judgment for costs against the defendant shall be rendered, there shall be taxed for the use of the county the following fees for the services of the prosecuting attorney, to-wit: For drawing an indictment, 2 dollars; for trying the cause, 4 dollars; for arguing each motion in arrest of judgment, or for a new trial, 2 dollars; for services where exceptions are taken by defendant, 2 dollars; for every discharge of the prosecution on the acknowledgment of satisfaction in such cases as are authorized by law, 2 dollars. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17481 ;-- CL 1948, 775.11Former Law:See section 11 of Ch. 169 of R.S. 1846, being CL 1857, § 5688; CL 1871, § 7487; How., § 9062; CL 1897, § 12013; and CL 1915, § 15906.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XV - Chapter XV Fees (775.1...775.22)Section 775.13 - Witness for Prosecution; Fees; Law Enforcement Officer.

Sec. 13. (1) If a person attends court as a witness in behalf of the prosecution, upon the request of the prosecuting attorney, upon a subpoena, or because of a recognizance for that purpose, the witness shall be entitled to the following fees: (a) For attending in a court of record, $12.00 for each day and $6.00 for each half day. (b) For attending in a municipal court or upon an examination, $10.00 for each day and $5.00 for each half day. (c) For traveling, 10 cents per mile in going to and returning from the place of attendance, estimated from the residence of the witness if within the state and if without the state, from the boundary line of this state which the witness passed in traveling to attend court. (2) A law enforcement officer shall not receive a fee as a witness in behalf of the people of this state if the law enforcement officer is on duty at the time he or she attends court nor shall the officer receive compensation in going to the place of attendance unless traveling to the court at the officer's own expense. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17483 ;-- CL 1948, 775.13 ;-- Am. 1952, Act 108, Eff. Sept. 18, 1952 ;-- Am. 1955, Act 67, Imd. Eff. May 24, 1955 ;-- Am. 1963, Act 132, Eff. Sept. 6, 1963 ;-- Am. 1966, Act 17, Eff. Jan. 1, 1967 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 2 of Act 77 of 1849, being CL 1857, § 5690; CL 1871, § 7489; How., § 9064; CL 1897, § 12015; CL 1915, § 15908; Act 192 of 1875; and Act 253 of 1923.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XV - Chapter XV Fees (775.1...775.22)Section 775.13a - Expert Witness; Compensation.

Sec. 13a. If a person attends a court as a witness in a felony, misdemeanor, or ordinance violation case upon the request of the prosecuting attorney or defendant by virtue of a recognizance or subpoena for that purpose, whether at the trial of the case or other proceeding in the case, to testify as an expert witness, the person may be paid as compensation for the service a sum in excess of the ordinary witness fees provided by law. The sum to be awarded shall be determined by the judge before whom the witness appears. History:Add. 1966, Act 148, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XV - Chapter XV Fees (775.1...775.22)Section 775.14 - Witness for Prosecution; Proving Attendance and Travel; Order.

Sec. 14. A witness entitled to a fee under section 13 of this chapter shall prove his or her attendance and travel in open court before the clerk of the court. An order from the clerk of the court shall authorize the payment of the witness fee to the witness in the same manner as the fee of a juror attending the court is paid. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17484 ;-- CL 1948, 775.14 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981Former Law:See section 3 of Act 77 of 1849, being CL 1857, § 5689; CL 1871, § 7488; How., § 9065; CL 1897, § 12016; CL 1915, § 15909; and Act 180 of 1887.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XV - Chapter XV Fees (775.1...775.22)Section 775.15 - Accused Unable to Procure Witness; Subpoena, Fee.

Sec. 15. If any person accused of any crime or misdemeanor, and about to be tried therefor in any court of record in this state, shall make it appear to the satisfaction of the judge presiding over the court wherein such trial is to be had, by his own oath, or otherwise, that there is a material witness in his favor within the jurisdiction of the court, without whose testimony he cannot safely proceed to a trial, giving the name and place of residence of such witness, and that such accused person is poor and has not and cannot obtain the means to procure the attendance of such witness at the place of trial, the judge in his discretion may, at a time when the prosecuting officer of the county is present, make an order that a subpoena be issued from such court for such witness in his favor, and that it be served by the proper officer of the court. And it shall be the duty of such officer to serve such subpoena, and of the witness or witnesses named therein to attend the trial, and the officer serving such subpoena shall be paid therefor, and the witness therein named shall be paid for attending such trial, in the same manner as if such witness or witnesses had been subpoenaed in behalf of the people. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17485 ;-- CL 1948, 775.15Former Law:See Act 226 of 1849, being CL 1857, § 5693; CL 1871, § 7492; How., § 9067; CL 1897, § 12017; CL 1915, § 15911; and Act 24 of 1877 .

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XV - Chapter XV Fees (775.1...775.22)Section 775.16 - Appointment of Counsel Under Michigan Indigent Defense Commission Act.

Sec. 16. When a person charged with having committed a crime appears before a magistrate without counsel, the person shall be advised of his or her right to have counsel appointed. If the person states that he or she is unable to procure counsel, the magistrate shall appoint counsel, if the person is eligible for appointed counsel under the Michigan indigent defense commission act. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17486 ;-- CL 1948, 775.16 ;-- Am. 1957, Act 256, Eff. Sept. 27, 1957 ;-- Am. 1963, Act 132, Eff. Sept. 6, 1963 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 2013, Act 94, Imd. Eff. July 1, 2013Former Law:See section 1 of Act 109 of 1857, being CL 1857, § 5675; CL 1871, § 7471; How., § 9046; CL 1897, § 12018; CL 1915, § 15912; Act 96 of 1893; and Act 23 of 1911.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XV - Chapter XV Fees (775.1...775.22)Section 775.17 - Accused Unable to Procure Counsel; Attorney, Duty; Enlarged Compensation.

Sec. 17. An attorney shall not, in such case, be compelled to follow a case into another county or into the supreme court, but if he does so, may recover an enlarged compensation to be fixed by the court. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17487 ;-- CL 1948, 775.17Former Law:See section 2 of Act 109 of 1857, being CL 1857, § 5676; CL 1871, § 7472; How., § 9047; CL 1897, § 12019; and CL 1915, § 15913.

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Sec. 18. Only 1 attorney in any 1 case shall receive the compensation above contemplated, nor shall he be entitled to this compensation until he files his affidavit in the office of the county clerk, in which such trial or proceedings may be had, that he has not, directly or indirectly, received any compensation for such services from any other source. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17488 ;-- CL 1948, 775.18Former Law:See section 3 of Act 109 of 1857, being CL 1857, § 5677; CL 1871, § 7473; How., § 9048; CL 1897, § 12020; and CL 1915, § 15914.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XV - Chapter XV Fees (775.1...775.22)Section 775.19 - Interpreter; Compensation; Certificate.

Sec. 19. Except as provided in the deaf persons' interpreter act, if a person attends a court as an interpreter for the purpose of interpreting the testimony of a witness given in behalf of the prosecution, or for the purpose of translating or interpreting a writing or document introduced or used in a court in behalf of the prosecution, either upon the request of the prosecuting attorney or by appointment of the court pursuant to section 19a of this chapter, the person shall receive compensation as ordered by the court. The compensation for an interpreter in the municipal court shall not exceed $25.00 for each day and $15.00 for each half day actually employed. The certificate of the clerk of the court of record stating the amount ordered to be paid by the court, shall authorize the

payment of compensation for the interpreter in the same manner as a witness fee is paid to a witness. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17489 ;-- CL 1948, 775.19 ;-- Am. 1955, Act 27, Imd. Eff. Apr. 13, 1955 ;-- Am. 1957, Act 11, Eff. Sept. 27, 1957 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1982, Act 203, Imd. Eff. July 1, 1982Former Law:See Act 134 of 1915, being CL 1915, § 15915.

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XV - Chapter XV Fees (775.1...775.22)Section 775.19a - Appointment of Interpreter; Compensation.

Sec. 19a. If an accused person is about to be examined or tried and it appears to the judge that the person is incapable of adequately understanding the charge or presenting a defense to the charge because of a lack of ability to understand or speak the English language, the inability to adequately communicate by reason of being mute, or because the person suffers from a speech defect or other physical defect which impairs the person in maintaining his or her rights in the case, the judge shall appoint a qualified person to act as an interpreter. Except as provided in the deaf persons' interpreter act, the interpreter shall be compensated for his or her services in the same amount and manner as is provided for interpreters in section 19 of this chapter. History:Add. 1955, Act 27, Imd. Eff. Apr. 13, 1955 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1982, Act 203, Imd. Eff. July 1, 1982 ;-- Am. 1998, Act 49, Imd. Eff. Mar. 30, 1998

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Sec. 20. The expenses of all prosecutions against persons holding or who may have held any state office, for malfeasance in office, shall be paid from the general fund, by the state treasurer, and the board of state auditors are hereby authorized and empowered to allow all just and legal claims for such prosecutions, and this section shall be deemed to apply to the expenses of any prosecutions already commenced, as well as to any which may occur in the future. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17490 ;-- CL 1948, 775.20Former Law:See Act 223 of 1861, being CL 1871, § 376; How., § 342; CL 1897, § 12021; CL 1915, § 15916; and Act 260 of 1909.

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Sec. 21. Whenever the attorney general shall institute criminal proceedings in any county in this state, all costs incurred in such proceedings, except the pay of circuit judges, prosecuting attorneys, and circuit court stenographers, may be paid by the state with the approval of the state administrative board. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17491 ;-- CL 1948, 775.21Former Law:See Act 271 of 1923.

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Sec. 22. (1) If a person is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments shall be allocated as provided in this section. (2) Except as otherwise provided in this subsection, if a person is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of all money collected from that person shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied toward payment of those victim payments. (3) In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority: (a) Payment of the minimum state cost prescribed by section 1j of chapter IX. (b) Payment of other costs. (c) Payment of fines. (d) Payment of probation or parole supervision fees. (e) Payment of assessments and other payments. (4) In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority: (a) Payment of the minimum state cost prescribed by section 1j of chapter IX. (b) Payment of fines and other costs. (c) Payment of assessments and other payments. (5) As used in this section, "victim payment" means restitution ordered to be paid to the victim or the victim's estate, but not to a person who reimbursed the victim for his or her loss, or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905. History:Add. 1993, Act 343, Eff. May 1, 1994 ;-- Am. 2003, Act 102, Eff. Oct. 1, 2003

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Sec. 3. A constable shall be allowed for serving a warrant or other process for the arrest of any person, issued by any magistrate or court, 50 cents; for traveling to make such service, going only, 15 cents per mile, and where an arrest has been made, 15 cents per mile return travel from the place of arrest to the place of return; for taking a prisoner to jail or to the house of correction, 15 cents per mile, going only; for serving a mittimus, 15 cents; serving a subpoena, 15 cents for each witness, and 15 cents per mile for the distance actually and necessarily traveled in going to make such service; for summoning a jury, 1 dollar; for attending the same, 1 dollar; for attending any court by order of the magistrate or officer before whom a trial or examination is being held, when not in charge of a jury, 2 dollars per day for each day and 1 dollar for each half day so actually attending. The board of supervisors of each county may allow such further compensation for the services of process and the expenses and trouble attending the same as they shall deem reasonable. For other services in criminal cases, for which no compensation is especially provided by law, such sum as the board of supervisors shall allow. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17473 ;-- Am. 1931, Act 309, Eff. Sept 18, 1931 ;-- CL 1948, 775.3Former Law:See section 3 of Ch. 169 of R.S. 1846, being CL 1857, § 5680; CL 1871, § 7479; How., § 9054; CL 1897, § 12005; CL 1915, § 15898; and Act 286 of 1881.

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Sec. 4. A sheriff shall be allowed for every person committed to jail, 35 cents; for every person discharged from jail, 35 cents; for taking a prisoner before a court for examination or to jail, 15 cents; for serving a subpoena, issued from a court of record, 15 cents for each witness and 10 cents for each copy of the same, and 15 cents a mile on the distance actually and necessarily traveled in going to make such service; for serving a warrant or performing any other duty which may be performed by a constable, the same fees as are allowed by law to a constable for such service. For other services not herein specially provided for, such sums as may be allowed by the board of supervisors. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17474 ;-- Am. 1931, Act 309, Eff. Sept. 18, 1931 ;-- CL 1948, 775.4Former Law:See section 5 of Ch. 169 of R.S. 1846, being CL 1857, § 5681; CL 1871, § 7480; How., § 9055; CL 1897, § 12006; CL 1915, § 15899; and Act 286 of 1881.

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Sec. 6. The fees hereinbefore in this chapter allowed for services, except those which are otherwise provided for by law, shall be county charges, and shall be audited by the board of supervisors of the county in which the services are rendered, and shall be paid in the same manner as other contingent charges of the county. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17476 ;-- CL 1948, 775.6Former Law:See section 6 of Ch. 169 of R.S. 1846, being CL 1857, § 5683; CL 1871, § 7482; How., § 9057; CL 1897, § 12008; and CL 1915, § 15901.

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Sec. 7. Whenever any person shall attend any court of record as a witness in behalf of the people of this state, upon request of the public prosecutor, or upon subpoena, or by virtue of a recognizance for that purpose, and it shall appear that such person has come from any other state or territory of the United States, or from any foreign country or that such person is poor, the court may, by an order to be entered on its minutes, direct the county treasurer of the county in which the court may be sitting, to pay such witness such sum of money as shall seem reasonable for his expenses; and no fees shall be allowed or paid to witnesses on the part of the people in any criminal proceeding or prosecution except as is provided in this section and act. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17477 ;-- CL 1948, 775.7Former Law:See section 7 of Ch. 169 of R.S. 1846, being CL 1857, § 5684; CL 1871, § 7483; How., § 9058; CL 1897, § 12009; and CL 1915, § 15902.

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Sec. 8. The clerk of the court by which such order shall be made, shall immediately make out and deliver a certified copy thereof to the person in whose favor the same is made, without any fee for such service. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17478 ;-- CL 1948, 775.8Former Law:See section 8 of Ch. 169 of R.S. 1846, being CL 1857, § 5685; CL 1871, § 7484; How., § 9059; CL 1897, § 12010; and CL 1915, § 15903.

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People; Payment by County Treasurer.

Sec. 9. Upon the production of such certified copy to the county treasurer, or as soon thereafter as he shall have sufficient moneys in his hands, he shall pay to the person authorized to receive the same, or to his order, the sum of money so directed to be paid, which shall be allowed to the treasurer in his accounts. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17479 ;-- CL 1948, 775.9Former Law:See section 9 of Ch. 169 of R.S. 1846, being CL 1857, § 5686; CL 1871, § 7485; How., § 9060; CL 1897, § 12011; and CL 1915, § 15904.

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Sec. 10. If, upon the examination of the person charged, it shall appear to the court or magistrate that there is reasonable cause to believe that the complaint is true, and that such person may be lawfully demanded of the governor, he shall if not charged with a capital crime, or with murder in the first degree, be required to recognize, with sufficient sureties, in a reasonable sum, to appear before such court or magistrate at a future day, allowing a reasonable time to obtain the warrant of the governor, and to abide the order of such court or magistrate in the premises. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17500 ;-- CL 1948, 776.10Former Law:See section 10 of Ch. 170 of R.S. 1846, being CL 1857, § 6126; CL 1871, § 8008; How., § 9624; CL 1897, § 11995; and CL 1915, § 15888.

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Sec. 11. If such person shall not recognize, or if he shall be charged with a capital crime, or with the crime of murder in the first degree, he shall be committed to prison and there detained until such day in like manner as if the offense charged had been committed within this state; and if the person so recognizing shall fail to appear according to the condition of his recognizance, he shall be defaulted and the same proceedings shall be had as in the case of other recognizances entered into before such court or magistrate. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17501 ;-- CL 1948, 776.11Former Law:See section 11 of Ch. 170 of R.S. 1846, being CL 1857, § 6127; CL 1871, § 8009; How., § 9625; CL 1897, § 11996; and CL 1915, § 15889.

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Sec. 12. If the person so recognized or committed, shall appear before the court or magistrate upon the day ordered, he shall be discharged, unless he shall be demanded by some person authorized by the warrant of the governor to receive him, or unless the court or magistrate shall see cause to commit him, or to require him to recognize anew for his appearance at some other day; and if, when ordered, he shall not so recognize, he shall be committed and detained as before: Provided, That whether the person so charged shall be recognized, committed or discharged, any person authorized by the warrant of the governor may, at all times, take him into custody and the same shall be a discharge of the recognizance, if any, and shall not be deemed an escape. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17502 ;-- CL 1948, 776.12Former Law:See section 12 of Ch. 170 of R.S. 1846, being CL 1857, § 6128; CL 1871, § 8010; How., § 9626; CL 1897, § 11997; and CL 1915, § 15890.

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Sec. 13. The complainant in any such case shall be answerable for all the actual costs and charges and for the support in prison of any person so committed, to be paid weekly or otherwise as may be ordered by the court or magistrate; and if the charge for his support in prison shall not be so paid, the jailer may on the failure of the complainant discharge such person from his imprisonment. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17503 ;-- CL 1948, 776.13Former Law:See section 13 of Ch. 170 of R.S. 1846, being CL 1857, § 6129; CL 1871, § 8011; How., § 9627; CL 1897, § 11998; and CL 1915, § 15891.

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Sec. 14. It shall be unlawful for any prosecuting attorney of this state to defend or assist in the defense of any person charged with crime within the county of which he is prosecuting attorney. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17504 ;-- CL 1948, 776.14Former Law:See section 1 of Act 23 of 1897, being CL 1897, § 2565; and CL 1915, § 2414.

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Prosecuting Attorney; Right to Defend Accused in Case Transferred From Another County; County Liable for Assistance in Prosecution.

Sec. 15. When any criminal cases commenced by the people of the state of Michigan within any county of this state shall be transferred to another county for trial for any reason whatsoever, the prosecuting attorney of the county to which said cause is transferred shall be prohibited from defending or assisting in the defense of the cause so transferred; and in case the prosecuting attorney of the county to which said cause is transferred shall be employed to assist in the prosecution of said cause, the county from which said cause was transferred shall pay such charges to such prosecuting attorney as the court may allow. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17505 ;-- CL 1948, 776.15Former Law:See section 2 of Act 23 of 1897, being CL 1897, § 2566; and CL 1915, § 2415.

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Sec. 18. The prosecuting attorney may procure the assistance in the trial of any person charged with a felony as he or she considers necessary. The prosecuting attorney may appoint an assistant to perform his or her duties during a period when the prosecuting attorney is unable to perform those duties. An assistant appointed under this section shall be paid reasonable compensation as determined by the board of supervisors or the board of county auditors, as applicable, for those services. No person shall be employed or appointed as assistant prosecutor who is interested as an attorney or otherwise in a case involving the same facts or circumstances involved in a case to be conducted or tried by the assistant prosecutor or who has received any compensation from any person with an interest in those cases. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17508 ;-- CL 1948, 776.18 ;-- Am. 2012, Act 72, Imd. Eff. Apr. 6, 2012Former Law:See Act 195 of 1879, being How., § 560; CL 1897, § 2569; CL 1915, § 2418; and Act 258 of 1915.

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Sec. 19. (1) The board of commissioners of a county is authorized to offer and pay out of the general fund of the county a reward for the arrest and conviction, or for information leading to the arrest and conviction, of any person or persons having committed a crime within the county or having escaped from any penal institution within the county. (2) The powers granted in this section may be exercised by the finance committee of the board of commissioners of a county when the board of commissioners of the county is not in session upon the request of a reward by the sheriff or the prosecuting attorney of the county. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17509 ;-- CL 1948, 776.19 ;-- Am. 2022, Act 114, Eff. Sept. 22, 2022Former Law:See section 2 of Act 156 of 1851, being CL 1857, § 336; CL 1871, § 468; How., § 474; and Act 262 of 1925.

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Sec. 20. In any prosecution for the violation of any acts of the state relative to use, licensing and possession of pistols or firearms, the burden of establishing any exception, excuse, proviso or exemption contained in any such act shall be upon the defendant but this does not shift the burden of proof for the violation. History:Add. 1968, Act 299, Eff. Nov. 15, 1968

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Sec. 21. (1) As used in this section: (a) "Law enforcement officer" means a police officer of a county, city, village, township, or this state; a college or university public safety officer; a prosecuting attorney, assistant prosecuting attorney, or an investigator for the office of prosecuting attorney; or any other person whose duty is to enforce the laws of this state. (b) "Victim" means a person who is a victim of a crime under sections 520b to 520e and 520g of Act No. 328 of the Public Acts of 1931, being sections 750.520b to 750.520e and 750.520g of the Michigan Compiled Laws. (2) A law enforcement officer shall not request or order a victim to submit to a polygraph examination or lie detector test. A law enforcement officer shall not inform a victim of the option of taking a polygraph examination or lie detector test unless the victim inquires concerning such a test or as provided by subsection (3). (3) A law enforcement officer shall inform the victim when the person accused of a crime specified in subsection (1)(b) has voluntarily submitted to a polygraphic examination or lie detector test and the test indicates that the person may not have committed the crime. (4) Subsections (2) and (3) apply only to a polygraph examination or lie detector test which is requested, ordered, or given in regard to a person being a victim. (5) A defendant who allegedly has committed a crime under sections 520b to 520e and 520g of Act No. 328 of the Public Acts of 1931, shall be given a polygraph examination or lie detector test if the defendant requests it. History:Add. 1980, Act 454, Eff. Mar. 31, 1981

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Sec. 21a. Any data collected and maintained under this act regarding recidivism rates must be collected and maintained in a manner that separates the data regarding technical probation violations and technical parole violations from data on new felony and misdemeanor convictions. History:Add. 2017, Act 2, Eff. June 29, 2017

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Sec. 21b. (1) A police officer or a prosecuting attorney may provide a domestic or sexual violence service provider agency with the name, demographics, and other pertinent information of, and information to facilitate contact with, a victim of domestic or sexual violence for the purpose of offering supportive services to the victim. If a police officer or prosecuting attorney provides information to a domestic or sexual violence service provider agency under this section, that police officer or prosecuting attorney shall notify the victim of domestic or sexual violence that the information was provided. (2) This section does not authorize the disclosure of a confidential address. (3) The providing of information by a police officer or prosecutor under subsection (1) is in addition to any other requirement under law to provide notice or information to a victim of domestic or sexual violence, including, but not limited to, section 15c of chapter IV, section 3 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.753, and section 3 of the sexual assault victim's access to justice act, 2014 PA 319, MCL 752.953. (4) As used in this section: (a) "Confidential address" means that term as defined in section 3 of the address confidentiality program act, 2020 PA 301, MCL 780.853. (b) "Domestic or sexual violence service provider agency" means an agency that receives funding from the department of health and human services division of victim services to provide confidential supportive services to victims of domestic or sexual violence, receives a federal grant through the United States Department of Justice to provide confidential supportive services to victims of domestic or sexual violence, or is associated with an Indian tribe and is providing confidential supportive services to victims of domestic or sexual violence. History:Add. 2023, Act 180, Eff. Feb. 13, 2024

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Sec. 22. (1) Each police agency in this state shall, by January 1, 1995, develop, adopt, and implement written policies for police officers responding to domestic violence calls. The policies shall reflect that domestic violence is criminal conduct. (2) Each police agency shall consult with the prosecuting attorney and with an area shelter for victims of domestic violence in the development, implementation, including training, and evaluation of the policies and standards. (3) The policies shall address, but not be limited to addressing, all of the following: (a) Procedures for conducting a criminal investigation with specific standards for misdemeanor and felony arrests. (b) Procedures for making a criminal arrest. The procedures shall emphasize all of the following: (i) In most circumstances, an officer should arrest and take an individual into custody if the officer has probable cause to believe the individual is committing or has committed domestic violence and his or her actions constitute a crime. (ii) When the officer has probable cause to believe spouses, former spouses, individuals who have had a child in common, individuals who have or have had a dating relationship, or other individuals who reside together or formerly resided together are committing or have committed crimes against each other, the officer, when determining whether to make an arrest of 1 or both individuals, should consider the intent of this section to protect victims of domestic violence, the degree of injury inflicted on the individuals involved, the extent to which the individuals have been put in fear of physical injury to themselves or other members of the household, and any history of domestic violence between the individuals, if that history can reasonably be ascertained by the officer. In addition, the officer should not arrest an individual if the officer has reasonable cause to believe the individual was acting in lawful self-defense or in lawful defense of another individual. (iii) A police officer's decision as to whether to arrest an individual should not be based solely on the consent of the victim to any subsequent prosecution or on the relationship of the individuals involved in the incident. (iv) A police officer's decision not to arrest an individual should not be based solely upon the absence of visible indications of injury or impairment. (c) Procedures for denial of interim bond, as provided in 1961 PA 44, MCL 780.581 to 780.588. (d) Procedures for verifying a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a. (e) Procedures for making an arrest for a violation of a personal protection order. (f) Procedures for enforcing a valid foreign protection order. (g) Procedures for providing or arranging for emergency assistance to victims including, but not limited to, medical care, transportation to a shelter, or remaining at the scene of an alleged incident of domestic violence for a reasonable time until, in the reasonable judgment of the police officer, the likelihood of further imminent violence has been eliminated. (h) Procedures for informing the victim of community services and legal options that are available under section 15c of chapter IV. (i) Procedures for preparing a written report, whether or not an arrest is made. (j) Training of peace officers, dispatchers, and supervisors. (k) Discipline for noncompliance with the policy. (l) Annual evaluations of the policy. (4) The local policies developed, adopted, and implemented under this section shall be in writing and shall be available to the public upon request. (5) As used in this

section: (a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. (b) "Foreign protection order" means that term as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h. (c) "Valid foreign protection order" means a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i. History:Add. 1994, Act 69, Imd. Eff. Apr. 11, 1994 ;-- Am. 1994, Act 418, Eff. Apr. 1, 1995 ;-- Am. 2001, Act 194, Eff. Apr. 1, 2002 ;-- Am. 2005, Act 106, Imd. Eff. Sept. 14, 2005

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Sec. 6. The governor of this state may in any case authorized by the constitution and laws of the United States, appoint agents to demand of the executive authority of any other state or territory, or from the executive authority of any foreign government, any fugitive from justice or any person charged with treason; and the accounts of the agents appointed for that purpose shall, unless otherwise directed by the governor, be audited by the state treasurer and paid out of the state treasury. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17496 ;-- CL 1948, 776.6 ;-- Am. 2002, Act 88, Imd. Eff. Mar. 26, 2002Former Law:See section 6 of Ch. 170 of R.S. 1846, being CL 1857, § 6119; CL 1871, § 8004; How., § 9620; CL 1897, § 11991; CL 1915, § 15884; and Act 1 of 1853.

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Sec. 7. Whenever a demand shall be made upon the governor of this state by the governor of any other state or territory in any case authorized by the constitution and laws of the United States for the delivery over of any person charged in such state or territory with treason, felony or any other crime and there shall be produced with such demand a copy of the indictment found or information filed, or affidavit or complaint made before a magistrate of the state or territory demanding, charging the person so demanded with having committed treason, felony, or other crime within such state or territory, duly certified as authentic by the governor or chief magistrate of the state or territory from whence the person so charged fled, with due proof of the fleeing, it shall be the duty of the governor of this state to issue an order or warrant to the sheriff of the county in which such person so charged may be found, commanding him to forthwith arrest such alleged fugitive and to deliver him to the duly authorized agent appointed by the executive authority making such demand to receive him and remove him to the proper place for prosecution. But the sheriff, while the alleged fugitive is in his custody and before delivering him up to the agent of the demanding state, shall afford him every facility to enable him to have a judicial examination if he desires it, by habeas corpus or otherwise, to ascertain whether the demand and arrest have been made conformably to the requirements of law so that such person if he ought not to be delivered may be duly discharged, and the attorney general when required by the governor shall forthwith investigate the grounds of demand and report to the governor all material facts, which may come to his knowledge, as to the situation and circumstances of the person so demanded, and especially whether he is held in custody or is under recognizance to answer for any offense against the laws of this state, or of the United States or by virtue of any civil process, and also whether such demand was made conformably to law, so that such person ought not to be delivered up. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17497 ;-- CL 1948, 776.7Former Law:See section 7 of Ch. 170 of R.S. 1846, being CL 1857, § 6120; CL 1871, § 8005; How., § 9621; CL 1897, § 11992; CL 1915, § 15885; and Act 235 of 1879.

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Sec. 8. If the governor shall be satisfied that the demand is conformable to law, and ought to be complied with, he shall issue his warrant, under the seal of the state, authorizing the agents who make such demand, either forthwith or at such time as shall be designated in the warrant, to take and transport such person to the line of this state, at the expense of such agents, and shall also by such warrant require the civil officers within this state to afford all needful assistance in the execution thereof. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17498 ;-- CL 1948, 776.8Former Law:See section 8 of Ch. 170 of R.S. 1846, being CL 1857, § 6124; CL 1871, § 8006; How., § 9622; CL 1897, § 11993; and CL 1915, § 15886.

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Sec. 9. Whenever any person shall be found within this state charged with any offense committed in any other state or territory and liable by the constitution and laws of the United States to be delivered over upon the demand of the governor of such other state or territory, any court or magistrate authorized to issue warrants in criminal cases, may upon complaint on oath setting forth the offense, and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so

charged before the same or some other court or magistrate, within this state, to answer to such complaint as in other cases. History:1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17499 ;-- CL 1948, 776.9Former Law:See section 9 of Ch. 170 of R.S. 1846, being CL 1857, § 6125; CL 1871, § 8007; How., § 9623; CL 1897, § 11994; and CL 1915, § 15887.

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Sec. 1. As used in this chapter: (a) "Aircraft" means that term as defined in section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2. (b) "Departure" means that term as defined in section 31 of chapter IX. (c) "Homicide" means any crime in which the death of a human being is an element of that crime. (d) "Intermediate sanction" means that term as defined in section 31 of chapter IX. (e) "ORV" means that term as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101. (f) "Snowmobile" means that term as defined in section 82101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101. (g) "Vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79. (h) "Vessel" means that term as defined in section 80104 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80104. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 34, Eff. May 15, 2002

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Sec. 5. The offense categories are designated in part 2 of this chapter as follows: (a) Crimes against a person are designated "person". (b) Crimes against property are designated "property". (c) Crimes involving a controlled substance are designated "CS". (d) Crimes against public order are designated "pub ord". (e) Crimes against public trust are designated "pub trst". (f) Crimes against public safety are designated "pub saf". History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 6. The offense descriptions in part 2 of this chapter are for assistance only and the statutes listed govern application of the sentencing guidelines. History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 11. This chapter applies to felonies enumerated in chapters 1 to 199 of the Michigan Compiled Laws as set forth in sections 11a to 11e of this chapter. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 90, Eff. Sept. 1, 1999 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 492, Eff. July 1, 2001 ;-- Am. 2001, Act 150, Eff. Jan. 1, 2002 ;-- Am. 2001, Act 154, Eff. Jan. 1, 2002 ;-- Am. 2002, Act 31, Eff. Apr. 1, 2002

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Sec. 11a. This chapter applies to the following felonies enumerated in chapters 1 to 27 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max4.421(1)Pub trstGLobbyists — compensation contingent on outcome of action34.421(2)Pub trstGLobbyists giving gifts315.324(1)(d)Pub trstGPurchase of public residential property by public servant118.366(1)(c)PropertyEFalse presentation to crime victim services commission to obtain $1,000 to $20,000 or with prior convictions518.366(1)(d)PropertyDFalse presentation to crime victim services commission to obtain $20,000 or more or with prior convictions1021.154Pub trstEPublic officer — embezzlement5 History:Add. 2002, Act 31, Eff. Apr. 1, 2002 ;-- Am. 2005, Act 265, Imd. Eff. Dec. 16, 2005

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Sec. 11b. This chapter applies to the following felonies enumerated in chapter 28 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max28.214(6)(b)Pub trstFUnauthorized disclosure of information from LEIN —

subsequent offense428.293(1)Pub ordEFalse information when applying for state ID528.293(2)Pub ordDFalse information when applying for state ID — second offense728.293(3)Pub ordCFalse information when applying for state ID — third or subsequent offense1528.295(1)(a)Pub ordDCounterfeiting or forging state ID card or using counterfeited or forged state ID card to commit felony punishable by imprisonment for 10 years or more1028.295(1)(b)Pub ordECounterfeiting or forging state ID card or using counterfeited or forged state ID card to commit felony punishable by imprisonment for less than 10 years or a misdemeanor punishable by more than 6 months528.295(2)Pub ordESelling counterfeited or forged state ID card or possessing counterfeited or forged state ID card with intent to deliver to another person or possessing 2 or more counterfeited or forged state ID cards528.295(5)PropertyHUsing stolen state ID card to commit felonyVariable28.295a(1)Pub ordHFalse representation to obtain or misuse personal information428.295a(2)Pub ordGFalse representation to obtain or misuse personal information — second offense728.295a(3)Pub ordCFalse representation to obtain or misuse personal information — third or subsequent offense1528.308Pub safEFalse certification or statement in application for enhanced driver license or enhanced official state personal identification card528.422(14)Pub safFForgery on firearm license application428.422a(5)Pub safFFalse statement on firearm sales record428.425b(3)Pub safFFalse statement on concealed pistol permit application428.425j(3)Pub safFUnlawful granting or presenting of pistol training certificate428.425o(6)(c)Pub safFCarrying concealed pistol or electro-muscular disruption device in prohibited place — third or subsequent offense428.429(4)Pub safEFailure to store a firearm resulting in injury528.429(5)Pub safDFailure to store a firearm resulting in serious impairment of body function1028.429(6)Pub safCFailure to store a firearm resulting in death1528.435(14)(c)Pub safGFirearm sale without trigger lock, gun case, or storage container — third or subsequent offense228.468(1)(c)Pub safEMichigan fireworks safety act violation causing serious impairment528.468(1)(d)Pub safCMichigan fireworks safety act violation causing death1528.516(2)Pub safFFalse statement on concealed firearm certificate application428.674Pub safFFalse report of a public threat428.729(1)(a)Pub ordFFailure to register as a sex offender, first offense428.729(1)(b)Pub ordDFailure to register as a sex offender, second offense728.729(1)(c)Pub ordDFailure to register as a sex offender, third or subsequent offense1028.729(2)Pub ordFFailure to update sex offender registration information228.754(1)Pub ordFFalse report of a child abduction4 History:Add. 2002, Act 31, Eff. Apr. 1, 2002 ;-- Am. 2004, Act 150, Eff. Sept. 1, 2004 ;-- Am. 2005, Act 122, Eff. Jan. 1, 2006 ;-- Am. 2005, Act 139, Eff. Jan. 1, 2006 ;-- Am. 2005, Act 207, Eff. Feb. 1, 2006 ;-- Am. 2008, Act 24, Imd. Eff. Mar. 13, 2008 ;-- Am. 2008, Act 538, Eff. Mar. 31, 2009 ;-- Am. 2011, Act 19, Eff. July 1, 2011 ;-- Am. 2011, Act 257, Imd. Eff. Dec. 14, 2011 ;-- Am. 2012, Act 124, Eff. Aug. 6, 2012 ;-- Am. 2015, Act 4, Eff. Oct. 1, 2015 ;-- Am. 2015, Act 201, Eff. Feb. 22, 2016 ;-- Am. 2016, Act 234, Eff. Sept. 22, 2016 ;-- Am. 2023, Act 16, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 22, Eff. Feb. 13, 2024

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Sec. 11c. This chapter applies to the following felonies enumerated in chapters 29 to 167 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max35.929Pub trstHWillful falsification in application for veterans benefits335.980Pub trstHFalse statement in application for Korean veterans benefits335.1029Pub trstHFalse statement in application for Vietnam veterans benefits338.412a(1)Pub trstHCounty employee providing answers to county civil service exam138.516Pub trstHFire and police civil service — appointment or employment contrary to act245.82Pub trstECounty purchasing agent — violations in awarding bids or contracts547.8Pub trstHPayment of claim against county before audit247.56Pub trstHWayne county treasurer paying claims without appropriate signature251.364Pub trstHAppointment or selection contrary to civil service commission rules255.301Pub trstEPerforming notarial acts while commission revoked555.309(1)(b)Pub trstFMichigan notary public act violation involving conveyance of interest in real property4110.28Pub trstGFourth class cities — misappropriation of money or property3117.25(3)Pub trstEAmendment to city electors — willfully affixing another's signature, false representation15125.1447(1)(c)PropertyEFalse pretenses under state housing development act involving $1,000 to $20,000 or with prior convictions5125.1447(1)(d)PropertyDFalse pretenses under state housing development authority act involving $20,000 or more or with prior convictions10 History:Add. 2002, Act 31, Eff. Apr. 1, 2002 ;-- Am. 2011, Act 208, Eff. Jan. 1, 2012

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***** 777.11d.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 11d. This chapter applies to the following felonies enumerated in chapter 168 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max168.303(6)Pub trstESigning a nominating petition with multiple names5168.482e(3)Pub trstESigning a petition with multiple names5168.544c(10)Pub trstESigning a nominating petition with multiple names5168.590h(6)Pub trstESigning a qualifying petition with multiple names5168.685(11)Pub trstESigning a petition to form a new political party with multiple names5168.720j(14)Pub trstEDisclosing an election result from an early voting site before election day5168.731(4)Pub trstGElection law — filing certain false statements2168.734Pub trstGElection law — election board refusing to provide challenger conveniences2168.756Pub trstEElector's false statement concerning inability to mark

ballot5168.757Pub trstEElection inspector — unlawful conduct5168.759(13)Pub trstEForged signature on absentee ballot5168.759bPub trstEFalse statement in application for emergency absentee ballot5168.761(5)Pub trstEAssisting an absentee voter in making a false statement5168.765a(9)Pub trstEDisclosing how ballot voted or election results early before polls are closed5168.769(4)Pub trstEVoting both in person and by absentee ballot5168.808Pub trstEUntrue statement by member of board of inspectors4168.873Pub trstEIndividual interfering with a recount or activities relating to a recount5168.887Pub trstEIndividual interfering with a recount or activities relating to a recount5168.931bPersonEIntimidating an election official or preventing an election official from performing the election official's duties – third or subsequent offense5168.932(a)Pub trstEBribing or intimidating voters5168.932(b)Pub trstEBallot tampering5168.932(c)Pub trstEDestroying or falsifying election return or records5168.932(d)Pub trstEDisclosing votes or obstructing voter5168.932(e)Pub trstEAbsentee ballot tampering5168.932(f)Pub trstEElection law — possess absent voter ballot delivered to another person5168.932(g)Pub trstESuggesting how a disabled voter should vote5168.932(h)Pub trstESuggesting or influencing how an absentee voter should vote5168.932(i)Pub trstEOrganizing a meeting where absentee voter ballots are to be voted5168.932aPub trstGElection offenses4168.932cPub trstEProviding compensation to a person for registering individuals to vote5168.932ePub trstEPerson intentionally misrepresenting that the person is an election official in a polling place5168.932fPub trstEDistributing or agreeing to distribute materially deceptive media – certain subsequent offense5168.936Pub trstEElection law — perjury5168.937Pub trstEElection law — forgery5168.954(4)Pub trstESigning a recall petition with multiple names5 History:Add. 2002, Act 31, Eff. Apr. 1, 2002 ;-- Am. 2012, Act 278, Eff. Aug. 15, 2012 ;-- Am. 2018, Act 124, Eff. Dec. 31, 2018 ;-- Am. 2018, Act 661, Imd. Eff. Dec. 28, 2018 ;-- Am. 2023, Act 83, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 252, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 266, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 75, Eff. (sine die)

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***** 777.11d THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 777.11d.amended ***** Sec. 11d. This chapter applies to the following felonies enumerated in chapter 168 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max168.303(6)Pub trstESigning a nominating petition with multiple names5168.482e(3)Pub trstESigning a petition with multiple names5168.544c(10)Pub trstESigning a nominating petition with multiple names5168.590h(6)Pub trstESigning a qualifying petition with multiple names5168.685(11)Pub trstESigning a petition to form a new political party with multiple names5168.720j(14)Pub trstEDisclosing an election result from an early voting site before election day5168.731(4)Pub trstGElection law — filing certain false statements2168.734Pub trstGElection law — election board refusing to provide challenger conveniences2168.756Pub trstEElector's false statement concerning inability to mark ballot5168.757Pub trstEElection inspector — unlawful conduct5168.759(13)Pub trstEForged signature on absentee ballot5168.759bPub trstEFalse statement in application for emergency absentee ballot5168.761(5)Pub trstEAssisting an absentee voter in making a false statement5168.765a(9)Pub trstEDisclosing how ballot voted or election results early before polls are closed5168.769(4)Pub trstEVoting both in person and by absentee ballot5168.808Pub trstEUntrue statement by member of board of inspectors4168.873Pub trstEMisconduct of election employee in recount — county and local5168.887Pub trstEMisconduct of election employee in recount5168.931bPersonEIntimidating an election official or preventing an election official from performing the election official's duties – third or subsequent offense5168.932(a)Pub trstEBribing or intimidating voters5168.932(b)Pub trstEBallot tampering5168.932(c)Pub trstEDestroying or falsifying election return or records5168.932(d)Pub trstEDisclosing votes or obstructing voter5168.932(e)Pub trstEAbsentee ballot tampering5168.932(f)Pub trstEElection law — possess absent voter ballot delivered to another person5168.932(g)Pub trstESuggesting how a disabled voter should vote5168.932(h)Pub trstESuggesting or influencing how an absentee voter should vote5168.932(i)Pub trstEOrganizing a meeting where absentee voter ballots are to be voted5168.932aPub trstGElection offenses4168.932cPub trstEProviding compensation to a person for registering individuals to vote5168.932ePub trstEPerson intentionally misrepresenting that the person is an election official in a polling place5168.932fPub trstEDistributing or agreeing to distribute materially deceptive media – certain subsequent offense5168.936Pub trstEElection law — perjury5168.937Pub trstEElection law — forgery5168.954(4)Pub trstESigning a recall petition with multiple names5 History:Add. 2002, Act 31, Eff. Apr. 1, 2002 ;-- Am. 2012, Act 278, Eff. Aug. 15, 2012 ;-- Am. 2018, Act 124, Eff. Dec. 31, 2018 ;-- Am. 2018, Act 661, Imd. Eff. Dec. 28, 2018 ;-- Am. 2023, Act 83, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 252, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 266, Eff. Feb. 13, 2024

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Sec. 11e. This chapter applies to the following felonies enumerated in chapters 169 to 199 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max169.224bPub trstHCampaign finance — independent expenditure committee contributions3169.233Pub trstHCampaign finance — failure to file certain campaign statements3169.254Pub trstHCampaign finance — corporate contributions3169.255Pub trstHCampaign finance — corporate solicitation for certain funds3169.266Pub trstHCampaign finance — qualified campaign expenditures3 History:Add. 2002, Act 31, Eff. Apr. 1, 2002 ;-- Am. 2012, Act 274,

Eff. Dec. 30, 2012 ;-- Am. 2017, Act 120, Imd. Eff. Sept. 20, 2017

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Sec. 12. This chapter applies to felonies enumerated in chapters 200 to 299 of the Michigan Compiled Laws as set forth in sections 12a to 12n of this chapter. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 457, Eff. Mar. 28, 2001 ;-- Am. 2000, Act 459, Eff. Mar. 28, 2001 ;-- Am. 2001, Act 104, Eff. Oct. 1, 2001 ;-- Am. 2001, Act 133, Eff. Jan. 1, 2002 ;-- Am. 2001, Act 136, Eff. Feb. 1, 2002 ;-- Am. 2001, Act 160, Eff. Feb. 1, 2002 ;-- Am. 2002, Act 24, Eff. Mar. 31, 2003 ;-- Am. 2002, Act 34, Eff. Apr. 1, 2002

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Sec. 12a. This chapter applies to the following felonies enumerated in chapters 200 to 219 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max205.27(1)(a)Pub trstGFailure to file or false tax return or payment5205.27(1)(b)Pub trstGAiding and abetting tax evasion or filing false returns5205.27(1)(c)Pub trstGMaking/permitting false tax returns or payments5205.27(3)Pub trstGFalse tax returns/perjury15205.28(1)(e)Pub trstGState employee compromising taxes5205.28(1)(f)Pub trstGUnauthorized disclosure of tax information5205.428(2)Pub trstGTobacco products tax act violations5205.428(3)Pub trstGIllegal sale of cigarettes or other tobacco products with wholesale price of $250.00 or more5205.428(6)Pub trstFIllegal tobacco stamp or tobacco stamp device10205.428(7)Pub trstGIllegal vending machine license, disk, or marker5207.118aPub ordGGasoline tax — embezzlement over $10010207.119Pub trstGGasoline or motor fuel tax violation4207.127cPub ordGDiesel fuel tax — embezzlement over $10010207.754(3)Pub trstGState treasurer — municipality tax — divulging confidential information5 History:Add. 2002, Act 34, Eff. Apr. 1, 2002

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Sec. 12b. This chapter applies to the following felonies enumerated in chapters 220 to 256 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max252.311PropertyHDestroying a tree or shrub to make a sign more visible2 History:Add. 2002, Act 34, Eff. Apr. 1, 2002

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Sec. 12c. This chapter applies to the following felonies enumerated in chapters I and II of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max257.233a(7)Pub ordGOdometer tampering5257.254PropertyEPossessing stolen vehicle title10257.257(1)PropertyGAltering or forging vehicle documents — first offense5257.257(2)PropertyGAltering or forging vehicle documents — second offense7257.257(3)PropertyEAltering or forging vehicle documents — third or subsequent offense15 History:Add. 2002, Act 34, Eff. Apr. 1, 2002

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Sec. 12d. This chapter applies to the following felonies enumerated in chapters III, IV, and V of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max257.309(6)Pub ordFCorrupting an examining officer5257.309(7)Pub ordFDeviating from road test criteria5257.309(8)Pub ordFForging, counterfeiting, or altering road test certification5257.310(7)(a)Pub ordDForging driver license with intent to commit crime punishable by 10 years or more10257.310(7)(b)Pub ordEForging driver license with intent to commit crime punishable by 6 months or more but less than 10 years5257.310(8)Pub ordESelling or possessing forged driver license with intent to deliver5257.310(9)Pub ordEPossession of 2 or more forged driver licenses5257.312b(6)Pub ordFCorrupting a person or agency conducting a motorcycle driving test5257.312b(7)Pub ordFDeviating from motorcycle road test criteria5257.312b(8)Pub ordFForging, counterfeiting, or altering motorcycle road test certification5257.329(1)PropertyGPossession/sale of stolen or counterfeit insurance certificates5257.329(2)PropertyEPossession/sale of stolen or counterfeit insurance certificates — second offense7257.329(3)PropertyEPossession/sale of stolen or counterfeit insurance certificates — third or subsequent offense15 History:Add. 2002, Act 34, Eff. Apr. 1, 2002 ;-- Am. 2002, Act 127, Eff. Apr. 22, 2002

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Procedure (760.1 - 777.69)175-1927-XVII - Chapter XVII Sentencing Guidelines (777.1...777.69)175-1927-XVII-2 - Part 2 Included Felonies (777.11...777.19)Section 777.12e - Chapter 257; Felonies.

Sec. 12e. This chapter applies to the following felonies enumerated in sections 601 to 624b of chapter VI of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max257.601b(3)PersonCMoving violation causing death to another person in a work zone or a school bus zone15257.601c(2)PersonCMoving violation causing death to operator of implement of husbandry15257.602a(2)Pub safGFourth degree fleeing and eluding2257.602a(3)Pub safEThird degree fleeing and eluding5257.602a(4)PersonDSecond degree fleeing and eluding10257.602a(5)PersonCFirst degree fleeing and eluding15257.616a(2)(b)Pub safGUsing a signal preemption device2257.616a(2)(c)Pub safEUsing a signal preemption device causing a traffic accident5257.616a(2)(d)PersonDUsing a signal preemption device causing serious impairment of a body function10257.616a(2)(e)PersonCUsing a signal preemption device causing death15257.616a(2)(f)Pub ordGSelling or purchasing a signal preemption device2257.617(2)PersonEFailure to stop at scene of accident resulting in serious impairment or death5257.617(3)PersonCFailure to stop at scene of accident resulting in death when at fault15 History:Add. 2002, Act 34, Eff. Apr. 1, 2002 ;-- Am. 2004, Act 26, Eff. June 14, 2004 ;-- Am. 2008, Act 297, Imd. Eff. Oct. 8, 2008 ;-- Am. 2011, Act 59, Eff. July 1, 2011

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Sec. 12f. This chapter applies to the following felonies enumerated in sections 625 to 625q of chapter VI of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max257.625(4)(a)PersonCOperating a vehicle while intoxicated or impaired or with the presence of a controlled substance causing death15257.625(4)(b)PersonBOperating a vehicle with alcohol content of 0.17 grams or more with prior conviction and causing death20257.625(4)(c)PersonBOperating a vehicle while intoxicated or impaired or with the presence of a controlled substance causing death to certain persons20257.625(5)(a)PersonEOperating a vehicle while intoxicated or impaired or with the presence of a controlled substance causing serious impairment5257.625(5)(b)PersonDOperating a vehicle with alcohol content of 0.17 grams or more with prior conviction and causing serious impairment10257.625(7)(a)(ii)PersonEOperating a vehicle while intoxicated or impaired or with the presence of a controlled substance with a minor in the vehicle — subsequent offense5257.625(9)(c)Pub safEOperating a vehicle while intoxicated or with the presence of a controlled substance — third or subsequent offense5257.625(10)(b)PersonEAllowing a vehicle to be operated while intoxicated or impaired causing death5257.625(10)(c)PersonGAllowing a vehicle to be operated while intoxicated or impaired causing serious impairment2257.625(11)(c)Pub safEOperating a vehicle while impaired — third or subsequent offense5257.625m(5)Pub safECommercial drunk driving — third or subsequent offense5257.625q(3)Pub safDKnowingly providing false information concerning an ignition interlock device10257.625q(5)Pub safDFailure to report illegal ignition interlock device10 History:Add. 2002, Act 34, Eff. Apr. 1, 2002 ;-- Am. 2003, Act 134, Eff. Sept. 30, 2003 ;-- Am. 2014, Act 220, Eff. Sept. 24, 2014 ;-- Am. 2016, Act 34, Eff. June 6, 2016

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Sec. 12g. This chapter applies to the following felonies enumerated in sections 626 to 750 of chapter VI of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max257.626(3)PersonEReckless driving causing serious impairment5257.626(4)PersonCReckless driving causing death15257.653a(3)PersonGFailure to use due care and caution causing injury to emergency personnel2257.653a(4)PersonCFailure to use due care and caution causing death to emergency personnel15257.744aPub safDFalse statement in citation — perjury15 History:Add. 2002, Act 34, Eff. Apr. 1, 2002 ;-- Am. 2008, Act 467, Eff. Oct. 31, 2010

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Sec. 12h. This chapter applies to the following felonies enumerated in chapters VII, VIII, and IX of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max257.902Pub safEMotor vehicle code violations5257.903(1)PropertyEMotor vehicle code — false certification — first offense5257.903(2)PropertyEMotor vehicle code — false certification — second offense7257.903(3)PropertyDMotor vehicle code — false certification — third or subsequent offense15257.904(4)PersonCOperating a vehicle without a license causing death15257.904(5)PersonEOperating a vehicle without a license causing serious impairment5257.904(7)PersonGAllowing a vehicle to be operated without a license causing serious impairment2PersonEAllowing a vehicle to be operated without a license causing death5 History:Add. 2002, Act 34, Eff. Apr. 1, 2002

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Sec. 12j. This chapter applies to the following felonies enumerated in chapter 257 of the Michigan Compiled Laws beginning with MCL 257.941:M.C.L.CategoryClassDescriptionStat Max257.1353(2)Pub trstHMotor vehicle — fail to record material matter — subsequent offense2257.1354(2)Pub trstHMotor vehicle — general violations — subsequent offense2257.1355Pub trstHMotor vehicle — fail to record transaction/falsify records2 History:Add. 2002, Act 34, Eff. Apr. 1, 2002

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Sec. 12k. This chapter applies to the following felonies enumerated in chapters 258 to 260 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max259.80f(3)Pub safDPossessing weapon in sterile area of commercial airport10259.83(2)(b)Pub safGAircraft — failure to comply with certification requirements — second violation2259.83(2)(c)Pub safFAircraft — failure to comply with certification requirements — third or subsequent violation4259.83b(2)(a)Pub safFConducting flight operations without certificate4259.83b(2)(b)Pub safEConducting flight operations without certificate — second violation5259.83b(2)(c)Pub safDConducting flight operations without certificate — third or subsequent violation10259.183PropertyEAircraft — unlawful taking or tampering5259.185(4)PersonCOperating or serving as crew of aircraft while under the influence causing death15259.185(5)PersonEOperating or serving as crew of aircraft while under the influence causing serious impairment5259.185(8)Pub safEOperating or serving as crew of aircraft while under the influence — third or subsequent offense5 History:Add. 2002, Act 34, Eff. Apr. 1, 2002

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Sec. 12m. This chapter applies to the following felonies enumerated in chapters 285 to 289 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max285.83(4)Pub trstHFraudulent warehouse receipt violations under the grain dealers act5285.279(2)(c)PropertyEFalse pretenses under Michigan family farm development act involving $1,000 to $20,000 or with prior convictions5285.279(2)(d)PropertyDFalse pretenses under Michigan family farm development act involving $20,000 or more or with prior convictions10286.228(6)Pub ordEInsect pest and plant disease act — intentional violation with intent to damage natural resources5286.260(4)Pub ordEIntentional violation of quarantine rule or order with intent to damage natural resources5286.929(4)Pub trstGOrganic products act violations4287.323(1)PersonCDangerous animal causing death15287.323(2)PersonGDangerous animal causing serious injury4287.679(2)Pub ordHDead animal violation — third or subsequent offense1287.744(10)Pub ordGAnimal industry act violations5287.855Pub safGViolations involving contamination of livestock or diseased or quarantined livestock5287.967(5)Pub ordGCervidae producer violations4289.5107(2)Pub safFAdulterated, misbranded, or falsely identified food4 History:Add. 2002, Act 34, Eff. Apr. 1, 2002 ;-- Am. 2002, Act 421, Eff. Mar. 31, 2003 ;-- Am. 2005, Act 54, Eff. Sept. 1, 2005 ;-- Am. 2015, Act 213, Eff. Mar. 14, 2016 ;-- Am. 2019, Act 134, Eff. Feb. 19, 2020

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Sec. 12n. This chapter applies to the following felonies enumerated in chapters 290 to 299 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max290.629(1)PersonGWeights and measures — assaults enforcement officer2290.631(3)Pub trstGWeights and measures5290.650PersonGMotor fuels — assaulting/ obstructing director or authorized representative2290.650b(3)Pub trstHMotor fuels violations2 History:Add. 2002, Act 34, Eff. Apr. 1, 2002

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Sec. 13. This chapter applies to felonies enumerated in chapters 300 to 399 of the Michigan Compiled Laws as set forth in sections 13a to 13p of this chapter. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 61, Eff. Sept. 1, 1999 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 304, Eff. Jan. 1, 2001 ;-- Am. 2000, Act 315, Eff. Jan. 1, 2001 ;-- Am. 2000, Act 412, Eff. Mar. 28, 2001 ;-- Am. 2001, Act 13, Eff. July 1, 2001 ;-- Am. 2001, Act 156, Eff. Jan. 1, 2002 ;-- Am. 2002, Act 30, Eff. Apr. 1, 2002

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Included Felonies (777.11...777.19)Section 777.13b - Applicability of Chapter to Certain Felonies; MCL 324.1608 to 324.2157(1)(d).

Sec. 13b. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max324.1608PersonGResisting and obstructing conservation officer2324.2157(1)(c)PropertyEDamage to state property involving $1,000 to $20,000 or with prior convictions5324.2157(1)(d)PropertyDDamage to state property involving $20,000 or more or with prior convictions10 History:Add. 2002, Act 30, Eff. Apr. 1, 2002

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Sec. 13c. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max324.3115(2)Pub safHWater pollution2324.3115(4)Pub safGWater pollution — substantial endangerment5324.5531(4)Pub safHKnowingly releasing air pollutants2324.5531(5)Pub safGKnowingly releasing air pollutants — causing death or serious bodily injury6324.5531(6)Pub safCKnowingly releasing air pollutants — intentionally causing death or serious bodily injury15324.8905(2)Pub safHLittering — infectious waste/pathological waste/sharps2324.8905(3)Pub safGLittering — infectious waste/pathological waste/sharps — subsequent offense5324.11151(2)Pub safHHazardous waste — subsequent offense2324.11151(3)Pub safHHazardous waste — disregard for human life2324.11151(3)Pub safGHazardous waste — extreme indifference for human life5324.11549(2)Pub safGSolid waste — importing from foreign country2324.11719(2)Pub safGSeptage — false statement or entry in a license application or record2324.12116(2)Pub safHLiquid industrial by-product — false statement in an application or shipping document2324.20139(3)Pub safHHazardous substance — knowing release or intentional false statement2324.20139(4)Pub safEHazardous substance — substantial endangerment5324.21324(1)Pub safGUnderground storage tanks — false or misleading information5324.21548(1)Pub trstHUnderground storage tanks — false or misleading request for payment5 History:Add. 2002, Act 30, Eff. Apr. 1, 2002 ;-- Am. 2004, Act 382, Imd. Eff. Oct. 12, 2004 ;-- Am. 2006, Act 59, Imd. Eff. Mar. 13, 2006 ;-- Am. 2015, Act 226, Eff. Mar. 16, 2016

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Sec. 13d. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max324.30316(3)Pub safHNREPA violation — subsequent offense2324.31525PersonGNREPA — imminent danger of death or serious injury — subsequent offense2324.33939(1)Pub trstHNREPA violation for commercial purposes2 History:Add. 2002, Act 30, Eff. Apr. 1, 2002

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Sec. 13e. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max324.40118(15)Pub ordGWildlife conservation — buying/selling protected animals — subsequent offense4324.41309(3)(b)PropertyGPossession of nonaquatic prohibited species2324.41309(3)(c)PropertyFPossession of aquatic prohibited species3324.41309(4)(a)PropertyGPossession of restricted or nonnative species — intent to damage resources2324.41309(4)(b)PropertyFPossession of prohibited or genetically engineered species — intent to damage resources4324.41309(8)PropertyGIntroduction of nonaquatic prohibited species or genetically engineered species — knowing identity2324.41309(9)PropertyFIntroduction of aquatic prohibited species — knowing identity3324.41309(10)(a)PropertyGIntroduction of restricted or nonnative species — knowing unlawful2324.41309(10)(b)PropertyFIntroduction of prohibited or genetically engineered species — knowing unlawful4324.41309(11)(a)PropertyFIntroduction of restricted or nonnative species — intent to damage resources3324.41309(11)(b)PropertyEIntroduction of prohibited or genetically engineered species — intent to damage resources5324.48738(4)PropertyEPossession, importation, or planting of genetically engineered fish5324.51120(2)PropertyHRemoving forest products over $2,5003324.51512Pub safDWillfully setting forest fires10324.52908(1)(c)PropertyEDamage to plant involving $1,000 to $20,000 or with prior convictions5324.52908(1)(d)PropertyDDamage to plant involving $20,000 or more or with prior convictions10 History:Add. 2002, Act 30, Eff. Apr. 1, 2002 ;-- Am. 2003, Act 269, Eff. Mar. 30, 2004 ;-- Am. 2005, Act 81, Eff. Sept. 1, 2005 ;-- Am. 2014, Act 538, Eff. Apr. 15, 2015 ;-- Am. 2015, Act 189, Eff. Feb. 14, 2016

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Sec. 13f. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max324.61511Pub trstGFalse affidavit under NREPA5324.61521(1)Pub trstGEvading rule under NREPA3 History:Add. 2002, Act 30, Eff. Apr. 1, 2002

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Sec. 13g. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max324.76107(3)Pub ordDRemoving or mutilating human body from Great Lakes bottomland10324.76107(4)(c)PropertyERecovering abandoned property in Great Lakes having value of $1,000 to $20,000 or with prior convictions5324.76107(4)(d)PropertyDRecovering abandoned property in Great Lakes having value of $20,000 or more or with prior convictions10324.80130d(1)Pub ordHFalse representation to obtain personal information4324.80130d(2)Pub ordGFalse representation to obtain personal information — second offense7324.80130d(3)Pub ordCFalse representation to obtain personal information — third or subsequent offense15324.80134a(2)PersonEFailure to stop at scene of marine accident causing serious impairment or death5324.80134a(3)PersonCFailure to stop at scene of marine accident causing death when at fault15324.80172PersonGNegligent crippling or homicide by vessel2324.80173PersonGFelonious operation of a vessel2324.80176(4)PersonCOperating a vessel under the influence or while impaired or with the presence of a controlled substance causing death15324.80176(5)PersonEOperating a vessel under the influence or while impaired or with the presence of a controlled substance causing serious impairment5324.80177(1)(c)Pub safEOperating a vessel under the influence or with the presence of a controlled substance — third or subsequent offense5324.80178b(1)(b)PersonEOperating a vessel while intoxicated or impaired with a minor in the vehicle — subsequent offense5324.80319a(1)Pub ordHFalse representation to obtain personal information4324.80319a(2)Pub ordGFalse representation to obtain personal information — second offense7324.80319a(3)Pub ordCFalse representation to obtain personal information — third or subsequent offense15324.81120(1)Pub ordHFalse representation to obtain personal information4324.81120(2)Pub ordGFalse representation to obtain personal information — second offense7324.81120(3)Pub ordCFalse representation to obtain personal information — third or subsequent offense15324.81134(4)PersonCOperating an ORV under the influence or impaired or with the presence of a controlled substance causing death15324.81134(5)PersonEOperating an ORV under the influence or impaired or with the presence of a controlled substance causing serious impairment5324.81134(8)(c)Pub safEOperating an ORV under the influence or with the presence of a controlled substance — third or subsequent offense5324.81134(12) (a)(ii)PersonEOperating an ORV while intoxicated or impaired with a minor in the ORV — subsequent offense5324.82126c(1)PersonGOperating a snowmobile carelessly or negligently causing death or serious impairment2324.82126c(2)PersonGOperating a snowmobile without regard to safety causing serious impairment2324.82127(4)PersonCOperating a snowmobile under the influence or while impaired or with the presence of a controlled substance causing death15324.82127(5)PersonEOperating a snowmobile under the influence or while impaired or with the presence of a controlled substance causing serious impairment5324.82128(1)(c)Pub safEOperating a snowmobile under the influence or with the presence of a controlled substance — third or subsequent offense5324.82129b(1)(b)PersonEOperating a snowmobile under the influence or impaired with a minor occupying the snowmobile — subsequent offense5324.82160(1)Pub ordHFalse representation to obtain personal information4324.82160(2)Pub ordGFalse representation to obtain personal information — second offense7324.82160(3)Pub ordCFalse representation to obtain personal information — third or subsequent offense15 History:Add. 2002, Act 30, Eff. Apr. 1, 2002 ;-- Am. 2003, Act 232, Eff. Apr. 1, 2004 ;-- Am. 2014, Act 403, Eff. Mar. 31, 2015

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Sec. 13j. This chapter applies to the following felonies enumerated in chapters 325 to 332 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max328.232PropertyEConversion of funeral contracts5330.1944Pub safFCriminal sexual psychopath leaving state without permission4 History:Add. 2002, Act 30, Eff. Apr. 1, 2002 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007

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Sec. 13k. This chapter applies to the following felonies enumerated in chapter 333 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max333.2685PersonEUse of a live human embryo, fetus, or neonate for nontherapeutic research5333.2688PersonEResearch on dead embryo, fetus, or neonate without mother's consent5333.2689PersonEAbortion to obtain embryo or fetus5333.2690(1)PersonESale or delivery of fetus, embryo, or neonate for certain purposes5333.2690(2)PersonEFinancially benefiting from granting certain persons access to an embryo, fetus, or neonate or from transferring possession of an embryo, fetus, or neonate to certain persons5333.2813(3)Pub trstFUnauthorized disclosure of social security number — subsequent offense4333.2841(3)Pub ordEFailure to inform law enforcement or funeral home of discovery of dead body with purpose of concealing fact or cause of death5333.5210(1)PersonFPerson who has HIV knowingly engaging in vaginal or anal intercourse with uninfected person without informing the person he or she has HIV with the intent to infect that person with HIV4333.5210(2)PersonFPerson who has HIV knowingly engaging in vaginal or anal intercourse with uninfected person without informing the person he or she has HIV with reckless disregard and resulting in the person contracting HIV4333.5661PersonFFraud resulting in patient death4 History:Add. 2002, Act 30, Eff. Apr. 1, 2002 ;-- Am. 2012, Act 539, Eff. Apr. 1, 2013 ;-- Am. 2016, Act 387, Eff. Mar. 29, 2017 ;-- Am. 2018, Act 587, Eff. Mar. 28, 2019 ;-- Am. 2023, Act 208, Eff. Feb. 13, 2024

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Sec. 13m. This chapter applies to the following felonies enumerated in chapter 333 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max333.7340CSFSale, distribution, or delivery of product containing ephedrine or pseudoephedrine by mail, internet, or telephone4333.7340c(2)CSDSoliciting another person to purchase or obtain ephedrine or pseudoephedrine to manufacture methamphetamine10333.7341(8)CSGDelivery or manufacture of imitation controlled substance2333.7401(2)(a)(i)CSADelivery or manufacture of 1,000 or more grams of certain schedule 1 or 2 controlled substancesLife333.7401(2)(a)(ii)CSADelivery or manufacture of 450 or more but less than 1,000 grams of certain schedule 1 or 2 controlled substances30333.7401(2)(a)(iii)CSBDelivery or manufacture of 50 or more but less than 450 grams of certain schedule 1 or 2 controlled substances20333.7401(2)(a)(iv)CSDDelivery or manufacture of less than 50 grams of certain schedule 1 or 2 controlled substances20333.7401(2)(b)(i)CSBDelivery or manufacture of methamphetamine or 3, 4-methylenedioxymethamphetamine20333.7401(2)(b)(ii)CSEDelivery or manufacture of certain schedule 1, 2, or 3 controlled substances7333.7401(2)(c)CSFDelivery or manufacture of schedule 4 controlled substance4333.7401(2)(d)(i)CSCDelivery or manufacture of 45 or more kilograms of marihuana or synthetic equivalents of marihuana15333.7401(2)(d)(ii)CSDDelivery or manufacture of 5 or more but less than 45 kilograms of marihuana or synthetic equivalents of marihuana7333.7401(2)(d)(iii)CSFDelivery or manufacture of less than 5 kilograms or 20 plants of marihuana or synthetic equivalents of marihuana4333.7401(2)(e)CSGDelivery or manufacture of schedule 5 controlled substance2333.7401(2)(f)CSDDelivery or manufacture of a prescription form or counterfeit prescription form7333.7401aPersonBDelivering a controlled substance or GBL with intent to commit criminal sexual conduct20333.7401b(3)(a)CSEDelivery or manufacture of GBL7333.7401b(3)(b)CSGPossession of GBL2333.7401c(2)(a)CSDOperating or maintaining controlled substance laboratory10333.7401c(2)(b)CSBOperating or maintaining controlled substance laboratory in presence of minor20333.7401c(2)(c)CSBOperating or maintaining controlled substance laboratory involving hazardous waste20333.7401c(2)(d)CSBOperating or maintaining controlled substance laboratory near certain places20333.7401c(2)(e)CSAOperating or maintaining controlled substance laboratory involving firearm or other harmful device25333.7401c(2)(f)CSBOperating or maintaining controlled substance laboratory involving methamphetamine20333.7402(2)(a)CSDDelivery or manufacture of certain counterfeit controlled substances10333.7402(2)(b)CSEDelivery or manufacture of schedule 1, 2, or 3 counterfeit controlled substance5333.7402(2)(c)CSFDelivery or manufacture of counterfeit schedule 4 controlled substance4333.7402(2)(d)CSGDelivery or manufacture of counterfeit schedule 5 controlled substance2333.7402(2)(e)CSCDelivery or manufacture of controlled substance analogue15333.7403(2)(a)(i)CSAPossession of 1,000 or more grams of certain schedule 1 or 2 controlled substancesLife333.7403(2)(a)(ii)CSAPossession of 450 or more but less than 1,000 grams of certain schedule 1 or 2 controlled substances30333.7403(2)(a)(iii)CSBPossession of 50 or more but less than 450 grams of certain schedule 1 or 2 controlled substances20333.7403(2)(a)(iv)CSGPossession of 25 or more but less than 50 grams of certain schedule 1 or 2 controlled substances4333.7403(2)(a)(v)CSGPossession of less than 25 grams of certain schedule 1 or 2 controlled substances4333.7403(2)(b)(i)CSDPossession of methamphetamine or 3, 4-methylenedioxymethamphetamine10333.7403(2)(b)(ii)CSGPossession of certain schedule 1, 2, 3, or 4 controlled substances or controlled substances analogue2333.7403aCSFFraudulently obtaining controlled substance or prescription for controlled substance4333.7405(1)(a)CSGControlled substance violations by licensee2333.7405(1)(b)CSGManufacturing or distribution violations by licensee2333.7405(1)(c)CSGRefusing lawful inspection2333.7405(1)(d)CSGMaintaining drug house2333.7405(1)(e)CSGUnlawfully dispensing out-of-state prescription2333.7407(1)(a)CSGControlled substance violations by licensee4333.7407(1)(b)CSGUse of fictitious, revoked, or suspended license number4333.7407(1)(c)CSGObtaining controlled substance by fraud4333.7407(1)(d)CSGFalse reports under controlled substance article4333.7407(1)(e)CSGPossession of

counterfeiting implements4333.7407(1)(f)CSFDisclosing or obtaining prescription information4333.7407(1)(g)CSFPossession of counterfeit prescription form4333.7407(2)CSGRefusing to furnish records under controlled substance article4333.7410aCSGControlled substance offense or offense involving GBL in or near a park2333.7417CSFSell or offer to sell named product producing same or similar effect as scheduled ingredient4 History:Add. 2002, Act 30, Eff. Apr. 1, 2002 ;-- Am. 2002, Act 666, Eff. Mar. 1, 2003 ;-- Am. 2002, Act 711, Eff. Apr. 1, 2003 ;-- Am. 2003, Act 311, Eff. Apr. 1, 2004 ;-- Am. 2006, Act 259, Eff. Oct. 1, 2006 ;-- Am. 2010, Act 170, Eff. Oct. 1, 2010 ;-- Am. 2010, Act 355, Imd. Eff. Dec. 22, 2010 ;-- Am. 2013, Act 124, Imd. Eff. Oct. 1, 2013 ;-- Am. 2014, Act 218, Eff. Jan. 1, 2015 ;-- Am. 2016, Act 126, Eff. Aug. 23, 2016 ;-- Am. 2016, Act 549, Eff. Apr. 10, 2017

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Sec. 13n. This chapter applies to the following felonies enumerated in chapter 333 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max333.10116(1)Pub ordEPurchasing or selling body part of deceased individual for transplantation or therapy5333.10117Pub ordEFalsifying, concealing, or defacing document of anatomical gift for financial gain5333.10204(1)Pub ordFTransferring a human organ for valuable consideration4333.10204(4)Pub safFRemoval of a human organ by an unauthorized individual4333.10205Pub safFRemoval of a human organ in an unapproved facility4333.13738(2)Pub safFWaste disposal violations — subsequent offense5333.13738(3)Pub safFImproper disposal of waste with indifference to human life2Pub safBImproper disposal of waste with extreme indifference to human life20333.16170(3)Pub trstFFalse representation of completion of health professional recovery program4333.16213a(3)Pub trstGMedical record – intentional omission of certain medical services – health professional2333.16279(5)(a)PersonGPerforming certain medical treatment on a minor – first offense2333.16279(5)(b)PersonEPerforming certain medical treatment on a minor – subsequent offense5333.16294Pub safFUnauthorized practice of health profession4333.17748d(2)PersonGCompounding pharmacy violation2333.17748d(3)PersonFCompounding pharmacy violation resulting in personal injury4333.17748d(4)PersonECompounding pharmacy violation resulting in serious impairment of a body function5333.17748d(5)PersonCCompounding pharmacy violation resulting in death15333.17764(3)Pub safGAdulterating, misbranding, removing, or substituting a drug or device2333.17764(4)Pub safFAdulterating, misbranding, removing, or substituting a drug or device resulting in personal injury4333.17764(5)Pub safEAdulterating, misbranding, removing, or substituting a drug or device resulting in serious impairment of a body function5333.17764(6)Pub safCAdulterating, misbranding, removing, or substituting a drug or device resulting in death15333.17766c(2)(b)CSGPossessing more than 12 grams ephedrine or pseudoephedrine2333.17766c(2)(c)CSEPurchasing or possessing ephedrine or pseudoephedrine knowing or having reason to know that it is to be used to manufacture methamphetamine5333.20142(5)Pub trstFFalse statement in application for licensure as health facility4333.20153Pub safDReuse of single-use medical device10333.20175b(3)Pub trstGMedical record – intentional omission of certain medical services – health facility or agency2333.21792Pub trstGNursing home accepting referral fees, bribing officials, or accepting bribes4333.26424(l)Pub trstGSelling marihuana in violation of registry identification card restrictions2333.27407a(c)Pub safFOperating medical marihuana facility without a license resulting in death or serious injury4 History:Add. 2002, Act 30, Eff. Apr. 1, 2002 ;-- Am. 2003, Act 309, Eff. Apr. 1, 2004 ;-- Am. 2004, Act 215, Eff. Oct. 12, 2004 ;-- Am. 2008, Act 37, Imd. Eff. Mar. 17, 2008 ;-- Am. 2010, Act 26, Imd. Eff. Mar. 26, 2010 ;-- Am. 2011, Act 87, Imd. Eff. July 15, 2011 ;-- Am. 2012, Act 513, Eff. Apr. 1, 2013 ;-- Am. 2014, Act 279, Eff. Sept. 30, 2014 ;-- Am. 2016, Act 547, Imd. Eff. Jan. 10, 2017 ;-- Am. 2018, Act 583, Imd. Eff. Dec. 28, 2018 ;-- Am. 2023, Act 61, Eff. Oct. 10, 2023 ;-- Am. 2023, Act 63, Eff. Oct. 10, 2023

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Sec. 13p. This chapter applies to the following felonies enumerated in chapters 338 to 399 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max338.823Pub trstFPrivate detective license act violation4338.1053Pub trstFPrivate security business and security alarm act violation4338.3434a(2)Pub trstFUnauthorized disclosure of a social security number — subsequent offense4338.3471(1)(b)Pub trstGMichigan immigration clerical assistant act violation — subsequent offense2338.3649a(2)Pub safEMichigan boxing and mixed martial arts regulatory act violation — professional in mixed martial arts contest with amateur3339.601(6)(b)Pub trstGUnauthorized practice of residential building, residential maintenance, or alteration contracting — second or subsequent offense2339.601(6)(c)Pub trstFUnauthorized practice of residential building, residential maintenance, or alteration contracting causing serious injury or death4339.601(7)(c)Pub trstFUnauthorized practice of, or unauthorized operation of a school teaching, architecture, professional engineering, or professional land surveyor causing serious injury or death4339.735Pub trstEUnauthorized practice of public accounting5339.5601(5)Pub trstEUnauthorized practice of an occupation under the skilled trades regulation act — third or subsequent offense5380.1230d(3)(a)Pub safGFailure by school employee to report charge or conviction2380.1816Pub trstFImproper use of bond proceeds4388.936Pub trstFKnowingly making false statement to obtain school district loan4388.1937Pub trstFMaking false statement or concealing material information to obtain qualification of school bond issue or improperly using proceeds of school bonds4 History:Add. 2002, Act 30, Eff. Apr. 1, 2002 ;--

Am. 2002, Act 475, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 162, Eff. Oct. 1, 2004 ;-- Am. 2004, Act 418, Eff. Mar. 30, 2005 ;-- Am. 2005, Act 96, Imd. Eff. July 20, 2005 ;-- Am. 2005, Act 125, Imd. Eff. Sept. 29, 2005 ;-- Am. 2005, Act 279, Imd. Eff. Dec. 19, 2005 ;-- Am. 2008, Act 340, Imd. Eff. Dec. 23, 2008 ;-- Am. 2010, Act 317, Eff. Apr. 1, 2011 ;-- Am. 2015, Act 184, Eff. Feb. 10, 2016 ;-- Am. 2016, Act 416, Eff. Apr. 4, 2016

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Sec. 14. This chapter applies to felonies enumerated in chapters 400 to 499 of the Michigan Compiled Laws as set forth in sections 14a to 14p. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 363, Eff. July 1, 2001 ;-- Am. 2002, Act 29, Eff. Apr. 1, 2002

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Sec. 14a. This chapter applies to the following felonies enumerated in chapters 400 to 407 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max400.60(2)PropertyHWelfare — obtaining over $500 by failure to inform4400.293Pub trstECharitable organizations and solicitations act violations5400.603Pub trstGMedicaid fraud — false statement in benefit/concealing information4400.604Pub trstGMedicaid fraud — kickback/referral fees4400.605Pub trstGMedicaid fraud — false statement regarding institutions4400.606PropertyEMedicaid fraud — conspiracy10400.607Pub trstGMedicaid fraud — false claim/medically unnecessary4400.609PropertyDMedicaid fraud — fourth or subsequent offense10400.713(13)Pub safHAdult foster care — unlicensed facility2Pub safFAdult foster care — unlicensed facility — subsequent violation5400.722(4)Pub safFAdult foster care — maintaining operation after refusal of licensure5 History:Add. 2002, Act 29, Eff. Apr. 1, 2002 ;-- Am. 2010, Act 378, Eff. Mar. 30, 2011

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Sec. 14b. This chapter applies to the following felonies enumerated in chapters 408 to 420 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max408.1035(5)PersonHMIOSHA violation causing employee death1PersonGMIOSHA violation causing employee death — subsequent offense3408.1035a(5)PersonHMIOSHA violation causing employee death1PersonGMIOSHA violation causing employee death — subsequent offense3409.122(2)PersonGEmployment of children during certain hours — second offense2PersonEEmployment of children during certain hours — third or subsequent offense10409.122(3)PersonDEmployment of children in child sexually abusive activity20 History:Add. 2002, Act 29, Eff. Apr. 1, 2002

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Sec. 14c. This chapter applies to the following felonies enumerated in chapter 421 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max421.54(a)(ii)(B)PropertyHUnemployment comp fraud — failure to comply with act/rule $25,000-$100,0002421.54(a)(ii)(C)PropertyGUnemployment comp fraud — failure to comply with act/rule over $100,0005421.54(a)(iv)(B)PropertyHUnemployment comp fraud — willful violation of act/rule over $100,0002421.54(b)(ii)(B)PropertyHUnemployment comp fraud — false statement or misrepresentation over $25,0002421.54(b)(ii)(C)PropertyHUnemployment comp fraud — false statement or misrepresentation without actual loss2421.54(d)PropertyHUnemployment comp fraud — disclose confidential information for financial gain1421.54(m)PropertyHUnemployment comp fraud — knowing false statement or representation or failure to disclose material fact $3,500 - $25,0001421.54aPropertyGUnemployment comp fraud — false statement as condition of employment10421.54b(1)(b)(i)PropertyHUnemployment comp fraud — conspiracy with loss of $25,000 or less2421.54b(1)(b)(ii)PropertyGUnemployment comp fraud — conspiracy with loss over $25,0005421.54b(1)(b)(iii)PropertyHUnemployment comp fraud — conspiracy with no actual loss2421.54c(1)(b)(ii)PropertyHUnemployment comp fraud — embezzlement of $25,000 to under $100,0002421.54c(1)(b)(iii)PropertyGUnemployment comp fraud — embezzlement of $100,000 or more5421.54c(1)(b)(iv)PropertyHUnemployment comp fraud — embezzlement with no actual loss2 History:Add. 2002, Act 29, Eff. Apr. 1, 2002 ;-- Am. 2012, Act 477, Imd. Eff. Dec. 27, 2012

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Sec. 14d. This chapter applies to the following felonies enumerated in chapters 422 to 432 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max431.257Pub trstGHorse racing — delivery of unclaimed winnings2431.307(8)Pub trstGHorse racing — testifying falsely to commissioner while under oath4431.317(9)Pub trstEHorse racing — accepting wagers on live or simulcast horse races without a license5431.330(6)Pub trstGHorse racing — administering a drug that could affect racing condition5431.332Pub trstGHorse racing — influencing or attempting to influence result of race5432.30PropertyGLottery — forgery of tickets5432.218Pub ordDCasino gaming offenses10432.313Pub ordDInternet gaming offenses10432.413Pub ordDSports betting offenses10432.513Pub ordEFantasy contest offenses – third or subsequent violation5 History:Add. 2002, Act 29, Eff. Apr. 1, 2002 ;-- Am. 2016, Act 272, Imd. Eff. July 1, 2016 ;-- Am. 2019, Act 147, Imd. Eff. Dec. 20, 2019 ;-- Am. 2019, Act 151, Imd. Eff. Dec. 20, 2019 ;-- Am. 2020, Act 14, Imd. Eff. Jan. 27, 2020

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Sec. 14f. This chapter applies to the following felonies enumerated in chapter 436 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max436.1701(2)PersonDSelling alcohol to a minor and causing death10436.1909(3)Pub ordHLiquor violation1436.1909(4)(a)Pub ordFUnauthorized sale, delivery, or importation of spirits — 80,000 ml or more4436.1909(5)(a)Pub ordFUnauthorized sale, delivery, or importation of beer or wine4436.1919Pub ordHFraudulent documents, labels, or stamps1 History:Add. 2002, Act 29, Eff. Apr. 1, 2002 ;-- Am. 2010, Act 317, Eff. Apr. 1, 2011 ;-- Am. 2017, Act 86, Eff. Oct. 10, 2017

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Sec. 14g. This chapter applies to the following felonies enumerated in chapters 437 to 444 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max438.41PropertyECriminal usury5440.9320(8)PropertyGFarming — illegal sale of secured products3440.9501Pub trstEFiling a false or fraudulent financing statement with the secretary of state5440.9501aPub trstEFiling false affidavit of fraudulent financing statement5442.219Pub trstEFalse statement in application for license to conduct certain sales5443.50Pub trstEIssuing warehouse receipt for goods not received5443.52Pub trstEIssuing duplicate warehouse receipt not so marked5444.13Pub trstHWarehousemen and warehouse receipts2444.107Pub trstEWarehouse certificates — willfully alter or destroy5 History:Add. 2002, Act 29, Eff. Apr. 1, 2002 ;-- Am. 2004, Act 304, Eff. Jan. 1, 2005 ;-- Am. 2008, Act 382, Imd. Eff. Dec. 29, 2008

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Sec. 14h. This chapter applies to the following felonies enumerated in chapter 445 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max445.33(2)(b)Pub ordEMail theft – second or subsequent offense5445.65Pub ordEIdentity theft5Pub ordDIdentity theft – second offense10Pub ordCIdentify theft – third or subsequent offense15445.67Pub ordESolicit, obtain, possess, sell, or transfer personal identifying information of another or falsify a police report with intent to commit identity theft5Pub ordDObtain, possess, sell, or transfer personal identifying information of another or falsify a police report with intent to commit identity theft – second offense10Pub ordCObtain, possess, sell, or transfer personal identifying information of another or falsify a police report with intent to commit identity theft – third or subsequent offense15445.408(2)Pub ordEBuying or selling stolen scrap metal5445.408(3)Pub ordEBuying or selling stolen scrap metal – subsequent offense5445.433(2)Pub ordEKnowingly buying or selling stolen scrap metal or other specific items5445.487(2)Pub ordHPrecious metal and gem dealer failure to record material matter – subsequent offense2445.488(2)Pub ordHPrecious metal and gem dealer violations – subsequent offense2445.489Pub ordHPrecious metal and gem dealer failing to record transaction or falsifying transaction record, or making improper purchase2445.490Pub ordHPrecious metal and gem dealer failure to obtain a certificate of registration or retain precious item for required period2445.574(2)(c)Pub ordEFailure to originate and maintain record of deposits on certain containers valued at $10,000.00 or more but less than $20,000.00 with intent to defraud or cheat, or repeat offense5445.574(2)(d)Pub ordCFailure to originate and maintain record of deposits on certain containers valued at $20,000.00 or more but less than $50,000.00 with intent to defraud or cheat, or repeat offense15445.574(2)(e)Pub ordCFailure to originate and maintain record of deposits on certain containers valued at $50,000.00 or more but less than $100,000.00 with intent to defraud or cheat, or repeat offense15445.574(2)(f)Pub ordBFailure to originate and maintain record of deposits on certain containers valued at $100,000.00 or more with intent to defraud or cheat, or repeat offense20445.574a(2)(d)Pub ordHImproper return of 10,000 or more nonrefundable

containers5445.574a(3)(d)Pub ordHImproper acceptance or delivery of 10,000 or more nonrefundable containers by dealer5445.574a(4)(d)Pub ordHImproper acceptance or delivery of 10,000 or more nonrefundable containers by distributor5445.667Pub ordGChanging, altering, or modifying reverse vending machine or data for reverse vending machine2445.779Pub ordHAntitrust violation2445.1505Pub trstGFraudulent filing, offer, or sale of franchise7445.1508Pub trstGSale of franchise without proper disclosure7445.1513Pub trstGIllegal offer or sale of franchise7445.1520Pub trstGFailure to keep or maintain record of sale of franchise7445.1521Pub trstGFalse representation of departmental finding, recommendation, or approval of franchise document7445.1523Pub trstGFalse statement of material fact to department of attorney general regarding franchise7445.1525Pub trstGFalse advertising of franchise7445.1671Pub trstEFalse statement in report required by mortgage broker or lender15445.2081Pub ordEPurchasing or selling stolen plastic bulk merchandise containers5445.2507(2)Pub ordFViolation of unsolicited commercial e-mail protection act in furtherance of crime4445.2583Pub trstFEstablish, promote, or operate a pyramid promotional scheme7 History:Add. 2002, Act 29, Eff. Apr. 1, 2002 ;-- Am. 2003, Act 134, Eff. Sept. 30, 2003 ;-- Am. 2004, Act 457, Eff. Mar. 1, 2005 ;-- Am. 2006, Act 594, Eff. Mar. 30, 2007 ;-- Am. 2008, Act 65, Imd. Eff. Apr. 3, 2008 ;-- Am. 2008, Act 386, Imd. Eff. Dec. 29, 2008 ;-- Am. 2008, Act 430, Eff. Apr. 1, 2009 ;-- Am. 2010, Act 317, Eff. Apr. 1, 2011 ;-- Am. 2010, Act 319, Eff. Apr. 1, 2011 ;-- Am. 2012, Act 187, Imd. Eff. June 20, 2012 ;-- Am. 2018, Act 188, Eff. Sept. 11, 2018 ;-- Am. 2019, Act 49, Eff. Dec.16, 2019 ;-- Am. 2021, Act 141, Eff. Mar. 27, 2022

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Sec. 14j. This chapter applies to the following felonies enumerated in chapters 450 and 451 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max450.775Pub ordHCorporations — minority and woman owned businesses2450.795Pub ordHCorporations — handicapper business opportunity act2451.319Pub trstGSecurities, real estate, and debt management — violation2451.434Pub trstHDebt management act — licensee violations2451.2508Pub trstESecurities act violation10 History:Add. 2002, Act 29, Eff. Apr. 1, 2002 ;-- Am. 2008, Act 552, Imd. Eff. Jan. 16, 2009

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Sec. 14m. This chapter applies to the following felonies enumerated in chapters 460 to 473 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max462.257(1)PersonATrains — endangering travelLife462.353(5)Pub safEOperating a locomotive under the influence — third or subsequent offense5462.353(6)PersonCOperating locomotive under the influence or while impaired causing death15462.353(7)PersonEOperating locomotive under the influence or while impaired causing serious impairment5472.21Pub safACausing derailment of streetcar, tram, or trolley or endangering life of person engaged in the work of or traveling by streetcar, tram, or trolleyLife472.36Pub safAStreet railways — obstruction of trackLife History:Add. 2002, Act 29, Eff. Apr. 1, 2002 ;-- Am. 2002, Act 659, Eff. Apr. 1, 2003 ;-- Am. 2008, Act 484, Imd. Eff. Jan. 12, 2009

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Sec. 14p. This chapter applies to the following felonies enumerated in chapters 482 to 499 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max482.44PropertyHBills of lading — issuance for goods not received5482.46PropertyHBills of lading — issuance of duplicate negotiable bill with intent to defraud5482.48PropertyHBills of lading — negotiation when goods not in carriers' possession5482.49PropertyHBills of lading — inducing carrier to issue when goods have not been received5482.50PropertyHBills of lading — issuance of non-negotiable bill not so marked5487.1042(1)Pub trstEMoney transmission services act — intentionally making a false statement, misrepresentation, or certification in a record or document5487.1042(2)Pub trstECriminal fraud in the conduct of money transmission services business5487.1042(3)Pub trstEMoney transmission services act license violation5487.1505(6)Pub trstEBIDCO act — knowingly receiving money or property at an interest rate exceeding 25%5492.137(a)Pub trstHInstallment sales of motor vehicles3493.56a(13)Pub trstCFalse statement in reports — secondary mortgage15 History:Add. 2002, Act 29, Eff. Apr. 1, 2002 ;-- Am. 2006, Act 251, Imd. Eff. July 3, 2006 ;-- Am. 2008, Act 323, Imd. Eff. Dec. 18, 2008 ;-- Am. 2008, Act 528, Imd. Eff. Jan. 13, 2009

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Sec. 15. This chapter applies to the following felonies enumerated in chapters 500 to 749 of the Michigan Compiled Laws as set forth in sections 15a to 15g of this chapter. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000

;-- Am. 2001, Act 10, Imd. Eff. May 29, 2001 ;-- Am. 2001, Act 152, Eff. Jan. 1, 2002 ;-- Am. 2002, Act 206, Eff. May 1, 2002

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Sec. 15a. This chapter applies to the following felonies enumerated in chapters 500 to 550 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max500.1325(3)Pub trstEInsurance code — knowingly misrepresenting false financial condition5500.1371Pub trstHHolding companies — violation2500.1505(2)Pub trstCInsurance code — license and regulatory violations15500.4511(1)Pub trstFInsurance code — fraudulent insurance act4500.4511(2)Pub trstDInsurance fraud — agreement or conspiracy to commit10500.5252(4)PropertyGInsurance — improper personal interest in transactions5500.7034(2)Pub trstEOfficer of a MEWA knowingly receive valuables for sale property or loan10500.8197(2)Pub trstCInsurance — knowing or willful false statements in application for insurance15500.8197(3)PropertyEConsolidation merger — compensation otherwise than expressed in contract5 History:Add. 2002, Act 206, Eff. May 1, 2002

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XVII - Chapter XVII Sentencing Guidelines (777.1...777.69)175-1927-XVII-2 - Part 2 Included Felonies (777.11...777.19)Section 777.15b.amended - Chapters 551 to 570 of Michigan Compiled Laws; Felonies to Which Chapter Applicable.

***** 777.15b.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 15b. This chapter applies to the following felonies enumerated in chapters 551 to 570 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max551.102(2)Pub trstFUnauthorized disclosure of social security number — subsequent offense4554.985PropertyEContinuing care community disclosure act — knowing violation7565.371(1)PropertyGFraudulent conveyances — recording with intent to deceive3565.371(2)PropertyDFraudulent conveyances – drafting or submitting to be filed with the register of deeds10570.152PropertyGContractor — fraudulent use of building contract fund3570.1110(11)(c)PropertyEContractor — false sworn statement involving $1,000 to $20,000 or with prior convictions5570.1110(11)(d)PropertyDContractor — false sworn statement involving $20,000 or more or with prior convictions10 History:Add. 2002, Act 206, Eff. May 1, 2002 ;-- Am. 2010, Act 152, Imd. Eff. Aug. 23, 2010 ;-- Am. 2014, Act 451, Imd. Eff. Jan. 2, 2015 ;-- Am. 2024, Act 155, Eff. (sine die)

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XVII - Chapter XVII Sentencing Guidelines (777.1...777.69)175-1927-XVII-2 - Part 2 Included Felonies (777.11...777.19)Section 777.15b - Chapters 551 to 570 of Michigan Compiled Laws; Felonies to Which Chapter Applicable.

***** 777.15b THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 777.15b.amended ***** Sec. 15b. This chapter applies to the following felonies enumerated in chapters 551 to 570 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max551.102(2)Pub trstFUnauthorized disclosure of social security number — subsequent offense4554.985PropertyEContinuing care community disclosure act — knowing violation7565.371PropertyGFraudulent conveyances — recording with intent to deceive3570.152PropertyGContractor — fraudulent use of building contract fund3570.1110(11)(c)PropertyEContractor — false sworn statement involving $1,000 to $20,000 or with prior convictions5570.1110(11)(d)PropertyDContractor — false sworn statement involving $20,000 or more or with prior convictions10 History:Add. 2002, Act 206, Eff. May 1, 2002 ;-- Am. 2010, Act 152, Imd. Eff. Aug. 23, 2010 ;-- Am. 2014, Act 451, Imd. Eff. Jan. 2, 2015

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Sec. 15d. This chapter applies to the following felonies enumerated in chapter 600 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max600.908(8)Pub trstEImmunity to witness — committing perjury15600.2136Pub trstELibrary record, book, paper — false certification in court15600.2907aPropertyGRecording documents affecting property without lawful cause3600.2916Pub safGRevised judicature act — lethal gases for fumigation4600.8713Pub trstGRevised judicature act — false statement by authorized local officials15600.8813Pub trstELaw enforcement officer — knowingly making false statement in a citation15 History:Add. 2002, Act 206, Eff. May 1, 2002

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Sec. 15e. This chapter applies to the following felonies enumerated in chapter 691 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max691.1819(1)(a)Pub safGViolation of an extreme risk protection order – first offense1691.1819(1)(b)Pub safFViolation of an extreme risk protection order – second offense4691.1819(1)(c)Pub safEViolation of an extreme risk protection order – third or subsequent offense5691.1819(4)(b)Pub trstFFalse statement in complaint for an extreme risk protection order – second offense4691.1819(4)(c)Pub trstEFalse statement in complaint for an extreme risk protection order – third or subsequent offense5691.1819(5)Pub safGKnowingly providing a firearm to individual restrained under an extreme risk protection order1 History:Add. 2023, Act 36, Eff. Feb. 13, 2024

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Sec. 15f. This chapter applies to the following felonies enumerated in chapters 700 to 720 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max710.54(11)Pub trstFOffer to give other consideration — adoption — subsequent violation4710.55(1)Pub trstFAdoption — persons not authorized to place child or to advertise for, solicit, or recruit for adoption — subsequent violation4710.69PersonFMichigan adoption law — subsequent offense4711.1(8)Pub trstEIntentional false statement in petition for name change15712A.6b(3)Pub ordGViolation of court order — subsequent conviction2 History:Add. 2002, Act 206, Eff. May 1, 2002 ;-- Am. 2016, Act 484, Eff. Apr. 6, 2017

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***** 777.15g.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE ***** Sec. 15g. This chapter applies to the following felonies enumerated in chapters 721 to 730 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max722.115e(5)(a)Pub safGFailure to report arraignment for criminal charges — licensed child care organizations and employees2722.115i(2)(a)Pub safGFailure to report arraignment on criminal charges — foster family homes and foster family group homes2722.115l(4)(b)Pub ordFFalse report initiating high-risk special investigationVariable722.633(5)(b)PersonFIntentional false report of child abuse or child neglect constituting a felonyVariable722.675Pub ordEDisseminating sexually explicit material to a minor2 History:Add. 2002, Act 206, Eff. May 1, 2002 ;-- Am. 2005, Act 106, Imd. Eff. Sept. 14, 2005 ;-- Am. 2005, Act 134, Eff. Jan. 1, 2006 ;-- Am. 2007, Act 220, Imd. Eff. Dec. 28, 2007 ;-- Am. 2008, Act 16, Eff. June 1, 2008 ;-- Am. 2014, Act 76, Imd. Eff. Mar. 28, 2014 ;-- Am. 2017, Act 259, Eff. Mar. 28, 2018 ;-- Am. 2024, Act 26, Eff. (sine die)

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***** 777.15g THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 777.15g.amended ***** Sec. 15g. This chapter applies to the following felonies enumerated in chapters 721 to 730 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max722.115e(5)(a)Pub safGFailure to report arraignment for criminal charges — licensed child care organizations and employees2722.115i(2)(a)Pub safGFailure to report arraignment on criminal charges – foster family homes and foster family group homes2722.115l(4)(b)Pub ordFFalse report initiating high-risk special investigationVariable722.633(5)(b)PersonFIntentional false report of child abuse constituting a felonyVariable722.675Pub ordEDistributing obscene matter to children2722.857PersonESurrogate parenting contracts involving minors or intellectually disabled5722.859(3)PersonESurrogate parenting contracts for compensation5 History:Add. 2002, Act 206, Eff. May 1, 2002 ;-- Am. 2005, Act 106, Imd. Eff. Sept. 14, 2005 ;-- Am. 2005, Act 134, Eff. Jan. 1, 2006 ;-- Am. 2007, Act 220, Imd. Eff. Dec. 28, 2007 ;-- Am. 2008, Act 16, Eff. June 1, 2008 ;-- Am. 2014, Act 76, Imd. Eff. Mar. 28, 2014 ;-- Am. 2017, Act 259, Eff. Mar. 28, 2018

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Sec. 16. This chapter applies to felonies enumerated in chapter 750 of the Michigan Compiled Laws as set forth in sections 16a to 16bb of this chapter. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2007, Act 20, Imd. Eff. June 19, 2007

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Included Felonies (777.11...777.19)Section 777.16a - MCL 750.13 to 750.32; Felonies to Which Chapter Applicable.

Sec. 16a. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.13PersonDEnticing female under 16 for immoral purposes10750.16(1)PersonGAdulterate, misbrand, remove, or substitute a drug or medicine2750.16(2)PersonFAdulterate, misbrand, remove, or substitute a drug or medicine causing personal injury4750.16(3)PersonEAdulterate, misbrand, remove, or substitute a drug or medicine resulting in serious impairment of body function5750.16(4)PersonCAdulterate, misbrand, remove, or substitute a drug or medicine resulting in death15750.18(3)PersonGMix, color, stain, or powder a drug or medicine with an ingredient or material so as to injuriously affect its quality or potency2750.18(4)PersonFMix, color, stain, or powder a drug or medicine with an ingredient or material so as to injuriously affect its quality or potency resulting in personal injury4750.18(5)PersonEMix, color, stain, or powder a drug or medicine with an ingredient or material so as to injuriously affect its quality or potency resulting in serious impairment of body function5750.18(6)PersonCMix, color, stain, or powder a drug or medicine with an ingredient or material so as to injuriously affect its quality or potency resulting in death15750.30Pub ordHAdultery4750.32Pub ordHCohabitation of divorced parties4 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2004, Act 216, Eff. Oct. 12, 2004 ;-- Am. 2010, Act 97, Eff. June 25, 2010 ;-- Am. 2023, Act 13, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapters 760 - 777 - Code of Criminal ProcedureAct 175 of 1927 - The Code of Criminal Procedure (760.1 - 777.69)175-1927-XVII - Chapter XVII Sentencing Guidelines (777.1...777.69)175-1927-XVII-2 - Part 2 Included Felonies (777.11...777.19)Section 777.16aa - MCL 750.539c to 750.540g(1)(d); Felonies to Which Chapter Applicable.

Sec. 16aa. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.539cPub ordHEavesdropping2750.539d(3)(a)(i)Pub ordHInstalling, placing, or using eavesdropping device2750.539d(3)(a)(ii)Pub ordEInstalling, placing, or using eavesdropping device — subsequent offense5750.539d(3)(b)Pub ordEDistributing, disseminating, or transmitting recording or image obtained by eavesdropping5750.539ePub ordHDivulging or using information obtained by eavesdropping2750.539fPub ordHManufacture or possession of eavesdropping device2750.539j(2)(a)(i)Pub ordHLewd surveillance or capturing lewd image2750.539j(2)(a)(ii)Pub ordELewd surveillance or capturing lewd image — subsequent offense5750.539j(2)(b)Pub ordEDistributing, disseminating, or transmitting visual image obtained by surveillance5750.539k(5)(a)PropertyEIllegally recording personal identifying information from financial transaction device transaction5750.539k(5)(b)PropertyDIllegally recording personal identifying information from financial transaction device transaction — second offense10750.539k(5)(c)PropertyCIllegally recording personal identifying information from financial transaction device transaction — third or subsequent offense15750.540(5)(a)Pub ordHDamaging, destroying, using, or obstructing use of electronic medium of communication2750.540(5)(b)PersonFDamaging, destroying, using, or obstructing use of electronic medium of communication resulting in injury or death4750.540c(4)PropertyFTelecommunication violation4750.540f(2)PropertyEKnowingly publishing a communications access device with prior convictions5750.540g(1)(c)PropertyEDiverting telecommunication services having a value of $1,000 to $20,000 or with prior convictions5750.540g(1)(d)PropertyDDiverting telecommunication services having a value of $20,000 or more or with prior convictions10 History:Add. 2007, Act 20, Imd. Eff. June 19, 2007 ;-- Am. 2013, Act 214, Eff. Apr. 1, 2014

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Sec. 16b. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.43aPub safEAiming a beam of directed energy emitted from a directed energy device at or into path of aircraft or a moving train5750.45a(1)Pub safFUsing an unmanned aircraft in a manner that interferes with certain facilities4750.45a(2)Pub safFFlying over or causing an unmanned aircraft to hover over facility designated on federal registry4750.49(2)(a) to (d)Pub ordFFighting animals or providing facilities for animal fights4750.49(2)(e)Pub ordFOrganizing or promoting animal fights4750.49(2)(f)Pub ordHAttending animal fight4750.49(2)(g)Pub ordFBreeding or selling fighting animals4750.49(2)(h)Pub ordFSelling or possessing equipment for animal fights4750.49(8)PersonAInciting fighting animal resulting in deathLife750.49(9)PersonFInciting fighting animal to attack4750.49(10)PersonDFighting animal attacking without provocation and death resulting15750.50(4)(c)Pub ordGAnimal neglect or cruelty involving 4 or more animals but fewer than 10 animals or with 1 prior conviction2750.50(4)(d)Pub ordFAnimal neglect or cruelty involving 10 or more animals but fewer than 25 animals or with 2 prior convictions4750.50(4)(e)Pub ordEAnimal neglect or cruelty involving 25 or more animals or with 3 or more prior convictions7750.50(4)(f)Pub ordGAnimal neglect or cruelty by breeder or pet shop operator with 5 or more prior violations of 1969 PA 287, MCL 287.331 to 287.3402750.50b(3)PropertyDFirst degree killing or torturing animals10750.50b(4)PropertyESecond degree killing or torturing animals7750.50b(5)PropertyFThird degree killing or torturing animals4750.50c(5)Pub ordEKilling or causing serious physical harm to law enforcement animal or search and rescue dog5750.50c(7)Pub safHHarassing or causing harm to law enforcement animal or search and rescue dog while committing crime2750.68PropertyGChanging brands with intent to steal4 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act

279, Eff. Oct. 1, 2000 ;-- Am. 2006, Act 518, Imd. Eff. Dec. 29, 2006 ;-- Am. 2007, Act 151, Eff. Apr. 1, 2008 ;-- Am. 2008, Act 562, Imd. Eff. Jan. 16, 2009 ;-- Am. 2017, Act 30, Eff. Aug. 7, 2017 ;-- Am. 2018, Act 469, Eff. Mar. 27, 2019 ;-- Am. 2018, Act 652, Eff. Mar. 28, 2019

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Sec. 16bb. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.543fPersonATerrorism without causing deathLife750.543h(3)(a)Pub ordBHindering prosecution of terrorism — certain terrorist acts20750.543h(3)(b)Pub ordAHindering prosecution of terrorism — act of terrorismLife750.543kPub safBSoliciting or providing material support for terrorism or terrorist acts20750.543mPub ordBThreat or false report of terrorism20750.543pPub safBUse of internet or telecommunications to commit certain terrorist acts20750.543rPub safBPossession of vulnerable target information with intent to commit certain terrorist acts20750.545Pub ordEMisprision of treason5750.552bPropertyFTrespassing on correctional facility property4750.552cPub safFTrespass upon key facility4750.553PropertyGSquatting, second or subsequent offense2 History:Add. 2007, Act 20, Imd. Eff. June 19, 2007 ;-- Am. 2014, Act 225, Eff. Sept. 24, 2014

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Sec. 16c. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.72PersonAFirst degree arsonLife750.73PersonBSecond degree arson20750.74PropertyDThird degree arson10750.75PropertyEFourth degree arson5750.76(3)(a)PersonAArson of insured dwellingLife750.76(3)(b)PropertyBArson of insured building or structure20750.76(3)(c)PropertyDArson of insured personal property10750.79(1)(c)PropertyEPreparing to burn with intent to commit arson of $1,000 or more but less than $20,000, or with prior conviction5750.79(1)(d)PropertyDPreparing to burn with intent to commit arson of $20,000, or more, or with 2 or more prior convictions, or with intent to commit insurance fraud, or causing injury10750.79(1)(e)PropertyCPreparing to burn with intent to commit arson of dwelling or to commit insurance fraud, or causing injury15 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2012, Act 534, Eff. Apr. 3, 2013 ;-- Am. 2013, Act 124, Imd. Eff. Oct. 1, 2013 ;-- Am. 2014, Act 112, Eff. July 9, 2014

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Sec. 16d. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.81(5)PersonEDomestic assault or assault of a pregnant individual with prior convictions5750.81a(3)PersonEAggravated domestic assault with prior convictions5750.81d(1)PersonGAssaulting, resisting, or obstructing certain persons2750.81d(2)PersonFAssaulting, resisting, or obstructing certain persons causing bodily injury requiring medical attention4750.81d(3)PersonCAssaulting, resisting, or obstructing certain persons causing serious impairment15750.81d(4)PersonBAssaulting, resisting, or obstructing certain persons causing death20750.81e(2)PersonGAssault on utility worker causing bodily injury requiring medical attention2750.81e(3)PersonEAssault on utility worker causing serious impairment of a body function5750.82(1)PersonFFelonious assault4750.82(2)PersonFFelonious assault — weapon-free school zone4750.83PersonAAssault with intent to murderLife750.84(1)(a)PersonDAssault with intent to do great bodily harm less than murder10750.84(1)(b)PersonDAssault by strangulation or suffocation10750.85PersonATortureLife750.86PersonDAssault with intent to maim10750.87PersonDAssault with intent to commit a felony10750.88PersonCAssault with intent to commit unarmed robbery15750.89PersonAAssault with intent to commit armed robberyLife750.90(1)PersonCSexual contact under pretext of medical treatment20750.90(2)PersonBSexual penetration under pretext of medical treatment25750.90aPersonAAssault against a pregnant individual causing miscarriage, stillbirth, or death to embryo or fetus with intent or recklessnessLife750.90b(a)PersonCAssault against a pregnant individual resulting in miscarriage, stillbirth, or death to embryo or fetus15750.90b(b)PersonDAssault against a pregnant individual resulting in great bodily harm to embryo or fetus10750.90c(a)PersonCGross negligence against a pregnant individual resulting in miscarriage, stillbirth, or death to embryo or fetus15750.90c(b)PersonEGross negligence against a pregnant individual resulting in great bodily harm to embryo or fetus5750.90d(a)PersonCOperating a vehicle under the influence or while impaired causing miscarriage, stillbirth, or death to embryo or fetus15750.90d(b)PersonEOperating a vehicle under the influence or while impaired causing serious or aggravated injury to embryo or fetus5750.90ePersonGCareless or reckless driving causing miscarriage, stillbirth, or death to embryo or fetus2750.90g(3)PersonAPerformance of procedure on live infant with intent to cause deathLife750.91PersonAAttempted murderLife History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 192, Eff. Mar. 10, 2000 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2001, Act 2, Eff. June 1, 2001 ;-- Am. 2001, Act 20, Eff. Sept. 1, 2001 ;-- Am. 2002, Act 269, Eff. July 15, 2002 ;-- Am. 2005, Act 336, Eff. Mar. 1, 2006 ;-- Am. 2010, Act 132, Imd. Eff. July 21, 2010 ;-- Am. 2011, Act 169, Eff. Jan. 1, 2012 ;-- Am. 2012, Act 365, Eff. Apr. 1, 2013 ;-- Am. 2016, Act 88, Eff. July 25, 2016 ;-- Am.

2023, Act 59, Eff. Oct. 10, 2023 ;-- Am. 2023, Act 208, Eff. Feb. 13, 2024

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Sec. 16e. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.93PropertyGRemoving or destroying bonds in state treasury10750.94PropertyGIssuing bank notes without complying with requirements10750.95PropertyGFraudulent bank notes10750.96PropertyGFraudulent disposal of bank property4750.98Pub ordGPrivate banking4750.99Pub trstGCertifying checks without sufficient funds4750.100Pub trstEBanks — conducting business when insolvent5750.101Pub trstEViolating financial institutions act5750.104PropertyFFitting boat with intent to destroy4750.105PropertyGMaking false cargo invoice for boat4 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2015, Act 213, Eff. Mar. 14, 2016 ;-- Am. 2018, Act 285, Eff. Sept. 27, 2018

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Sec. 16f. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.110PropertyDBreaking and entering with intent to commit felony or larceny10750.110a(2)PersonBHome invasion — first degree20750.110a(3)PersonCHome invasion — second degree15750.110a(4)PersonEHome invasion — third degree5750.111PropertyEEntering without breaking with intent to commit felony or larceny5750.112PersonABurglary with explosivesLife750.116(1)PropertyEPossession of burglar's tools with intent to steal money or property from a structure or depository other than a motor vehicle10750.116(2)PropertyEPossession of burglar's tools with intent to steal a motor vehicle5750.116(3)PropertyEPossession of burglar's tools as part of a criminal organization and with intent to steal more than 1 motor vehicle10750.117Pub trstFBribing a public officer4750.118Pub trstDPublic officer accepting bribe10750.119(1)(a)Pub trstFBribing a juror or other person4750.119(1)(b)Pub trstDBribing a juror or other person in case punishable by more than 10 years10750.120Pub trstFJuror or other person accepting a bribe4750.120a(2)(a)Pub ordFJuror intimidation4750.120a(2)(b)Pub ordDJuror intimidation in case punishable by more than 10 years10750.120a(2)(c)PersonCJuror intimidation by committing crime or threatening to kill or injure15750.120a(4)PersonDRetaliating against juror10750.121Pub trstFBribing a public officer to influence contract4750.122(7)(a)Pub ordFBribing or intimidating witness4750.122(7)(b)Pub ordDBribing or intimidating witness in case punishable by more than 10 years10750.122(7)(c)PersonCIntimidating witness by committing crime or threatening to kill or injure15750.122(8)PersonDRetaliating against witness10750.124Pub trstGBribing an athlete4750.128Pub ordHBucket shop violation2750.131(3)(b)(ii)PropertyGNSF checks — $100 to $500 — third or subsequent offense2750.131(3)(c)PropertyGNSF checks — $500 or more2750.131a(1)PropertyHNo account checks2750.131a(2)PropertyHNSF checks, 3 or more within 10 days2 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 45, Eff. Oct. 1, 1999 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 498, Eff. Mar. 28, 2001 ;-- Am. 2024, Act 93, Eff. Oct. 21, 2024

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Sec. 16g. (1) This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.135PersonDExposing children with intent to injure or abandon10750.135a(2)(c)PersonDLeaving child unattended in vehicle resulting in serious physical harm10750.135a(2)(d)PersonBLeaving child unattended in vehicle resulting in death15750.136PersonBFemale genital mutilation violation15750.136aPersonBTransporting person for purpose of female genital mutilation15750.136b(2)PersonAFirst degree child abuseLife750.136b(4)(a)PersonCSecond degree child abuse — first offense10750.136b(4)(b)PersonBSecond degree child abuse — with prior conviction20750.136b(6)(a)PersonGThird degree child abuse – first offense2750.136b(6)(b)PersonEThird degree child abuse – with prior conviction5750.136b(8)(b)PersonGFourth degree child abuse – with prior conviction2750.136cPersonBBuying or selling an individual20750.136d(1)(a)PersonAFirst degree child abuse in presence of another childLife750.136d(1)(b)PersonDSecond degree child abuse in presence of another child – first offense10750.136d(1)(c)PersonBSecond degree child abuse in presence of another child – second or subsequent offense20750.136d(1)(d)PersonGThird degree child abuse in presence of another child2750.145aPersonFSoliciting child to commit an immoral act4750.145bPersonDAccosting children for immoral purposes with prior conviction10750.145c(2)(a)PersonBProducing child sexually abusive activity or material20750.145c(2)(b)PersonBAggravated producing of child sexually abusive activity or material25750.145c(3)(a)PersonDDistributing, promoting, or financing the distribution of child sexually abusive activity or material7750.145c(3)(b)PersonCAggravated distributing, promoting, or financing the distribution of child sexually abusive activity or material15750.145c(4)(a)PersonFPossessing child sexually abusive

material4750.145c(4)(b)PersonBAggravated possession of child sexually abusive material10750.145d(2)(b)VariableGUsing internet or computer to commit crime punishable by a maximum term of imprisonment of at least 1 year but less than 2 years2750.145d(2)(c)VariableFUsing internet or computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years4750.145d(2)(d)VariableDUsing internet or computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years10750.145d(2)(e)VariableCUsing internet or computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 15 years15750.145d(2)(f)VariableBUsing internet or computer to commit crime punishable by a maximum term of imprisonment of at least 15 years or for life20750.145h(3)PersonGCausing vulnerable adult to provide sexually explicit visual material – second or subsequent offense2750.145n(1)PersonCFirst degree vulnerable adult abuse15750.145n(2)PersonFSecond degree vulnerable adult abuse4750.145n(3)PersonGThird degree vulnerable adult abuse2750.145oPersonEDeath of vulnerable adult caused by unlicensed caretaker5750.145p(1)PersonGCommingling funds of, obstructing investigation regarding, or filing false information regarding, vulnerable adult2750.145p(2)PersonGRetaliation or discrimination by caregiver against vulnerable adult2750.145p(5)PersonECaregiver or licensee violation against vulnerable adult — second or subsequent offense5750.147bPersonGEthnic intimidation2750.147c(2)PropertyDInstitutional desecration involving $20,000 or more or with prior convictions10750.147c(3)PropertyEInstitutional desecration involving $1,000 to $20,000 or with prior convictions5(2) For a violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d, determine the offense category, offense variable level, and prior record variable level based on the underlying offense. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 39, Eff. Aug. 1, 1999 ;-- Am. 2000, Act 183, Eff. Sept. 18, 2000 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 47, Eff. June 1, 2002 ;-- Am. 2002, Act 630, Eff. Mar. 31, 2003 ;-- Am. 2008, Act 520, Eff. Apr. 1, 2009 ;-- Am. 2008, Act 521, Eff. Apr. 1, 2009 ;-- Am. 2012, Act 195, Eff. July 1, 2012 ;-- Am. 2017, Act 72, Eff. Oct. 9, 2017 ;-- Am. 2017, Act 73, Eff. Oct. 9, 2017 ;-- Am. 2017, Act 74, Eff. Oct. 9, 2017 ;-- Am. 2018, Act 374, Eff. Mar. 17, 2019 ;-- Am. 2020, Act 50, Eff. June 1, 2020 ;-- Am. 2023, Act 276, Eff. Mar. 7, 2024 ;-- Am. 2023, Act 278, Eff. Feb. 13, 2024

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Sec. 16h. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.149Pub safFConcealing an offense punishable by life4750.157a(b)Pub ordHConspiracy — gambling5750.157a(d)Pub ordGConspiracy to commit legal act in illegal manner5750.157b(2)PersonASolicitation of murderLife750.157b(3)(a)Pub ordESolicitation of felony punishable by life or 5 or more years5750.157b(3)(b)Pub ordGSolicitation of felony punishable by less than 5 years2750.157n(1)PropertyHFinancial transaction device — stealing, retaining, or using without consent4750.157n(2)PropertyHPossessing fraudulent or altered financial transaction device4750.157pPropertyHPossessing financial transaction device without permission and with intent to use or sell4750.157qPropertyHDelivery or sale of fraudulent financial transaction device4750.157rPropertyHFinancial transaction device — forgery, alteration, or counterfeiting4750.157s(1)(b)(ii)PropertyHUsing revoked or canceled financial transaction device involving $100 to $500 with prior convictions2750.157s(1)(c)PropertyHUse of revoked or canceled financial transaction device involving $500 or more2750.157tPropertyHFurnishing goods or services to person committing violation with financial transaction device4750.157uPropertyHOvercharging person using financial transaction device4750.157vPropertyHFalse statement of identity to obtain financial transaction device4750.157w(1)(c)PropertyEFraudulently withdrawing or transferring $1,000 to $20,000 with financial transaction device5750.157w(1)(d)PropertyDFraudulently withdrawing or transferring $20,000 or more with financial transaction device10 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000

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Sec. 16i. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.158Pub ordESodomy15750.159jPub safBRacketeering20750.160Pub ordDDisinterring or mutilating dead human body10750.160aPub ordHPhotographing dead human body2750.160cPub ordDImproper disposal of dead human body after more than 180 days10750.160d(1)PersonGSexual contact committed with a dead human body2750.160d(2)PersonCSexual penetration committed with a dead human body15750.161Pub ordGDesertion, abandonment, or nonsupport3750.164Pub ordFDesertion to escape prosecution4750.165Pub ordFFailing to pay support4750.168(2)(a)Pub ordGDisorderly conduct at a funeral, memorial service, viewing, procession, or burial2750.168(2)(b)Pub ordFDisorderly conduct at a funeral, memorial service, viewing, procession, or burial — subsequent offense4750.174(4)PropertyEEmbezzlement by agent of $1,000 to $20,000, or with prior convictions, or of $200 to $1,000 from nonprofit corporation or charitable organization5750.174(5)PropertyDEmbezzlement by agent of $20,000 to $50,000, or with prior convictions, or of $1,000 to $20,000 from nonprofit corporation or charitable organization10750.174(6)PropertyCEmbezzlement by agent of $50,000 to $100,00015750.174(7)PropertyBEmbezzlement by agent of $100,000 or more20750.174a(4)PropertyEEmbezzlement from vulnerable adult of $1,000 to $20,000 or with prior convictions5750.174a(5)PropertyDEmbezzlement from vulnerable adult of $20,000 to $50,000 or with prior

convictions10750.174a(6)PropertyCEmbezzlement from vulnerable adult of $50,000 to $100,000 or with prior convictions15750.174a(7)PropertyBEmbezzlement from vulnerable adult of $100,000 or more or with prior convictions20750.175Pub trstDEmbezzlement by public officer of more than $5010750.176Pub trstEEmbezzlement by administrator, executor, or guardian10750.177(2)PropertyDEmbezzlement by chattel mortgagor of $20,000 or more or with prior convictions10750.177(3)PropertyEEmbezzlement by chattel mortgagor of $1,000 to $20,000 or with prior convictions5750.178(2)PropertyDEmbezzling mortgaged or leased property of $20,000 or with prior convictions10750.178(3)PropertyEEmbezzling mortgaged or leased property of $1,000 to $20,000 or with prior convictions5750.180PropertyDEmbezzlement by financial institution20750.181(4)PropertyEEmbezzling jointly held property with value of $1,000 to $20,000 or with prior convictions5750.181(5)PropertyDEmbezzling jointly held property with value of $20,000 or more or with prior convictions10750.182PropertyGEmbezzlement by warehouses4750.182aPub trstHFalsifying school records2 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 223, Eff. Sept. 25, 2000 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 278, Imd. Eff. May 9, 2002 ;-- Am. 2003, Act 268, Eff. Apr. 1, 2004 ;-- Am. 2006, Act 149, Eff. Aug. 22, 2006 ;-- Am. 2006, Act 151, Eff. Aug. 22, 2006 ;-- Am. 2006, Act 574, Eff. Mar. 30, 2007 ;-- Am. 2010, Act 95, Imd. Eff. June 22, 2010 ;-- Am. 2012, Act 6, Imd. Eff. Feb. 14, 2012 ;-- Am. 2012, Act 168, Imd. Eff. June 19, 2012 ;-- Am. 2012, Act 169, Imd. Eff. June 19, 2012 ;-- Am. 2024, Act 80, Eff. Oct. 6, 2024Compiler's Notes:In this section in the reference to M.C.L. 750.178(2), under the heading "Description", the phrase “property of $20,000 or with prior convictions” evidently should read “property of $20,000 or more or with prior convictions.”

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Sec. 16j. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.183Pub safEAiding escaping prisoner7750.186a(1)Pub safFEscape from a juvenile facility4750.189Pub safHOfficer negligently allowing prisoner to escape or refusing to receive prisoner2750.190Pub safGOfficer receiving reward to assist or permit escape2750.193Pub safEEscape from prison5750.195(1)Pub safHEscape from a misdemeanor jail sentence2750.195(2)Pub safFEscape from a felony jail sentence4750.197(1)Pub safHEscape while awaiting trial for misdemeanor2750.197(2)Pub safFEscape while awaiting trial for felony4750.197cPub safEEscape from jail through violence5750.199(3)Pub safFHarboring a person for whom felony warrant has been issued4750.199aPub ordFAbsconding on or forfeiting bond4 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2006, Act 243, Imd. Eff. June 30, 2006 ;-- Am. 2006, Act 536, Imd. Eff. Dec. 29, 2006

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Sec. 16k. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.200Pub safETransporting an explosive by common carrier5750.200i(2)(a)Pub safCManufacturing or using a harmful device15750.200i(2)(b)PropertyBHarmful device causing property damage20750.200i(2)(c)PersonAHarmful device causing personal injury25750.200i(2)(d)PersonAHarmful device causing serious impairmentLife750.200j(2)(a)PersonEIrritant or irritant device5750.200j(2)(b)PropertyEIrritant or irritant device causing property damage7750.200j(2)(c)PersonDIrritant or irritant device causing personal injury10750.200j(2)(d)PersonAIrritant or irritant device causing serious impairment25750.200j(2)(e)PersonAIrritant or irritant device causing deathLife750.200(l)PersonEFalsely exposing person to harmful substance or device5750.201Pub safETransporting certain types of explosives5750.202Pub safFShipping an explosive with false markings or invoice4750.204(2)(a)Pub safCSending an explosive with malicious intent15750.204(2)(b)PropertyBSending an explosive causing property damage20750.204(2)(c)PersonASending an explosive causing physical injury25750.204(2)(d)PersonASending an explosive causing serious impairmentLife750.204aPub safESending or transporting an imitation explosive device with malicious intent5750.204bPub safGImporting, manufacturing, distributing, or storing explosives in violation of certain federal laws and regulations2750.207(2)(a)Pub safCPlacing an explosive with malicious intent15750.207(2)(b)PropertyBPlacing an explosive causing property damage20750.207(2)(c)PersonAPlacing an explosive causing physical injury25750.207(2)(d)PersonAPlacing an explosive causing serious impairmentLife750.209(1)(a)Pub safCPlacing an offensive or injurious substance with intent to injure15750.209(1)(b)PropertyBPlacing an offensive or injurious substance causing property damage20750.209(1)(c)PersonAPlacing an offensive or injurious substance causing physical injury25750.209(1)(d)PersonAPlacing an offensive or injurious substance causing serious impairmentLife750.209(2)Pub safEPlacing an offensive or injurious substance with intent to alarm or annoy5750.209aPub safDPossessing an explosive device in public place10750.210(2)(a)Pub safCPossessing or carrying an explosive or combustible substance with malicious intent15750.210(2)(b)PropertyBPossessing or carrying an explosive or combustible substance causing property damage20750.210(2)(c)PersonAPossessing or carrying an explosive or combustible substance causing physical injury25750.210(2)(d)PersonAPossessing or carrying an explosive or combustible substance causing serious impairmentLife750.210aPub safHSale of valerium5750.211a(2)(a)Pub safFManufacturing or possessing a Molotov cocktail or similar device designed to explode upon impact or by heat or flame or that is highly incendiary4750.211a(2)(b)Pub

safCManufacturing or possessing an explosive or incendiary device with malicious intent15750.211a(2)(c)PropertyBManufacturing or possessing an explosive or incendiary device causing property damage20750.211a(2)(d)PersonAManufacturing or possessing an explosive or incendiary device causing physical injury25750.211a(2)(e)PersonAManufacturing or possessing an explosive or incendiary device causing serious impairmentLife750.212aPersonBExplosives violation involving a vulnerable target20 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2001, Act 136, Imd. Eff. Oct. 23, 2001 ;-- Am. 2004, Act 524, Eff. Apr. 1, 2005 ;-- Am. 2018, Act 30, Eff. May 22, 2018

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Sec. 16l. (1) This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.213PersonBThreats to extort money20750.213a(3)(a)PersonVariableCoercing female to have an abortion against her willVariable750.215(3)Pub safFImpersonating peace officer4750.217bPub safGImpersonating public utility employee2750.217c(3)Pub ordHImpersonating public officer or employee — subsequent conviction2750.217c(4)Pub ordGImpersonating public officer or employee — third or subsequent conviction4750.217dPub safCFalse representation or practice as health professional15750.217ePub ordGImpersonating a DHS employee2750.217fPub safGImpersonating a firefighter or emergency medical service personnel2750.218(4)PropertyEFalse pretenses involving $1,000 or more but less than $20,000 or $200 or more but less than $1,000 with prior convictions5750.218(5)PropertyCFalse pretenses involving $20,000 or more but less than $50,000 or $1,000 or more but less than $20,000 with prior convictions15750.218(6)PropertyCFalse pretenses involving a value of $50,000 or more but less than $100,000 or $20,000 or more but less than $50,000 with prior convictions15750.218(7)PropertyBFalse pretenses involving a value of $100,000 or more or $50,000 or more but less than $100,000 with prior convictions20750.219a(2)(c)PropertyETelecommunications fraud with 1 or more prior convictions or involving a value of $1,000 to $20,0005750.219a(2)(d)PropertyDTelecommunications fraud with 2 or more prior convictions or involving a value of $20,000 or more10750.219d(4)(a)Pub ordCResidential mortgage fraud violation involving loan value of $100,000 or less15750.219d(4)(b)Pub ordBResidential mortgage fraud violation involving loan value of more than $100,00020750.219ePropertyFReceiving, possessing, preparing, or submitting an unauthorized credit application or receiving or possessing proceeds4750.219fPropertyFReceiving with intent to forward, possessing with intent to forward, or forwarding an unauthorized credit application or proceeds4(2) For a violation of section 213a(3)(a) of the Michigan penal code, 1931 PA 328, MCL 750.213a, determine the offense class, offense variable level, and prior record variable level based on the underlying offense. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 165, Eff. Feb. 3, 2000 ;-- Am. 1999, Act 168, Eff. Mar. 10, 2000 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2001, Act 19, Eff. Sept. 1, 2001 ;-- Am. 2003, Act 16, Eff. Sept. 1, 2003 ;-- Am. 2005, Act 171, Eff. Jan. 1, 2006 ;-- Am. 2011, Act 202, Eff. Jan. 1, 2012 ;-- Am. 2016, Act 150, Eff. Sept. 7, 2016

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Sec. 16m. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.223(2)Pub safFSale of firearm to minor — subsequent offense4750.223(3)Pub ordDSale of firearm to person prohibited from possessing10750.224Pub safEManufacture or sale of silencer, bomb, blackjack, automatic weapon, gas spray, etc.5750.224a(4)Pub safFPossession or sale of electrical current weapons4750.224a(6)Pub safGImproper use of electro-muscular disruption device2750.224bPub safEPossession of short barreled shotgun or rifle5750.224cPub safFArmor piercing ammunition4750.224d(2)PersonGUsing self-defense spray device2750.224ePub safFManufacture/sale/possession of devices to convert semiautomatic weapons4750.224f(6)Pub safEPossession or sale of firearm by prohibited person5750.224f(7)Pub safEPossession or sale of ammunition by prohibited person5750.226Pub safECarrying firearm or dangerous weapon with unlawful intent5750.227Pub safECarrying a concealed weapon5750.227aPub safFUnlawful possession of pistol4750.227cPub safGPossessing a loaded firearm in or upon a vehicle2750.227fPub safFWearing body armor during commission of certain crimes4750.227g(1)Pub safFFelon purchasing, owning, possessing, or using body armor4750.230Pub safGAltering ID mark on firearm2750.232a(3)Pub safGFalse statement in a firearm application4750.234a(1)(a)Pub safDDischarging firearm from vehicle10750.234a(1)(b)PersonCDischarging firearm from vehicle causing physical injury15750.234a(1)(c)PersonBDischarging firearm from vehicle causing serious impairment20750.234a(1)(d)PersonADischarging firearm from vehicle causing deathLife750.234b(1)Pub safDDischarging firearm at a dwelling or potentially occupied structure10750.234b(2)Pub safDDischarging firearm in a dwelling or potentially occupied structure10750.234b(3)Pub safCDischarging firearm in or at a dwelling or potentially occupied structure causing physical injury15750.234b(4)PersonBDischarging firearm in or at a dwelling or potentially occupied structure causing serious impairment20750.234b(5)PersonADischarging firearm in or at a dwelling or potentially occupied structure causing deathLife750.234cPub safFDischarging firearm at emergency/police vehicle4750.235b(2)Pub safDThreatening to commit violent act against school students or employees on school property with an overt act toward completion or with specific intent10750.236PersonCSetting spring gun — death resulting15750.237(3)PersonEUsing firearm while under the influence or

impaired causing serious impairment5750.237(4)PersonCUsing firearm while under the influence or impaired causing death15 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 225, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2001, Act 166, Eff. Feb. 1, 2002 ;-- Am. 2005, Act 106, Imd. Eff. Sept. 14, 2005 ;-- Am. 2012, Act 124, Eff. Aug. 6, 2012 ;-- Am. 2014, Act 5, Eff. May 12, 2014 ;-- Am. 2014, Act 192, Eff. Sept. 22, 2014 ;-- Am. 2018, Act 637, Eff. Mar. 28, 2019 ;-- Am. 2023, Act 22, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 200, Eff. Feb. 13, 2024

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Sec. 16n. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.241(2)Pub safFObstructing public service facility personnel in civil disturbance4750.248PropertyEForgery14750.248aPropertyFUttering and publishing financial transaction device4750.248bPropertyCForgery of real estate document14750.249PropertyEUttering and publishing forged records14750.249aPropertyHMolds or dies to forge financial transaction device4750.249bPropertyCUttering and publishing forged real estate document14750.250PropertyEForgery of treasury notes7750.251PropertyEForgery of bank bills7750.252PropertyEPossessing counterfeit notes7750.253PropertyGUttering counterfeit notes5750.254PropertyEPossession of counterfeit notes or bills5750.255PropertyEPossession of counterfeiting tools10750.260PropertyECounterfeiting coins or possession of 5 or more counterfeit coinsLife750.261PropertyEPossession of 5 or fewer counterfeit coins10750.262PropertyEManufacture or possession of tools to counterfeit coins10750.263(3)PropertyEDelivery, use, or display of items with counterfeit mark – subsequent offense or over $1,000 or 100 items5750.263(4)PropertyEManufacturing items with counterfeit mark5 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2002, Act 272, Eff. July 15, 2002 ;-- Am. 2002, Act 321, Eff. July 15, 2002 ;-- Am. 2011, Act 207, Eff. Jan. 1, 2012

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Sec. 16o. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.271PropertyEFraudulently issuing or selling domestic securities10750.272PropertyGSale of fraudulent stock of foreign corporations10750.273PropertyEObtaining signature with intent to defraud10750.274PropertyEPurchasing or collecting on fraudulent financial document10750.276PropertyGObtaining signature or promise of vendee of grain to sell at fictitious price4750.277Pub trstGSale or transfer of note of vendee of grain to sell at a fictitious price4750.278PropertyGIssuing or delivering fraudulent warehouse receipt5750.279PropertyGFraudulent disposal of entrusted property4750.280PropertyEGross fraud or cheat at common law10750.282Pub ordGFraudulently damaging or using property of utility in amount over $5004750.282aPropertyEIllegally selling or transferring product or service of electric service provider or natural gas provider to another person5750.300Pub ordGKilling or injuring animal to defraud insurance company2750.300a(1)(a)PropertyGFood stamp fraud of $250 or less – second offense5PropertyGFood stamp fraud of $250 or less – third or subsequent offense10750.300a(1)(b)PropertyEFood stamp fraud of more than $250 to $1,0005PropertyEFood stamp fraud of more than $250 to $1,000 – subsequent offense10750.300a(1)(c)PropertyEFood stamp fraud of more than $1,00010750.303Pub ordHGaming2750.313Pub ordHGambling in stocks, bonds, or commodities2 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 389, Eff. Apr. 1, 2001 ;-- Am. 2004, Act 457, Eff. Mar. 1, 2005 ;-- Am. 2010, Act 130, Imd. Eff. July 21, 2010 ;-- Am. 2012, Act 169, Imd. Eff. June 19, 2012

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Sec. 16p. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.317PersonM2Second degree murderLife750.317aPersonADelivery of controlled substance causing deathLife750.321PersonCManslaughter15750.322PersonCWillful killing of unborn quick child15750.327PersonADeath by explosives on vehicle or vesselLife750.328PersonADeath by explosives in or near buildingLife750.329PersonCHomicide — weapon aimed with intent but not malice15750.329aPersonEAssisting a suicide5 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2005, Act 168, Eff. Jan. 1, 2006 ;-- Am. 2008, Act 467, Eff. Oct. 31, 2010 ;-- Am. 2023, Act 208, Eff. Feb. 13, 2024

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Sec. 16q. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.332PropertyHEntering horse in race under false

name4750.335a(2)(b)PersonGAggravated indecent exposure2750.335a(2)(c)PersonAIndecent exposure by sexually delinquent personLife750.338Pub ordGGross indecency between males5Pub ordAGross indecency between males involving sexually delinquent personLife750.338aPub ordGGross indecency between females5Pub ordAGross indecency between females involving sexually delinquent personLife750.338bPub ordGGross indecency between males and females5Pub ordAGross indecency between males and females involving sexually delinquent personLife750.349PersonAKidnappingLife750.349aPersonAPrisoner taking a hostageLife750.349bPersonCUnlawful imprisonment15750.350PersonAKidnapping — child enticementLife750.350aPersonHKidnapping — custodial interference1 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2002, Act 261, Imd. Eff. May 1, 2002 ;-- Am. 2005, Act 302, Eff. Feb. 1, 2006 ;-- Am. 2006, Act 164, Eff. Aug. 24, 2006

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Sec. 16r. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.356(2)PropertyDLarceny involving $20,000 or more or with prior convictions10750.356(3)PropertyELarceny involving $1,000 to $20,000 or with prior convictions5750.356a(1)PropertyGLarceny from a motor vehicle5750.356a(2)(c)PropertyEBreaking and entering a vehicle to steal $1,000 to $20,000 or with prior convictions5750.356a(2)(d)PropertyDBreaking and entering a vehicle to steal $20,000 or more or with prior convictions10750.356a(3)PropertyGBreaking and entering a vehicle to steal causing damage5750.356bPropertyGBreaking and entering a coin telephone4750.356cPropertyERetail fraud — first degree5750.357PersonDLarceny from the person10750.357aPropertyGLarceny of livestock4750.357bPropertyELarceny — stealing firearms of another5750.358PropertyGLarceny from burning building5750.360PropertyGLarceny in a building4750.360a(2)(b)PropertyFTheft detection device offense with prior conviction4750.361PropertyHTrains — stealing/maliciously removing parts2750.362PropertyELarceny by conversion involving $1,000 to $20,000 or with prior convictions5PropertyDLarceny by conversion involving $20,000 or more or with prior convictions10750.362a(2)PropertyDLarceny of rental property involving $20,000 or more or with prior convictions10750.362a(3)PropertyELarceny of rental property involving $1,000 to $20,000 or with prior convictions5750.363PropertyELarceny by false personation involving $1,000 to $20,000 or with prior convictions5PropertyDLarceny by false personation involving $20,000 or more10750.365PersonDLarceny from car or persons detained or injured by accident20750.367PropertyELarceny of trees or shrubs involving $1,000 to $20,000 or with prior convictions5PropertyDLarceny of a tree or shrub involving $20,000 or more or with prior convictions10750.367bPropertyEAirplanes — taking possession5750.368(5)Pub ordGPreparing, serving, or executing unauthorized process — third or subsequent offense4750.372Pub ordHRunning or allowing lottery2750.373Pub ordHSelling or possessing lottery tickets2750.374Pub ordHLottery violations — subsequent offense4 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 102, Eff. July 1, 2002 ;-- Am. 2002, Act 279, Imd. Eff. May 9, 2002

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Sec. 16s. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.377a(1)(a)PropertyDMalicious destruction of personal property involving $20,000 or more or with prior convictions10750.377a(1)(b)PropertyEMalicious destruction of personal property involving $1,000 to $20,000 or with prior convictions5750.377bPropertyFMalicious destruction of fire/police property4750.377cPropertyESchool bus — intentional damage5750.378PropertyFMalicious destruction of property — dams/canals/mills4750.379PropertyFMalicious destruction of property — bridges/railroads/locks4750.380(2)PropertyDMalicious destruction of building involving $20,000 or more or with prior convictions10750.380(3)PropertyEMalicious destruction of a building involving $1,000 to $20,000 or with prior convictions5750.382(1)(c)PropertyEMalicious destruction of plants or turf involving $1,000 to $20,000 or with prior convictions5750.382(1)(d)PropertyDMalicious destruction of plants or turf involving $20,000 or more or with prior convictions10750.383aPropertyEMalicious destruction of utility equipment or utility infrastructure component5750.386PropertyEMalicious destruction of mine property20750.387(5)PropertyEMalicious destruction of a tomb or memorial involving $1,000 to $20,000 or with prior convictions5750.387(6)PropertyDMalicious destruction of a tomb or memorial involving $20,000 or more or with prior convictions10750.392PropertyEMalicious destruction of property — vessels10750.394(2)(c)PersonFThrowing or dropping dangerous object at vehicle causing injury4750.394(2)(d)PersonDThrowing or dropping dangerous object at vehicle causing serious impairment10750.394(2)(e)PersonCThrowing or dropping dangerous object at vehicle causing death15750.395(2)(c)PropertyEDamaging or destroying research property with a value between $1,000 and $20,000 or with prior convictions5750.395(2)(d)PropertyEDamaging or destroying research property with a value of $20,000 or more or 2 or more prior convictions5750.395(2)(e)PersonEDamaging or destroying research property resulting in physical injury5750.395(2)(f)PersonDDamaging or destroying research property resulting in serious impairment of body function10750.395(2)(g)PersonCDamaging or destroying research property resulting in death15750.397PersonDMayhem10750.397aPersonDPlacing harmful objects in food10750.405Pub safEInciting soldiers to desert5750.406Pub safEMilitary stores — larceny, embezzlement or destruction5 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;--

Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2003, Act 183, Eff. Jan. 1, 2004 ;-- Am. 2004, Act 519, Eff. Apr. 1, 2005 ;-- Am. 2005, Act 106, Imd. Eff. Sept. 14, 2005 ;-- Am. 2008, Act 414, Eff. Mar. 1, 2009

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Sec. 16t. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.409bPub ordFKnowing possession of ransomware with intent to use without authorization3750.410aPersonGConspiracy to commit a person to state hospital unjustly4750.411a(1)(b)Pub ordFFalse report of a felony4750.411a(1)(c)PersonEFalse report of crime resulting in physical injury5750.411a(1)(d)PersonDFalse report of crime resulting in serious impairment of body function10750.411a(1)(e)PersonCFalse report of crime resulting in death15750.411a(3)(a)Pub ordFThreat or false report of an explosive or harmful device, substance, or material4750.411a(3)(b)Pub ordDThreat or false report of an explosive or harmful device, substance, or material — subsequent offense10750.411a(4)(b)PersonEFalse report of medical or other emergency resulting in physical injury5750.411a(4)(c)PersonDFalse report of medical or other emergency resulting in serious impairment of body function10750.411a(4)(d)PersonCFalse report of medical or other emergency resulting in death15750.411bPub trstGExcess fees to members of legislature4750.411h(2)(b)PersonEStalking of a minor5750.411i(3)(a)PersonEAggravated stalking5750.411i(3)(b)PersonDAggravated stalking of a minor10750.411lPub ordHFourth degree money laundering2750.411mPub ordEThird degree money laundering5750.411nPub ordDSecond degree money laundering10750.411oPub ordBFirst degree money laundering20750.411p(2)(a)PropertyBMoney laundering of proceeds from controlled substance offense involving $10,000 or more20750.411p(2)(b)PropertyDMoney laundering of proceeds from controlled substance offense or other proceeds involving $10,000 or more10750.411p(2)(c)PropertyEMoney laundering — transactions involving represented proceeds5750.411s(2)(a)PersonGUnlawful posting of message2750.411s(2)(b)PersonEUnlawful posting of message with aggravating circumstances5750.411t(2)(b)PersonEHazing resulting in serious impairment of body function5750.411t(2)(c)PersonCHazing resulting in death15750.411uPub ordBGang membership felonies20750.411v(1)PersonEGang recruitment5750.411v(2)PersonBRetaliation for withdrawal from gang20750.411wPub ordESelling or possessing automated sales suppression device or zapper, phantom-ware, or skimming device5750.411x(4)PersonECyberbullying causing serious injury5750.411x(5)PersonDCyberbullying causing death10 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 371, Eff. Apr. 1, 2001 ;-- Am. 2004, Act 112, Eff. Aug. 18, 2004 ;-- Am. 2008, Act 562, Eff. Apr. 1, 2009 ;-- Am. 2008, Act 565, Eff. Apr. 1, 2009 ;-- Am. 2010, Act 278, Imd. Eff. Dec. 16, 2010 ;-- Am. 2012, Act 147, Eff. Aug. 29, 2012 ;-- Am. 2012, Act 332, Eff. Jan. 1, 2013 ;-- Am. 2013, Act 216, Eff. Apr. 1, 2014 ;-- Am. 2018, Act 96, Eff. July 1, 2018 ;-- Am. 2018, Act 528, Eff. Mar. 28, 2019

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Sec. 16u. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.413PropertyEUnlawful driving away of an automobile5750.414PropertyHUnlawful use of an automobile2750.415(2)PropertyGMotor vehicles — conceal/misrepresent identity with intent to mislead4750.415(5)PropertyGMotor vehicles — buy/sell/exchange/give away paraphernalia capable of changing/misrepresenting identity4750.415(6)PropertyEMotor vehicles — buy/receive/obtain a motor vehicle or motor vehicle part with intent to sell or dispose knowing the VIN has been removed or altered10750.417PropertyHMotor vehicle — mortgaged — removal from state4750.418PropertyHRemoving a vehicle out of state without vendor's consent4750.420Pub safHMotor vehicle — equipping to release smoke/gas4750.421bPub safHHinder transport of farm/commercial products — subsequent offense2750.421dPub safFCounterfeit, nonfunctional, or noncompliant supplemental restraint system component, airbag, or object — selling, leasing, distributing, installing, or reinstalling4 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 218, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2020, Act 58, Eff. June 8, 2020 ;-- Am. 2020, Act 268, Eff. Mar. 29, 2021

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Sec. 16v. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.422Pub trstCPerjury committed in court — noncapital crime15Pub trstBPerjury committed in court — capital crimeLife750.422aPub trstEMaterial false statement in petition seeking review of DNA evidence5750.423Pub trstEPerjury by falsely swearing15750.424Pub trstCSubornation of perjury15750.425Pub trstEInciting or procuring perjury but perjury not committed5750.430aPersonDHuman cloning10750.436(2)(a)Pub safCPoisoning food, drink, medicine, or water supply15750.436(2)(b)PropertyBPoisoning food, drink, medicine, or water supply causing property damage20750.436(2)(c)PersonAPoisoning food, drink, medicine, or water supply causing injury25750.436(2)(d)PersonAPoisoning

food, drink, medicine, or water supply causing serious impairmentLife750.436(3)(a)Pub ordFFalse report of poisoning food, drink, medicine, or water supply4750.436(3)(b)Pub ordDFalse report of poisoning food, drink, medicine, or water supply with prior conviction10750.439Pub ordGPolygamy4750.440Pub ordGPolygamy — knowingly entering a prohibited marriage4750.441Pub ordGTeaching or advocating polygamy4 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 123, Eff. Apr. 22, 2002 ;-- Am. 2008, Act 412, Imd. Eff. Jan. 6, 2009 ;-- Am. 2010, Act 99, Imd. Eff. June 22, 2010

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Sec. 16w. (1) This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.451(3)Pub ordGProstitution — various offenses — third or subsequent offense2750.451(4)PersonESoliciting a person under 18 years of age to commit prostitution5750.452Pub ordEKeeping a house of prostitution5750.455Pub ordBPandering20750.456PersonBPlacing spouse into prostitution20750.457Pub ordBAccepting earnings of a prostitute20750.458PersonBProstitution — detaining person for debt20750.459(1)PersonBTransporting a person for prostitution20750.459(2)PersonESelling travel services to facilitate prostitution or human trafficking in other jurisdictions5750.459(3)PersonDSelling travel services to facilitate prostitution or human trafficking in other jurisdictions involving a minor10750.462f(1)(a)PersonDHuman trafficking violation10750.462f(1)(b)PersonCHuman trafficking violation resulting in bodily injury15750.462f(1)(c)PersonBHuman trafficking violation resulting in serious bodily injury20750.462f(1)(d)PersonAHuman trafficking violation involving death or the commission of certain feloniesLife750.462f(2)PersonBObtaining a minor for commercial sexual activity or for forced labor or services20750.462f(3)PersonVariableAttempting, conspiring, or soliciting another to violate human trafficking lawsVariable750.465a(1)(b)PropertyGOperating audiovisual recording device in a theatrical facility — second offense2750.465a(1)(c)PropertyFOperating audiovisual recording device in a theatrical facility — third or subsequent offense4(2) For a violation of section 462f(3) of the Michigan penal code, 1931 PA 328, MCL 750.462f, determine the offense category, offense variable level, and prior record variable level based on the underlying offense. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2004, Act 424, Imd. Eff. Dec. 15, 2004 ;-- Am. 2006, Act 156, Eff. Aug. 24, 2006 ;-- Am. 2010, Act 361, Eff. Apr. 1, 2011 ;-- Am. 2014, Act 327, Eff. Jan. 14, 2015 ;-- Am. 2016, Act 486, Eff. Apr. 6, 2017

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Sec. 16x. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.478a(2)Pub ordHUnauthorized process to obstruct a public officer or employee2750.478a(3)Pub ordGUnauthorized process to obstruct a public officer or employee — subsequent offense4750.479(2)PersonGAssaulting or obstructing certain officials2750.479(3)PersonGAssaulting or obstructing certain officials causing injury4750.479(4)PersonDAssaulting or obstructing certain officials causing serious impairment10750.479(5)PersonBAssaulting or obstructing certain officials causing death20750.479a(2)Pub safGFleeing and eluding — fourth degree2750.479a(3)Pub safEFleeing and eluding — third degree5750.479a(4)PersonCFleeing and eluding — second degree10750.479a(5)PersonBFleeing and eluding — first degree15750.479b(1)PersonFDisarming peace officer — nonfirearm4750.479b(2)PersonDDisarming peace officer — firearm10750.479c(2)(c)Pub ordGProviding false information to peace officer conducting criminal investigation2750.479c(2)(d)Pub ordFProviding false or misleading information to peace officer conducting criminal investigation regarding certain felonies4750.480Pub trstFPublic officers — refusing to turn over books/money to successor4750.483a(2)(b)PersonDWithholding evidence, preventing report of crime, or retaliating for reporting crime punishable by more than 10 years10750.483a(4)(b)PersonDInterfering with police investigation by committing crime or threatening to kill or injure10750.483a(6)(a)Pub ordFTampering with evidence or offering false evidence4750.483a(6)(b)Pub ordDTampering with evidence or offering false evidence in case punishable by more than 10 years10750.488Pub trstHPublic officers — state official — retaining fees2750.490Pub trstHPublic money — safekeeping2750.491Pub trstHPublic records — removal/mutilation/destruction2750.492a(1)(a)Pub trstGMedical record — intentional place false information — health care provider4750.492a(2)Pub trstGMedical record — health care provider — altering to conceal injury/death4750.495a(2)PersonFConcealing objects in trees or wood products — causing injury4750.495a(3)PersonCConcealing objects in trees or wood products — causing death15750.498b(2)(a)PersonETampering with, taking, or removing marine safety device without authority causing serious impairment5750.498b(2)(b)PersonCTampering with, taking, or removing marine safety device without authority causing death15750.502dPub safFUnlawfully possessing or transporting anhydrous ammonia or tampering with containers4750.505Pub ordECommon law offenses5750.508(2)(b)Pub ordGCarrying or possessing a scanner in the commission of a crime2750.511PersonABlocking or wrecking railroad trackLife750.512PropertyEUncoupling railroad cars10 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 473, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 271, Eff. July 15, 2002 ;-- Am. 2002, Act 320, Eff. July 15, 2002 ;-- Am. 2003, Act 313, Eff. Apr. 1, 2004 ;-- Am. 2006, Act 40, Imd. Eff. Mar. 2, 2006 ;-- Am. 2006, Act 234, Eff. July 1, 2006 ;-- Am. 2012, Act 105, Eff. July 20, 2012 ;-- Am. 2012, Act 323,

Eff. Jan. 1, 2013

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Sec. 16y. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.520b(2)PersonAFirst degree criminal sexual conductLife750.520cPersonCSecond degree criminal sexual conduct15750.520dPersonBThird degree criminal sexual conduct15750.520ePersonGFourth degree criminal sexual conduct2750.520g(1)PersonDAssault with intent to commit sexual penetration10750.520g(2)PersonEAssault with intent to commit sexual contact5750.520nPub safGElectronic monitoring device violation2750.528Pub safFDestroying dwelling house or other property during riot or unlawful assembly4750.528aPub safFCivil disorders — firearms/explosives4750.529PersonAArmed robberyLife750.529aPersonACarjackingLife750.530PersonCUnarmed robbery15750.531PersonCBank robbery/safebreakingLife750.532PersonHSeduction5 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2005, Act 304, Eff. Apr. 15, 2006 ;-- Am. 2006, Act 166, Eff. Aug. 28, 2006 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007

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Sec. 16z. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max750.535(2)PropertyDReceiving or concealing stolen property having a value of $20,000 or more or with prior convictions10750.535(3)PropertyEReceiving or concealing stolen property having a value of $1,000 to $20,000 or with prior convictions5750.535(7)PropertyEReceiving or concealing stolen motor vehicle5750.535(8)PropertyDReceiving or concealing stolen motor vehicle — second or subsequent offense10750.535a(2)Pub ordDOperating a chop shop10750.535a(3)Pub ordDOperating a chop shop, subsequent violation10750.535bPub safEStolen firearms or ammunition10 History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 186, Eff. Apr. 1, 2000 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 122, Eff. Apr. 22, 2002 ;-- Am. 2002, Act 271, Imd. Eff. May 9, 2002 ;-- Am. 2004, Act 2, Imd. Eff. Feb. 12, 2004 ;-- Am. 2004, Act 157, Imd. Eff. June 16, 2004 ;-- Am. 2006, Act 62, Eff. June 1, 2006 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007 ;-- Am. 2007, Act 20, Imd. Eff. June 19, 2007 ;-- Am. 2014, Act 222, Eff. Mar. 31, 2015Compiler's Notes:Enacting section 1 of Act 20 of 2007 provides:"Enacting section 1. The citation correction in section 16z of chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.16z, changing the reference of 750.520b(2) to 750.535(2), applies retroactively to January 9, 2007."

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Sec. 17. This chapter applies to the following felonies enumerated in chapters 751 to 830 of the Michigan Compiled Laws as set forth in sections 17a to 17g of this chapter. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 67, Eff. Aug. 1, 1999 ;-- Am. 2000, Act 178, Eff. Sept. 18, 2000 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 300, Eff. Jan. 1, 2001 ;-- Am. 2001, Act 136, Eff. Feb. 1, 2002 ;-- Am. 2002, Act 28, Eff. Apr. 1, 2002

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Sec. 17b. This chapter applies to the following felonies enumerated in chapter 752 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max752.272a(2)(c)Pub safFSale or distribution of nitrous oxide device — 2 or more prior convictions4752.365(3)Pub ordGObscenity — subsequent offense2752.541Pub safDRiot10752.542Pub safDIncitement to riot10752.542aPub safDRiot in state correctional facilities10752.543Pub safGUnlawful assembly5 History:Add. 2002, Act 28, Eff. Apr. 1, 2002

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Sec. 17c. (1) This chapter applies to the following felonies enumerated in chapter 752 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max752.797(1)(c)PropertyEComputer fraud — 2 prior convictions or value of $1,000 to $20,0005752.797(1)(d)PropertyDComputer fraud — 3 or more prior convictions or value of $20,000 or

more10752.797(2)(a)PropertyEUnlawfully accessing computer, computer system, or computer program5752.797(2)(b)PropertyDUnlawfully accessing computer, computer system, or computer program, with prior conviction10752.797(3)(b)VariableGUsing computer to commit crime punishable by a maximum term of imprisonment of more than 1 year but less than 2 years2752.797(3)(c)VariableFUsing computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years4752.797(3)(d)VariableDUsing computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years7752.797(3)(e)VariableDUsing computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 20 years10752.797(3)(f)VariableBUsing computer to commit crime punishable by a maximum term of imprisonment of at least 20 years or for life20(2) For a violation of section 797(3) of 1979 PA 53, MCL 752.797, determine the offense category, offense variable level, and prior record variable level based on the underlying offense. History:Add. 2002, Act 28, Eff. Apr. 1, 2002

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Sec. 17d. This chapter applies to the following felonies enumerated in chapter 752 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max752.802PropertyHManufacture or sale of slugs for use in vending machines5752.811PropertyHBreaking and entering a coin operated device3752.861PersonGCareless discharge of firearm causing injury or death2752.881PersonGReckless use of bow and arrow resulting in injury or death2752.1003PropertyFFalse claim, statement, or representation to obtain health care benefits4752.1004PropertyFSoliciting, paying, or receiving kickback or receiving referral fee for health care payment4752.1005PropertyHConspiring to commit health care fraud10752.1006PropertyDHealth care fraud — subsequent offense20752.1054(2)PropertyGCopying audio or video recordings for gain5752.1084PropertyEOrganized retail crime act violation5 History:Add. 2002, Act 28, Eff. Apr. 1, 2002 ;-- Am. 2012, Act 456, Eff. Mar. 31, 2013 ;-- Am. 2013, Act 124, Imd. Eff. Oct. 1, 2013

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Sec. 17f. This chapter applies to the following felonies enumerated in chapters 760 to 799 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max764.1ePub trstCPeace officer making false statement in a complaint15767.4aPub trstFDisclosing or possessing grand jury information4767A.9(1)(a)Pub trstCPerjury committed in prosecutor's investigative hearing15767A.9(1)(b)Pub trstBPerjury committed in prosecutor's investigative hearing regarding a crime punishable by imprisonment for life or by imprisonment for life or any term of yearsLife771.3fPub ordGTampering with or removing electronic monitoring device2791.236(17)Pub ordFFailure to provide correct notice of proposed domicile by sex offender4 History:Add. 2002, Act 28, Eff. Apr. 1, 2002 ;-- Am. 2006, Act 404, Eff. Dec. 1, 2006 ;-- Am. 2012, Act 611, Eff. Mar. 1, 2013

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Sec. 17g. This chapter applies to the following felonies enumerated in chapters 800 to 830 of the Michigan Compiled Laws:M.C.L.CategoryClassDescriptionStat Max800.281(1)Pub safHFurnishing prisoner with contraband5800.281(2)Pub safHFurnishing prisoner with contraband outside5800.281(3)Pub safHBringing contraband into prisons5800.281(4)Pub safEPrisoner possessing contraband5800.283(1)Pub safEFurnishing weapon to prisoner in prison5800.283(2)Pub safEPrisons — knowledge of a weapon in a correctional facility5800.283(3)Pub safEBringing weapon into prison5800.283(4)Pub safEPrisoner possessing weapon5800.283aPub safEFurnishing cell phone to prisoner5801.262(1)(a)Pub safEBringing weapon into jail5801.262(1)(b)Pub safEFurnishing weapon to prisoner in jail5801.262(2)Pub safEPrisoner in jail possessing weapon5801.262aPub safEFurnishing cell phone or other wireless device to prisoner in jail5801.263(1)Pub safHFurnishing contraband to prisoner in jail5801.263(2)Pub safHPrisoner in jail possessing contraband5 History:Add. 2002, Act 28, Eff. Apr. 1, 2002 ;-- Am. 2006, Act 541, Imd. Eff. Dec. 29, 2006 ;-- Am. 2013, Act 124, Imd. Eff. Oct. 1, 2013

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Sec. 18. This chapter applies to the following felonies:M.C.L.CategoryDescriptionStat Max333.7410CSControlled substance offense or offense involving GBL on or near school property or libraryVariable333.7413(1) or (2)Pub trstSubsequent controlled substance violationsVariable333.7416(1)(a)CSRecruiting or inducing a minor to commit a controlled substance felonyVariable750.157a(a)Pub safConspiracyVariable750.157cPersonInducing minor to commit a felonyVariable750.188Pub ordVoluntarily suffering prisoner to escapeVariable750.237aPub safFelony committed in a weapon-free school

zoneVariable750.367aPropertyLarceny of rationed goodsVariable History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 304, Eff. Jan. 1, 2001 ;-- Am. 2006, Act 553, Eff. Mar. 30, 2007 ;-- Am. 2017, Act 267, Eff. Mar. 28, 2018

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Sec. 19. (1) This chapter applies to an attempt to commit an offense enumerated in this part if the attempted violation is a felony. This chapter does not apply to an attempt to commit a class H offense enumerated in this part. (2) For an attempt to commit an offense enumerated in this part, the offense category is the same as the attempted offense. (3) For an attempt to commit an offense enumerated in this part, the offense class is as follows: (a) Class E if the attempted offense is in class A, B, C, or D. (b) Class H if the attempted offense is in class E, F, or G. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000

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Sec. 21. (1) Except as otherwise provided in this section, for an offense enumerated in part 2 of this chapter, determine the recommended minimum sentence range as follows: (a) Find the offense category for the offense from part 2 of this chapter. From section 22 of this chapter, determine the offense variables to be scored for that offense category and score only those offense variables for the offender as provided in part 4 of this chapter. Total those points to determine the offender's offense variable level. (b) Score all prior record variables for the offender as provided in part 5 of this chapter. Total those points to determine the offender's prior record variable level. (c) Find the offense class for the offense from part 2 of this chapter. Using the sentencing grid for that offense class in part 6 of this chapter, determine the recommended minimum sentence range from the intersection of the offender's offense variable level and prior record variable level. The recommended minimum sentence within a sentencing grid is shown as a range of months or life. (2) If the defendant was convicted of multiple offenses, subject to section 14 of chapter XI, score each offense as provided in this part. (3) If the offender is being sentenced under section 10, 11, or 12 of chapter IX, determine the offense category, offense class, offense variable level, and prior record variable level based on the underlying offense. To determine the recommended minimum sentence range, increase the upper limit of the recommended minimum sentence range determined under part 6 for the underlying offense as follows: (a) If the offender is being sentenced for a second felony, 25%. (b) If the offender is being sentenced for a third felony, 50%. (c) If the offender is being sentenced for a fourth or subsequent felony, 100%. (4) If the offender is being sentenced for a violation described in section 18 of this chapter, both of the following apply: (a) Determine the offense variable level by scoring the offense variables for the underlying offense and any additional offense variables for the offense category indicated in section 18 of this chapter. (b) Determine the offense class based on the underlying offense. If there are multiple underlying felony offenses, the offense class is the same as that of the underlying felony offense with the highest crime class. If there are multiple underlying offenses but only 1 is a felony, the offense class is the same as that of the underlying felony offense. If no underlying offense is a felony, the offense class is G. (5) If the offender is being sentenced for an attempted felony described in section 19 of this chapter, determine the offense variable level and prior record variable level based on the underlying attempted offense. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007

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Sec. 22. (1) For all crimes against a person, score offense variables 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 19, and 20. Score offense variables 5 and 6 for homicide, attempted homicide, conspiracy or solicitation to commit a homicide, or assault with intent to commit murder. Score offense variable 16 under this subsection for a violation or attempted violation of section 110a of the Michigan penal code, 1931 PA 328, MCL 750.110a. Score offense variables 17 and 18 if the offense or attempted offense involves the operation of a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive. (2) For all crimes against property, score offense variables 1, 2, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20. (3) For all crimes involving a controlled substance, score offense variables 1, 2, 3, 12, 13, 14, 15, 19, and 20. (4) For all crimes against public order and all crimes against public trust, score offense variables 1, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20. (5) For all crimes against public safety, score offense variables 1, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20. Score offense variable 18 if the offense or attempted offense involves the operation of a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 143, Eff. Apr. 22, 2002 ;-- Am. 2003, Act 134, Eff. Sept. 30, 2003

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Sec. 31. (1) Offense variable 1 is aggravated use of a weapon. Score offense variable 1 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) A firearm was discharged at or toward a human being or a victim was cut or stabbed with a knife or other cutting or stabbing weapon25 points(b) The victim was subjected or exposed to a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, incendiary device, or explosive device20 points(c) A firearm was pointed at or toward a victim or the victim had a reasonable apprehension of an immediate battery when threatened with a knife or other cutting or stabbing weapon15 points(d) The victim was touched by any other type of weapon10 points(e) A weapon was displayed or implied5 points(f) No aggravated use of a weapon occurred0 points(2) All of the following apply to scoring offense variable 1: (a) Count each person who was placed in danger of injury or loss of life as a victim. (b) In multiple offender cases, if 1 offender is assessed points for the presence or use of a weapon, all offenders shall be assessed the same number of points. (c) Score 5 points if an offender used an object to suggest the presence of a weapon. (d) Score 5 points if an offender used a chemical irritant, chemical irritant device, smoke device, or imitation harmful substance or device. (e) Do not score 5 points if the conviction offense is a violation of section 82 or 529 of the Michigan penal code, 1931 PA 328, MCL 750.82 and 750.529. (3) As used in this section: (a) "Chemical irritant", "chemical irritant device", "harmful biological substance", "harmful biological device", "harmful chemical substance", "harmful chemical device", "harmful radioactive material", "harmful radioactive device", and "imitation harmful substance or device" mean those terms as defined in section 200h of the Michigan penal code, 1931 PA 328, MCL 750.200h. (b) "Incendiary device" includes gasoline or any other flammable substance, a blowtorch, fire bomb, Molotov cocktail, or other similar device. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 227, Imd. Eff. Dec. 28, 1999 ;-- Am. 2001, Act 136, Imd. Eff. Oct. 23, 2001 ;-- Am. 2002, Act 137, Eff. Apr. 22, 2002

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Sec. 32. (1) Offense variable 2 is lethal potential of the weapon possessed or used. Score offense variable 2 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender possessed or used a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, or harmful radioactive device15 points(b) The offender possessed or used an incendiary device, an explosive device, or a fully automatic weapon15 points(c) The offender possessed or used a short-barreled rifle or a short-barreled shotgun10 points(d) The offender possessed or used a pistol, rifle, shotgun, or knife or other cutting or stabbing weapon5 points(e) The offender possessed or used any other potentially lethal weapon1 point(f) The offender possessed or used no weapon0 points(2) In multiple offender cases, if 1 offender is assessed points for possessing a weapon, all offenders shall be assessed the same number of points. (3) As used in this section: (a) "Harmful biological substance", "harmful biological device", "harmful chemical substance", "harmful chemical device", "harmful radioactive material", and "harmful radioactive device" mean those terms as defined in section 200h of the Michigan penal code, 1931 PA 328, MCL 750.200h. (b) "Fully automatic weapon" means a firearm employing gas pressure or force of recoil or other means to eject an empty cartridge from the firearm after a shot, and to load and fire the next cartridge from the magazine, without renewed pressure on the trigger for each successive shot. (c) "Pistol", "rifle", or "shotgun" includes a revolver, semi-automatic pistol, rifle, shotgun, combination rifle and shotgun, or other firearm manufactured in or after 1898 that fires fixed ammunition, but does not include a fully automatic weapon or short-barreled shotgun or short-barreled rifle. (d) "Incendiary device" includes gasoline or any other flammable substance, a blowtorch, fire bomb, Molotov cocktail, or other similar device. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2001, Act 136, Imd. Eff. Oct. 23, 2001

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Sec. 33. (1) Offense variable 3 is physical injury to a victim. Score offense variable 3 by determining which of the following subdivisions apply and by assigning the number of points attributable to the applicable subdivision that has the highest number of points:(a) A victim was killed100 points(b) A victim was killed50 points(c) Life threatening or permanent incapacitating injury occurred to a victim25 points(d) Bodily injury requiring medical treatment occurred to a victim10 points(e) Bodily injury not requiring medical treatment occurred to a victim5 points(f) No physical injury occurred to a victim0 points(2) All of the following apply to scoring offense variable 3: (a) In multiple offender cases, if 1 offender is assessed points for death or physical injury, all offenders must be assessed the same number of points. (b) Score 100 points if death results from the commission of a crime and homicide is not the sentencing offense. (c) Score 50 points if death results from the commission of a crime and the offense or attempted offense involves the operation of a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive and any of the following apply: (i) The offender was under the influence of or visibly impaired by the use of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. (ii) The offender had an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under section 625(28) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, the offender had an alcohol content

of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (iii) The offender's body contained any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214. (d) Do not score 5 points if bodily injury is an element of the sentencing offense. (3) As used in this section, "requiring medical treatment" refers to the necessity for treatment and not the victim's success in obtaining treatment. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2003, Act 134, Eff. Sept. 30, 2003 ;-- Am. 2013, Act 24, Imd. Eff. May 9, 2013 ;-- Am. 2017, Act 152, Eff. Feb. 6, 2018 ;-- Am. 2021, Act 81, Eff. Nov. 21, 2021 ;-- Am. 2021, Act 84, Imd. Eff. Sept. 24, 2021

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Sec. 34. (1) Offense variable 4 is psychological injury to a victim. Score offense variable 4 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) Serious psychological injury requiring professional treatment occurred to a victim10 points(b) For a conviction under section 50b of the Michigan penal code, 1931 PA 328, MCL 750.50b, serious psychological injury requiring professional treatment occurred to the owner of a companion animal5 points(c) No serious psychological injury requiring professional treatment occurred to a victim0 points(2) Score 10 points if the serious psychological injury may require professional treatment. In making this determination, the fact that treatment has not been sought is not conclusive. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2018, Act 652, Eff. Mar. 28, 2019

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Sec. 35. (1) Offense variable 5 is psychological injury to a member of a victim's family. Score offense variable 5 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) Serious psychological injury requiring professional treatment occurred to a victim's family15 points(b) No serious psychological injury requiring professional treatment occurred to a victim's family0 points(2) Score 15 points if the serious psychological injury to the victim's family may require professional treatment. In making this determination, the fact that treatment has not been sought is not conclusive. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000

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Sec. 36. (1) Offense variable 6 is the offender's intent to kill or injure another individual. Score offense variable 6 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender had premeditated intent to kill or the killing was committed while committing or attempting to commit arson, criminal sexual conduct in the first or third degree, child abuse in the first degree, a major controlled substance offense, robbery, breaking and entering of a dwelling, home invasion in the first or second degree, larceny of any kind, extortion, or kidnapping or the killing was the murder of a peace officer or a corrections officer50 points(b) The offender had unpremeditated intent to kill, the intent to do great bodily harm, or created a very high risk of death or great bodily harm knowing that death or great bodily harm was the probable result25 points(c) The offender had intent to injure or the killing was committed in an extreme emotional state caused by an adequate provocation and before a reasonable amount of time elapsed for the offender to calm or there was gross negligence amounting to an unreasonable disregard for life10 points(d) The offender had no intent to kill or injure0 points(2) All of the following apply to scoring offense variable 6. (a) The sentencing judge shall score this variable consistent with a jury verdict unless the judge has information that was not presented to the jury. (b) Score 10 points if a killing is intentional within the definition of second degree murder or voluntary manslaughter, but the death occurred in a combative situation or in response to victimization of the offender by the decedent. History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 37. (1) Offense variable 7 is aggravated physical abuse. Score offense variable 7 by determining which of the following apply and by assigning the number of points attributable to the 1 that has the highest number of points:(a) A victim was treated with sadism, torture, excessive brutality, or similarly egregious conduct designed to substantially increase the fear and anxiety a victim suffered during the offense50 points(b) No victim was treated with sadism, torture, excessive brutality, or similarly egregious conduct designed to substantially increase the fear and anxiety a victim suffered during the offense0 points(2) Count each person who was placed in danger of injury or loss of life as a victim. (3) As used in this section, "sadism" means conduct that subjects a victim to extreme or prolonged pain or humiliation and is inflicted to produce suffering or for the offender's gratification.

History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2002, Act 137, Eff. Apr. 22, 2002 ;-- Am. 2015, Act 137, Eff. Jan. 5, 2016

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Sec. 38. (1) Offense variable 8 is victim asportation or captivity. Score offense variable 8 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) A victim was asported to another place of greater danger or to a situation of greater danger or was held captive beyond the time necessary to commit the offense15 points(b) No victim was asported or held captive0 points(2) All of the following apply to scoring offense variable 8: (a) Count each person who was placed in danger of injury or loss of life as a victim. (b) Score 0 points if the sentencing offense is kidnapping. History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 39. (1) Offense variable 9 is number of victims. Score offense variable 9 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) Multiple deaths occurred100 points(b) There were 10 or more victims who were placed in danger of physical injury or death, or 20 or more victims who were placed in danger of property loss25 points(c) There were 2 to 9 victims who were placed in danger of physical injury or death, or 4 to 19 victims who were placed in danger of property loss10 points(d) There were fewer than 2 victims who were placed in danger of physical injury or death, or fewer than 4 victims who were placed in danger of property loss0 points(2) All of the following apply to scoring offense variable 9: (a) Count each person who was placed in danger of physical injury or loss of life or property as a victim. (b) Score 100 points only in homicide cases. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2006, Act 548, Eff. Mar. 30, 2007

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Sec. 40. (1) Offense variable 10 is exploitation of a vulnerable victim. Score offense variable 10 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) Predatory conduct was involved15 points(b) The offender exploited a victim's physical disability, mental disability, youth or agedness, or a domestic relationship, or the offender abused his or her authority status10 points(c) The offender exploited a victim by his or her difference in size or strength, or both, or exploited a victim who was intoxicated, under the influence of drugs, asleep, or unconscious5 points(d) The offender did not exploit a victim's vulnerability0 points(2) The mere existence of 1 or more factors described in subsection (1) does not automatically equate with victim vulnerability. (3) As used in this section: (a) "Predatory conduct" means preoffense conduct directed at a victim, or a law enforcement officer posing as a potential victim, for the primary purpose of victimization. (b) "Exploit" means to manipulate a victim for selfish or unethical purposes. Exploit also means to violate section 50b of the Michigan penal code, 1931 PA 328, MCL 750.50b, for the purpose of manipulating a victim for selfish or unethical purposes. (c) "Vulnerability" means the readily apparent susceptibility of a victim to injury, physical restraint, persuasion, or temptation. (d) "Abuse of authority status" means a victim was exploited out of fear or deference to an authority figure, including, but not limited to, a parent, physician, or teacher. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2014, Act 350, Imd. Eff. Oct. 17, 2014 ;-- Am. 2018, Act 652, Eff. Mar. 28, 2019

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Sec. 41. (1) Offense variable 11 is criminal sexual penetration. Score offense variable 11 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) Two or more criminal sexual penetrations occurred50 points(b) One criminal sexual penetration occurred25 points(c) No criminal sexual penetration occurred0 points(2) All of the following apply to scoring offense variable 11: (a) Score all sexual penetrations of the victim by the offender arising out of the sentencing offense. (b) Multiple sexual penetrations of the victim by the offender extending beyond the sentencing offense may be scored in offense variables 12 or 13. (c) Do not score points for the 1 penetration that forms the basis of a first- or third-degree criminal sexual conduct offense. History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 42. (1) Offense variable 12 is contemporaneous felonious criminal acts. Score offense variable 12 by determining which of the

following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) Three or more contemporaneous felonious criminal acts involving crimes against a person were committed25 points(b) Two contemporaneous felonious criminal acts involving crimes against a person were committed10 points(c) Three or more contemporaneous felonious criminal acts involving other crimes were committed10 points(d) One contemporaneous felonious criminal act involving a crime against a person was committed5 points(e) Two contemporaneous felonious criminal acts involving other crimes were committed5 points(f) One contemporaneous felonious criminal act involving any other crime was committed1 point(g) No contemporaneous felonious criminal acts were committed0 points(2) All of the following apply to scoring offense variable 12: (a) A felonious criminal act is contemporaneous if both of the following circumstances exist: (i) The act occurred within 24 hours of the sentencing offense. (ii) The act has not and will not result in a separate conviction. (b) A violation of section 227b of the Michigan penal code, 1931 PA 328, MCL 750.227b, should not be considered for scoring this variable. (c) Do not score conduct scored in offense variable 11. History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 43. (1) Offense variable 13 is continuing pattern of criminal behavior. Score offense variable 13 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offense was part of a pattern of felonious criminal activity involving 3 or more sexual penetrations against a person or persons less than 13 years of age50 points(b) The offense was part of a pattern of felonious criminal activity directly related to causing, encouraging, recruiting, soliciting, or coercing membership in a gang or communicating a threat with intent to deter, punish, or retaliate against another for withdrawing from a gang25 points(c) The offense was part of a pattern of felonious criminal activity involving 3 or more crimes against a person25 points(d) The offense was part of a pattern of felonious criminal activity involving a combination of 3 or more crimes against a person or property or a violation of section 7401(2)(a)(i) to (iii) or section 7403(2)(a)(i) to (iii) of the public health code, 1978 PA 368, MCL 333.7401 and 333.740310 points(e) The offense was part of a pattern of felonious criminal activity involving a combination of 3 or more violations of section 7401(2)(a)(i) to (iii) or section 7403(2)(a)(i) to (iii) of the public health code, 1978 PA 368, MCL 333.7401 and 333.740310 points(f) The offense was part of a pattern of felonious criminal activity involving 3 or more crimes against property5 points(g) No pattern of felonious criminal activity existed0 points(2) All of the following apply to scoring offense variable 13: (a) For determining the appropriate points under this variable, all crimes within a 5-year period, including the sentencing offense, shall be counted regardless of whether the offense resulted in a conviction. (b) The presence or absence of multiple offenders, the age of the offenders, or the degree of sophistication of the organized criminal group is not as important as the fact of the group's existence, which may be reasonably inferred from the facts surrounding the sentencing offense. (c) Except for offenses related to membership in an organized criminal group or that are gang-related, do not score conduct scored in offense variable 11 or 12. (d) Score 50 points only if the sentencing offense is first degree criminal sexual conduct. (e) Do not count more than 1 controlled substance offense arising out of the criminal episode for which the person is being sentenced. (f) Do not count more than 1 crime involving the same 1 controlled substance. For example, do not count conspiracy and a substantive offense involving the same amount of controlled substances or possession and delivery of the same amount of controlled substances. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 227, Imd. Eff. Dec. 28, 1999 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2002, Act 666, Eff. Mar. 1, 2003 ;-- Am. 2008, Act 562, Eff. Apr. 1, 2009Compiler's Notes:In subsection (2)(f), the numeral "1" was not included in the language "the same 1 controlled subtance" as passed by the legislature, but was incorrectly inserted during the electronic formatting of the bill. Subsection (2)(f) should read as follows:"(f) Do not count more than 1 crime involving the same controlled substance. For example, do not count conspiracy and a substantive offense involving the same amount of controlled substances or posession and delivery of the same amount of controlled substances."

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Sec. 44. (1) Offense variable 14 is the offender's role. Score offense variable 14 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender was a leader in a multiple offender situation10 points(b) The offender was not a leader in a multiple offender situation0 points(2) All of the following apply to scoring offense variable 14: (a) The entire criminal transaction should be considered when scoring this variable. (b) If 3 or more offenders were involved, more than 1 offender may be determined to have been a leader. History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 45. (1) Offense variable 15 is aggravated controlled substance offenses. Score offense variable 15 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offense involved the manufacture, creation, delivery, possession, or possession with intent to manufacture, create, or deliver of 1,000 or

more grams of any mixture containing a controlled substance classified in schedule 1 or 2 that is a narcotic drug or a drug described in section 7214(a)(iv)100 points(b) The offense involved the manufacture, creation, delivery, possession, or possession with intent to manufacture, create, or deliver of 450 grams or more but less than 1,000 grams of any mixture containing a controlled substance classified in schedule 1 or 2 that is a narcotic drug or a drug described in section 7214(a)(iv)75 points(c) The offense involved the manufacture, creation, delivery, possession, or possession with intent to manufacture, create, or deliver of 50 or more grams but less than 450 grams of any mixture containing a controlled substance classified in schedule 1 or 2 that is a narcotic drug or a drug described in section 7214(a)(iv)50 points(d) The offense involved traveling from another state or country to this state while in possession of any mixture containing a controlled substance classified in schedule 1 or 2 that is a narcotic drug or a drug described in section 7212 or 7214 with the intent to deliver that mixture in this state50 Points(e) The offense involved the sale or delivery of a controlled substance other than marihuana or a mixture containing a controlled substance other than marihuana by the offender who was 18 years of age or older to a minor who was 3 or more years younger than the offender25 points(f) The offense involved the sale, delivery, or possession with intent to sell or deliver 45 kilograms or more of marihuana or 200 or more of marihuana plants10 points(g) The offense is a violation of section 7401(2)(a)(i) to (iii) pertaining to a controlled substance classified in schedule 1 or 2 that is a narcotic drug or a drug described in section 7214(a)(iv) and was committed in a minor's abode, settled home, or domicile, regardless of whether the minor was present10 points(h) The offense involved the delivery or possession with intent to deliver marihuana or any other controlled substance or a counterfeit controlled substance or possession of controlled substances or counterfeit controlled substances having a value or under such circumstances as to indicate trafficking5 points(i) The offense was not an offense described in subdivisions (a) through (h)0 points(2) As used in this section: (a) "Deliver" means the actual or constructive transfer of a controlled substance from 1 individual to another regardless of remuneration. (b) "Minor" means an individual 17 years of age or less. (c) "Trafficking" means the sale or delivery of controlled substances or counterfeit controlled substances on a continuing basis to 1 or more other individuals for further distribution. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2002, Act 666, Eff. Mar. 1, 2003 ;-- Am. 2013, Act 203, Eff. Mar. 19, 2014

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Sec. 46. (1) Offense variable 16 is property obtained, damaged, lost, or destroyed. Score offense variable 16 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) For a conviction under section 50 of the Michigan penal code, 1931 PA 328, MCL 750.50, the property was 25 or more animals25 points(b) For a conviction under section 50 of the Michigan penal code, 1931 PA 328, MCL 750.50, the property was 10 or more animals but fewer than 25 animals10 points(c) Wanton or malicious damage occurred beyond that necessary to commit the crime for which the offender is not charged and will not be charged10 points(d) The property had a value of more than $20,000.00 or had significant historical, social, or sentimental value10 points(e) The property had a value of $1,000.00 or more but not more than $20,000.005 points(f) The property had a value of $200.00 or more but not more than $1,000.001 point(g) No property was obtained, damaged, lost, or destroyed or the property had a value of less than $200.000 points(2) All of the following apply to scoring offense variable 16: (a) In multiple offender or victim cases, the appropriate points may be determined by adding together the aggregate value of the property involved, including property involved in uncharged offenses or charges dismissed under a plea agreement. (b) In cases in which the property was obtained unlawfully, 28 lost to the lawful owner, or destroyed, use the value of the property in scoring this variable. If the property was damaged, use the monetary amount appropriate to restore the property to pre-offense condition in scoring this variable. (c) The amount of money or property involved in admitted but uncharged offenses or in charges that have been dismissed under a plea agreement may be considered. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 227, Imd. Eff. Dec. 28, 1999 ;-- Am. 2018, Act 652, Eff. Mar. 28, 2019Compiler's Notes:In subsection (2)(b), the reference to "unlawfully, 28 lost" evidently should read "unlawfully, lost."

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Sec. 47. (1) Offense variable 17 is degree of negligence exhibited. Score offense variable 17 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender showed a wanton or reckless disregard for the life or property of another person10 points(b) The offender failed to show the degree of care that a person of ordinary prudence in a similar situation would have shown5 points(c) The offender was not negligent0 points(2) Do not score 10 points if points are given in offense variable 6. History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 48. (1) Offense variable 18 is operator ability affected by alcohol or drugs. Score offense variable 18 by determining which of the following subdivisions apply and by assigning the number of points attributable to the applicable subdivision that has the highest

number of points:(a) The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive when his or her bodily alcohol content was 0.20 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine20 points(b) The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive when his or her bodily alcohol content was 0.15 grams or more but less than 0.20 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine15 points(c) The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive while the offender was under the influence of alcoholic or intoxicating liquor, a controlled substance, or a combination of alcoholic or intoxicating liquor and a controlled substance; or while the offender's body contained any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214; or while the offender had an alcohol content of 0.08 grams or more but less than 0.15 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under section 625(28) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, the offender had an alcohol content of 0.10 grams or more but less than 0.15 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine10 points(d) The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive while he or she was visibly impaired by the use of alcoholic or intoxicating liquor or a controlled substance or a combination of alcoholic or intoxicating liquor and a controlled substance, or was less than 21 years of age and had any bodily alcohol content5 points(e) The offender's ability to operate a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive was not affected by an alcoholic or intoxicating liquor or a controlled substance or a combination of alcoholic or intoxicating liquor and a controlled substance0 points(2) As used in this section, "any bodily alcohol content" means either of the following: (a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under section 625(28) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (b) Any presence of alcohol within an individual's body resulting from the consumption of alcoholic or intoxicating liquor other than the consumption of alcoholic or intoxicating liquor as part of a generally recognized religious service or ceremony. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 227, Imd. Eff. Dec. 28, 1999 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2003, Act 134, Eff. Sept. 30, 2003 ;-- Am. 2013, Act 24, Imd. Eff. May 9, 2013 ;-- Am. 2017, Act 152, Eff. Feb. 6, 2018 ;-- Am. 2021, Act 81, Eff. Nov. 21, 2021 ;-- Am. 2021, Act 84, Imd. Eff. Sept. 24, 2021

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Sec. 49. Offense variable 19 is threat to the security of a penal institution or court or interference with the administration of justice or the rendering of emergency services. Score offense variable 19 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender by his or her conduct threatened the security of a penal institution or court25 points(b) The offender used force or the threat of force against another person or the property of another person to interfere with, attempt to interfere with, or that results in the interference with the administration of justice or the rendering of emergency services15 points(c) The offender otherwise interfered with or attempted to interfere with the administration of justice, or directly or indirectly violated a personal protection order10 points(d) The offender did not threaten the security of a penal institution or court or interfere with or attempt to interfere with the administration of justice or the rendering of emergency services by force or threat of force0 points History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2001, Act 136, Imd. Eff. Oct. 23, 2001 ;-- Am. 2002, Act 137, Eff. Apr. 22, 2002 ;-- Am. 2018, Act 652, Eff. Mar. 28, 2019

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Sec. 49a. (1) Offense variable 20 is terrorism. Score offense variable 20 by determining which of the following applies and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender committed an act of terrorism by using or threatening to use a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, incendiary device, or explosive device100 points(b)The offender committed an act of terrorism without using or threatening to use a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, incendiary device, or explosive device50 points(c) The offender supported an act of terrorism, a terrorist, or a terrorist organization25 points(d) The offender did not commit an act of terrorism or support an act of terrorism, a terrorist, or a terrorist organization0 points(2) As used in this section: (a) "Act of terrorism" and "terrorist" mean those terms as defined in section 543b of the Michigan penal code, 1931 PA 328, MCL 750.543b. (b) "Harmful biological substance", "harmful biological device", "harmful chemical substance", "harmful chemical device", "harmful radioactive material", and "harmful radioactive device" mean those terms as defined in section 200h of the Michigan penal code, 1931 PA 328, MCL 750.200h. (c) "Incendiary device" includes gasoline or any other flammable substance, a blowtorch, fire bomb, Molotov cocktail, or other similar device. (d) "Terrorist organization" means that term as defined in section 543c of the Michigan penal code, 1931 PA 328, MCL 750.543c. History:Add. 2002, Act 137,

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Sec. 50. (1) In scoring prior record variables 1 to 5, do not use any conviction or juvenile adjudication that precedes a period of 10 or more years between the discharge date from a conviction or juvenile adjudication and the defendant's commission of the next offense resulting in a conviction or juvenile adjudication. (2) Apply subsection (1) by determining the time between the discharge date for the prior conviction or juvenile adjudication most recently preceding the commission date of the sentencing offense. If it is 10 or more years, do not use that prior conviction or juvenile adjudication and any earlier conviction or juvenile adjudication in scoring prior record variables. If it is less than 10 years, use that prior conviction or juvenile adjudication in scoring prior record variables and determine the time between the commission date of that prior conviction and the discharge date of the next earlier prior conviction or juvenile adjudication. If that period is 10 or more years, do not use that prior conviction or juvenile adjudication and any earlier conviction or juvenile adjudication in scoring prior record variables. If it is less than 10 years, use that prior conviction or juvenile adjudication in scoring prior record variables and repeat this determination for each remaining prior conviction or juvenile adjudication until a period of 10 or more years is found or no prior convictions or juvenile adjudications remain. (3) If a discharge date is not available, add either the time defendant was sentenced to probation or the length of the minimum incarceration term to the date of the conviction and use that date as the discharge date. (4) As used in this part: (a) "Conviction" includes any of the following: (i) Assignment to youthful trainee status under sections 11 to 15 of chapter II. (ii) A conviction set aside under 1965 PA 213, MCL 780.621 to 780.624. (b) "Discharge date" means the date an individual is discharged from the jurisdiction of the court or the department of corrections after being convicted of or adjudicated responsible for a crime or an act that would be a crime if committed by an adult. (c) "Juvenile adjudication" includes an adjudication set aside under section 18e of chapter XIIA of 1939 PA 288, MCL 712A.18e, or expunged. History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 51. (1) Prior record variable 1 is prior high severity felony convictions. Score prior record variable 1 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender has 3 or more prior high severity felony convictions75 points(b) The offender has 2 prior high severity felony convictions50 points(c) The offender has 1 prior high severity felony conviction25 points(d) The offender has no prior high severity felony convictions0 points(2) As used in this section, "prior high severity felony conviction" means a conviction for any of the following, if the conviction was entered before the sentencing offense was committed: (a) A crime listed in offense class M2, A, B, C, or D. (b) A felony under a law of the United States or another state corresponding to a crime listed in offense class M2, A, B, C, or D. (c) A felony that is not listed in offense class M2, A, B, C, D, E, F, G, or H and that is punishable by a maximum term of imprisonment of 10 years or more. (d) A felony under a law of the United States or another state that does not correspond to a crime listed in offense class M2, A, B, C, D, E, F, G, or H and that is punishable by a maximum term of imprisonment of 10 years or more. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007

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Sec. 52. (1) Prior record variable 2 is prior low severity felony convictions. Score prior record variable 2 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender has 4 or more prior low severity felony convictions30 points(b) The offender has 3 prior low severity felony convictions20 points(c) The offender has 2 prior low severity felony convictions10 points(d) The offender has 1 prior low severity felony conviction5 points(e) The offender has no prior low severity felony convictions0 points(2) As used in this section, "prior low severity felony conviction" means a conviction for any of the following, if the conviction was entered before the sentencing offense was committed: (a) A crime listed in offense class E, F, G, or H. (b) A felony under a law of the United States or another state that corresponds to a crime listed in offense class E, F, G, or H. (c) A felony that is not listed in offense class M2, A, B, C, D, E, F, G, or H and that is punishable by a maximum term of imprisonment of less than 10 years. (d) A felony under a law of the United States or another state that does not correspond to a crime listed in offense class M2, A, B, C, D, E, F, G, or H and that is punishable by a maximum term of imprisonment of less than 10 years. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007

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Sec. 53. (1) Prior record variable 3 is prior high severity juvenile adjudications. Score prior record variable 3 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender has 3 or more prior high severity juvenile adjudications50 points(b) The offender has 2 prior high severity juvenile adjudications25 points(c) The offender has 1 prior high severity juvenile adjudication10 points(d) The offender has no prior high severity juvenile adjudications0 points(2) As used in this section, "prior high severity juvenile adjudication" means a juvenile adjudication for conduct that would be any of the following if committed by an adult, if the order of disposition was entered before the sentencing offense was committed: (a) A crime listed in offense class M2, A, B, C, or D. (b) A felony under a law of the United States or another state corresponding to a crime listed in offense class M2, A, B, C, or D. (c) A felony that is not listed in offense class M2, A, B, C, D, E, F, G, or H and that is punishable by a maximum term of imprisonment of 10 years or more. (d) A felony under a law of the United States or another state that does not correspond to a crime listed in offense class M2, A, B, C, D, E, F, G, or H and that is punishable by a maximum term of imprisonment of 10 years or more. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007

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Sec. 54. (1) Prior record variable 4 is prior low severity juvenile adjudications. Score prior record variable 4 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender has 6 or more prior low severity juvenile adjudications20 points(b) The offender has 5 prior low severity juvenile adjudications15 points(c) The offender has 3 or 4 prior low severity juvenile adjudications10 points(d) The offender has 2 prior low severity juvenile adjudications5 points(e) The offender has 1 prior low severity juvenile adjudication2 points(f) The offender has no prior low severity juvenile adjudications0 points(2) As used in this section, "prior low severity juvenile adjudication" means a juvenile adjudication for conduct that would be any of the following if committed by an adult, if the order of disposition was entered before the sentencing offense was committed: (a) A crime listed in offense class E, F, G, or H. (b) A felony under a law of the United States or another state corresponding to a crime listed in offense class E, F, G, or H. (c) A felony that is not listed in offense class M2, A, B, C, D, E, F, G, or H and that is punishable by a maximum term of imprisonment of less than 10 years. (d) A felony under a law of the United States or another state that does not correspond to a crime listed in offense class M2, A, B, C, D, E, F, G, or H and that is punishable by a maximum term of imprisonment of less than 10 years. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000 ;-- Am. 2006, Act 655, Imd. Eff. Jan. 9, 2007

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Sec. 55. (1) Prior record variable 5 is prior misdemeanor convictions or prior misdemeanor juvenile adjudications. Score prior record variable 5 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender has 7 or more prior misdemeanor convictions or prior misdemeanor juvenile adjudications20 points(b) The offender has 5 or 6 prior misdemeanor convictions or prior misdemeanor juvenile adjudications15 points(c) The offender has 3 or 4 prior misdemeanor convictions or prior misdemeanor juvenile adjudications10 points(d) The offender has 2 prior misdemeanor convictions or prior misdemeanor juvenile adjudications5 points(e) The offender has 1 prior misdemeanor conviction or prior misdemeanor juvenile adjudication2 points(f) The offender has no prior misdemeanor convictions or prior misdemeanor juvenile adjudications0 points(2) All of the following apply to scoring record variable 5: (a) Except as provided in subdivision (b), count a prior misdemeanor conviction or prior misdemeanor juvenile adjudication only if it is an offense against a person or property, a controlled substance offense, or a weapon offense. Do not count a prior conviction used to enhance the sentencing offense to a felony. (b) Count all prior misdemeanor convictions and prior misdemeanor juvenile adjudications for operating or attempting to operate a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive while under the influence of or impaired by alcohol, a controlled substance, or a combination of alcohol and a controlled substance. Do not count a prior conviction used to enhance the sentencing offense to a felony. (3) As used in this section: (a) "Prior misdemeanor conviction" means a conviction for a misdemeanor under a law of this state, a political subdivision of this state, another state, a political subdivision of another state, or the United States if the conviction was entered before the sentencing offense was committed. (b) "Prior misdemeanor juvenile adjudication" means a juvenile adjudication for conduct that if committed by an adult would be a misdemeanor under a law of this state, a political subdivision of this state, another state, a political subdivision of another state, or the United States if the order of disposition was entered before the sentencing offense was committed. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2000, Act 279, Eff. Oct. 1, 2000

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Sec. 56. (1) Prior record variable 6 is relationship to the criminal justice system. Score prior record variable 6 by determining which

of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender is a prisoner of the department of corrections or serving a sentence in jail20 points(b) The offender is incarcerated in jail awaiting adjudication or sentencing on a conviction or probation violation15 points(c) The offender is on parole, probation, or delayed sentence status or on bond awaiting adjudication or sentencing for a felony10 points(d) The offender is on probation or delayed sentence status or on bond awaiting adjudication or sentencing for a misdemeanor5 points(e) The offender has no relationship to the criminal justice system0 points(2) Score the appropriate points under this section if the offender is involved with the criminal justice system in another state or United States. (3) As used in this section: (a) "Delayed sentence status" includes, but is not limited to, an individual assigned or deferred under any of the following: (i) Section 7411 of the public health code, 1978 PA 368, MCL 333.7411. (ii) Section 1076(4) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1076. (iii) Section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a. (iv) Section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430. (v) Sections 11 to 15 of chapter II. (vi) Section 4a of chapter IX. (b) "Prisoner of the department of corrections or serving a sentence in jail" includes an individual who is an escapee. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 2004, Act 220, Eff. Jan. 1, 2005

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Sec. 57. (1) Prior record variable 7 is subsequent or concurrent felony convictions. Score prior record variable 7 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:(a) The offender has 2 or more subsequent or concurrent convictions20 points(b) The offender has 1 subsequent or concurrent conviction10 points(c) The offender has no subsequent or concurrent convictions0 points(2) All of the following apply to scoring record variable 7: (a) Score the appropriate point value if the offender was convicted of multiple felony counts or was convicted of a felony after the sentencing offense was committed. (b) Do not score a felony firearm conviction in this variable. (c) Do not score a concurrent felony conviction if a mandatory consecutive sentence or a consecutive sentence imposed under section 7401(3) of the public health code, 1978 PA 368, MCL 333.7401, will result from that conviction. History:Add. 1998, Act 317, Eff. Dec. 15, 1998 ;-- Am. 1999, Act 227, Imd. Eff. Dec. 28, 1999 ;-- Am. 2002, Act 666, Eff. Mar. 1, 2003

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Sec. 61. The following are the minimum sentence ranges for class M2:PRIOR RECORD VARIABLE LEVELOffense VariableABCDEFLevel01-910-2425-4950-7475+pointspointspointspointspointspointsI0-49 points90-150144-240162-270180-300 or life225-375 or life270-450 or lifeII50-99 points144-240162-270180-300 or life225-375 or life270-450 or life315-525 or lifeIII100+ points162-270 or life180-300 or life225-375 or life270-450 or life315-525 or life365-600 or life History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 62. The following are the minimum sentence ranges for class A:PRIOR RECORD VARIABLE LEVELOffense VariableABCDEFLevel01-910-2425-4950-7475+pointspointspointspointspointspointsI0-19 points21-3527-4542-7051-8581-135108-180II20-39 points27-4542-7051-8581-135108-180126-210III40-59 points42-7051-8581-135108-180126-210135-225IV60-79 points51-8581-135108-180126-210135-225171-285V80-99 points81-135108-180126-210135-225171-285225-375 or lifeVI100+ points108-180126-210135-225171-285225-375 or life270-450 or life History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 63. The following are the minimum sentence ranges for class B:PRIOR RECORD VARIABLE LEVELOffense VariableABCDEFLevel01-910-2425-4950-7475+pointspointspointspointspointspointsI0-9 points0-1812-2024-4036-6051-8572-120II10-24 points12-2015-2530-5051-8572-12078-130III25-34 points15-2521-3536-6057-9578-13084-140IV35-49 points21-3524-4045-7572-12084-14087-145V50-74 points24-4036-6051-8578-13087-14599-160VI75+ points36-6045-7557-9584-14099-160117-160 History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 64. The following are the minimum sentence ranges for class C:PRIOR RECORD VARIABLE LEVELOffense VariableABCDEFLevel01-910-2425-4950-7475+pointspointspointspointspointspointsI0-9 points0-110-1710-1912-2419-3829-57II10-24 points0-175-1712-2419-3829-5736-71III25-34 points10-1912-2419-3829-5736-7143-86IV35-49 points12-2419-3829-5736-7143-8650-100V50-74 points19-3829-5736-7143-8650-10058-114VI75+ points29-5736-7143-8650-10058-11462-114 History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 65. The following are the minimum sentence ranges for class D:PRIOR RECORD VARIABLE LEVELOffense VariableABCDEFLevel01-910-2425-4950-7475+pointspointspointspointspointspointsI0-9 points0-60-90-110-175-2310-23II10-24 points0-90-110-175-2310-2319-38III25-34 points0-110-175-2310-2319-3829-57IV35-49 points0-175-2310-2319-3829-5734-67V50-74 points5-2310-2319-3829-5734-6738-76VI75+ points10-2319-3829-5734-6738-7643-76 History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 66. The following are the minimum sentence ranges for class E:PRIOR RECORD VARIABLE LEVELOffense VariableABCDEFLevel01-910-2425-4950-7475+pointspointspointspointspointspointsI0-9 points0-30-60-95-237-239-23II10-24 points0-60-90-117-2310-2312-24III25-34 points0-90-110-1710-2312-2414-29IV35-49 points0-110-175-2312-2414-2919-38V50-74 points0-145-237-2314-2919-3822-38VI75+ points0-177-2312-2419-3822-3824-38 History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 67. The following are the minimum sentence ranges for class F:PRIOR RECORD VARIABLE LEVELOffense VariableABCDEFLevel01-910-2425-4950-7475+pointspointspointspointspointspointsI0-9 points0-30-60-92-175-2310-23II10-34 points0-60-90-175-2310-2312-24III35-74 points0-90-172-1710-2312-2414-29IV75+ points0-172-175-2312-2414-2917-30 History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 68. The following are the minimum sentence ranges for class G:PRIOR RECORD VARIABLE LEVELOffense VariableABCDEFLevel01-910-2425-4950-7475+pointspointspointspointspointspointsI0-9 points0-30-60-90-110-172-17II10-15 points0-60-90-110-172-175-23III16+ points0-90-110-172-175-237-23 History:Add. 1998, Act 317, Eff. Dec. 15, 1998

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Sec. 69. The following are the minimum sentence ranges for class H:PRIOR RECORD VARIABLE LEVELOffense VariableABCDEFLevel01-910-2425-4950-7475+pointspointspointspointspointspointsI0-9 points0-10-30-60-90-110-17II10-15 points0-30-60-90-110-172-17III16+ points0-60-90-110-172-175-17 History:Add. 1998, Act 317, Eff. Dec. 15, 1998

Title: chapter-780

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 113 of 2014 - Security Act for Nuclear Energy (780.941 - 780.941)Section 780.941 - Rights and Duties of Officer Providing Security at Nuclear Generating Facility; Notice of Authorization; Immunity From Civil Liability; Modification of Common Law; Definitions.

Sec. 1. (1) An officer providing security at a nuclear generating facility may use physical force, other than deadly physical force, against another individual if that officer providing security honestly and reasonably believes that the physical force, other than deadly physical force, is necessary to prevent or terminate that other individual's unlawful trespass at that nuclear generating facility under section 552 of the Michigan penal code, 1931 PA 328, MCL 750.552. (2) An officer providing security at a nuclear generating facility may use physical force, including deadly physical force, against another individual if the officer providing security honestly and reasonably believes that the use of physical force, including deadly physical force, is necessary to prevent or terminate an individual from breaking and entering or attempting to break and enter into the business premises of a nuclear generating or nuclear storage building or structure with the intent to commit a crime involving the infliction or threatened infliction of serious physical

harm to any individual, or to deter a threat of radiological sabotage or a threat of theft or diversion of special nuclear material. (3) Notwithstanding any other provision of this act, an officer providing security at a nuclear generating facility may threaten to use physical force, including deadly physical force, if the officer providing security honestly and reasonably believes it is necessary to protect himself or herself or another individual against another individual's potential use of physical force, including deadly physical force, or to deter a threat of radiological sabotage or a threat of theft or diversion of special nuclear material. (4) Notice of the authorization provided in subsection (2) shall be conspicuously posted at all entrances to the business premises of a nuclear generating or nuclear storage building or structure and at intervals along the perimeter in such a manner as to provide reasonable notice of that authorization to persons about to enter. (5) An officer providing security at a nuclear generating facility, the employer of an officer providing security at a nuclear generating facility, and the owner and the operator of a nuclear generating facility are immune from civil liability for the conduct of an officer providing security at a nuclear generating facility that is lawful under this section. (6) Except as provided in this section, this section does not modify the common law of this state in existence on the effective date of this act regarding the use of deadly force. (7) As used in this section: (a) "Business premises of a nuclear generating or nuclear storage building or structure" means a building or other structure used to generate electricity using nuclear power, or that is used to store special nuclear material associated with or resulting from generating electricity using nuclear power. Business premises of a nuclear generating or nuclear storage building or structure include any appurtenant building or structure and any barrier or barrier system surrounding that building or structure or appurtenant building or structure that is designed to protect against radiological sabotage or theft or diversion of special nuclear material that is required to be designated and posted against trespassing under 42 USC 2278a, or any other substantially equivalent federal law. (b) "Nuclear generating facility" means 1 or more of the following: (i) A facility that is located in this state that generates electricity using nuclear power for sale, directly or indirectly, to the public. (ii) A facility that is located in this state that was formerly used to generate electricity using nuclear power for sale, directly or indirectly, to the public, and that stores special nuclear material. (iii) The land surrounding a facility described in subparagraph (i) or (ii) that is in the possession of the facility owner or operator. (iv) Any nuclear generating or nuclear storage building or structure on land described in subparagraph (iii). (c) "Officer providing security at a nuclear generating facility" means a security officer employed by or under contract with a nuclear generating facility who is employed as part of any security plan approved by the United States nuclear regulatory commission or its successor agency and who is performing his or her duties under that plan. (d) "Special nuclear material" means material capable of a self-sustaining fission chain reaction. History:2014, Act 113, Eff. July 9, 2014

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 134 of 1893 - Appeal After Denial of New Trial; Incorporating Record of Proceedings in Bill of Exceptions (780.201 - 780.201)Section 780.201 - Appeal of Case After Denial of New Trial; Bill of Exceptions.

Sec. 1. That in all cases hereafter taken to the supreme court on writ of error or appeal, where a motion for a new trial has been previously refused by the trial judge, the party appealing the same may incorporate in the bill of exceptions a record of all proceedings had on said motion for a new trial, including the reasons given by the trial judge in refusing to grant said new trial. Exceptions may be taken and error assigned on the decision of the circuit judge in refusing such motion, and the same shall be reviewed by the supreme court. History:1893, Act 134, Eff. Aug. 28, 1893 ;-- CL 1897, 10504 ;-- CL 1929, 17370 ;-- CL 1948, 780.201

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 141 of 1961 - Interstate Agreement on Detainers (780.601 - 780.608)Section 780.601 - Interstate Agreement on Detainers.

Sec. 1. The agreement on detainers is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein in the form substantially as follows:THE AGREEMENT ON DETAINERSThe contracting states solemnly agree that:ARTICLE IThe party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of co-operative procedures. It is the further purpose of this agreement to provide such co-operative procedures.ARTICLE IIAs used in this agreement: (a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico. (b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof. (c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.ARTICLE III(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officers' jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or

complaint: Provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. (b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested. (c) The warden, commissioner of corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based. (d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice. (e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law. (f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.ARTICLE IV(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V (a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated: Provided, That the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request: And provided further, That there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner. (b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor. (c) In respect of any proceeding made possible by this Article, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. (d) Nothing contained in this Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery. (e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V (e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.ARTICLE V(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian. (b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand: (1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given. (2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made. (c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on

the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect. (d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution. (e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state. (f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow. (g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law. (h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.ARTICLE VI(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter. (b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.ARTICLE VIIEach state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.ARTICLE VIIIThis agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.ARTICLE IXThis agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable, and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. History:1961, Act 141, Eff. Sept. 8, 1961

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 141 of 1961 - Interstate Agreement on Detainers (780.601 - 780.608)Section 780.602 - Appropriate Court; Definition.

Sec. 2. The phrase "appropriate court" as used in the agreement on detainers, with reference to the courts of this state, means all courts of record. History:1961, Act 141, Eff. Sept. 8, 1961

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 141 of 1961 - Interstate Agreement on Detainers (780.601 - 780.608)Section 780.603 - Agreement on Detainers; Cooperation to Enforce.

Sec. 3. All courts, departments, agencies, officers and employees of this state and its political subdivisions are hereby directed to enforce the agreement on detainers and to cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose. History:1961, Act 141, Eff. Sept. 8, 1961

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 141 of 1961 - Interstate Agreement on Detainers (780.601 - 780.608)Section 780.604 - Agreement on Detainers; Nonapplicability of Habitual Criminal Act.

Sec. 4. Nothing in this act or in the agreement on detainers shall be construed to require the application of sections 10, 11 and 12 of chapter 9 of Act No. 175 of the Public Acts of 1927, as amended, being sections 769.10, 769.11 and 769.12 of the Compiled Laws of 1948, to any person on account of any conviction had in a proceeding brought to final disposition by reason of the use of said agreement. History:1961, Act 141, Eff. Sept. 8, 1961

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 141 of 1961 - Interstate Agreement on Detainers (780.601 - 780.608)Section 780.605 - Agreement on Detainers; Escape From Custody in Another State.

Sec. 5. Escape from custody while in any other state pursuant to the agreement on detainers constitutes an offense against the laws of this state to the same extent and degree as escape from prison in this state and shall be punishable in the same manner as such an escape. History:1961, Act 141, Eff. Sept. 8, 1961

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 141 of 1961 - Interstate Agreement on Detainers (780.601 - 780.608)Section 780.606 - Agreement on Detainers; Duty of Wardens.

Sec. 6. It shall be lawful and mandatory upon the warden or other official in charge of a penal or correctional institution in this state to give over the person of any inmate thereof whenever so required by the operation of the agreement on detainers. History:1961, Act 141, Eff. Sept. 8, 1961

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 141 of 1961 - Interstate Agreement on Detainers (780.601 - 780.608)Section 780.607 - Agreement on Detainers; Director of Department of Corrections.

Sec. 7. The director of the department of corrections shall serve as the central administrator and chief enforcement officer of this act. History:1961, Act 141, Eff. Sept. 8, 1961

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 141 of 1961 - Interstate Agreement on Detainers (780.601 - 780.608)Section 780.608 - Agreement on Detainers; Copies of Act, Distribution.

Sec. 8. Copies of this act, upon its approval, shall be transmitted to the governor of each state and the attorney general and the secretary of state of the United States and to the council of state governments. History:1961, Act 141, Eff. Sept. 8, 1961

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.1 - Uniform Criminal Extradition Act; Definitions.

Sec. 1. Definitions. Where appearing in this act, the term "governor" includes any person performing the functions of governor by authority of the law of this state. The term "executive authority" includes the governor, and any person performing the functions of governor in a state other than this state. The term "state," referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.1Compiler's Notes:The catchlines following the act section numbers were incorporated as part of the act as enacted.

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.10 - Violation of Section; Misdemeanor, Penalty.

Sec. 10. Penalty for non-compliance with preceding section. Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant, in wilful disobedience to the last section, shall be guilty of a misdemeanor and, on conviction, shall be fined, not more than 1,000 dollars or be imprisoned not more than 6 months or both. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.10

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.11 - Confinement in Jail; Necessary Circumstances.

Sec. 11. Confinement in jail when necessary. The officer or persons executing the governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered, may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping. The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping: Provided, however, That such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.11

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.12 - Arrest Prior to Requisition.

Sec. 12. Arrest prior to requisition. Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under section 3a, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state

and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under section 3a, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the same or any other judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- Am. 1939, Act 81, Eff. Sept. 29, 1939 ;-- CL 1948, 780.12

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.13 - Arrest Without Warrant.

Sec. 13. Arrest without a warrant. The arrest of a person may be lawfully made also by any peace officer without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding 1 year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.13

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.14 - Commitment to Await Requisition; Bail.

Sec. 14. Commitment to await requisition; bail. If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged, and, except in cases arising under section 3a, that he has fled from justice, the judge or magistrate must, by a warrant reciting the accusation, commit him to the county jail for such a time not exceeding 30 days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- Am. 1939, Act 81, Eff. Sept. 29, 1939 ;-- CL 1948, 780.14

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.15 - Bail; Type of Cases; Condition of Bond.

Sec. 15. Unless the offense with which the prisoner is charged is shown to be an offense punishable by death, by life imprisonment, or by imprisonment for 20 years or more under the laws of the state in which it was committed or is for escaping from custody or confinement, a judge or magistrate in this state may admit the person arrested to bail by bond, with sufficient sureties, and in an amount that, after reviewing the person's criminal history, the judge or magistrate considers proper, conditioned for the person's appearance before the court at a time specified in the bond, and for the person's surrender, to be arrested upon the warrant of the governor of this state. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.15 ;-- Am. 2002, Act 584, Eff. Jan. 1, 2003

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.16 - Discharge or Recommitment of Accused; Additional Periods; Limitation.

Sec. 16. If the accused is not arrested under warrant of the governor by the expiration of the time specified in the warrant or bond, a judge or magistrate may discharge the accused or may recommit the accused for additional periods not to exceed a total extension of 60 days, or a judge or magistrate may again take bail for the accused's appearance and surrender, as provided in section 15, but within a period not to exceed 60 days after the date of any new bond. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.16 ;-- Am. 2002, Act 584, Eff. Jan. 1, 2003

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.17 - Forfeiture of Bail.

Sec. 17. Forfeiture of bail. If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, or magistrate by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.17

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.18 - Persons Under Criminal Prosecution in State; Applicability of Restrictions on Commitment.

Sec. 18. If a criminal prosecution has been instituted against a person under the laws of this state and is still pending, the governor may surrender the person on demand of the executive authority of another state or hold the person until he or she has been tried and discharged or convicted and punished in this state. If a criminal prosecution has been instituted under the laws of this state against a person charged under section 13, the restrictions on the length of commitment specified in sections 14 and 16 are not applicable during the period that the criminal prosecution is pending in this state. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948,

780.18 ;-- Am. 2002, Act 584, Eff. Jan. 1, 2003

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.19 - Guilt or Innocence of Accused When Inquired Into.

Sec. 19. Guilt or innocence of the accused, when inquired into. The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the governor, except as it may be involved in identifying the person held as the person charged with the crime. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.19

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.2 - Fugitives From Justice; Duty of Governor.

Sec. 2. Fugitives from justice; duty of governor. Subject to the provisions of this act, the provisions of the constitution of the United States controlling, and any and all acts of congress enacted in pursuance thereof, it is the duty of the governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.2

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.20 - Governor's Warrant; Recall or Issuance of Another.

Sec. 20. Governor may recall warrant or issue alias. The governor may recall his warrant of arrest or may issue another warrant whenever he deems proper. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.20

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.21 - Fugitives From State; Duty of Governor.

Sec. 21. Fugitives from this state; duty of governor. Whenever the governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the executive authority of any other state, or from the chief justice or an associate justice of the supreme court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.21

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.22 - Application for Issuance of Requisition; Contents.

Sec. 22. Application for issuance of requisition; by whom made; contents. 1. When the return to this state of a person charged with crime in this state is required, the prosecuting attorney shall present to the governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein, at the time the application is made and certifying that, in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim. 2. When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made. 3. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by 2 certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, warden or sheriff may also attach such further affidavits and other documents in duplicate as he or they shall deem proper to be submitted with such application. One copy of the application, with the action of the governor indicated by endorsement thereon, and 1 of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the secretary of state to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.22Compiler's Notes:For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.23 - Costs and Expenses.

Sec. 23. In all extradition cases the expenses therefor shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses shall be the fees paid to the officers of the state on whose governor the requisition is made, and all other necessary and reasonable expenses in returning such prisoner. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- Am. 1947, Act 247, Imd. Eff. June 20, 1947 ;-- CL 1948, 780.23

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.23a - Extradition Costs; Payment.

Sec. 23a. The court may order an individual who is extradited to this state for committing a crime and who is convicted of a crime to pay the actual and reasonable costs of that extradition, including, but not limited to, all of the following: (a) Transportation costs. (b) The salaries or wages of law enforcement and prosecution personnel, including overtime pay, for processing the extradition and returning the individual to this state. History:Add. 2002, Act 584, Eff. Jan. 1, 2003

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.24 - Immunity From Service of Process in Certain Civil Actions.

Sec. 24. Immunity from service of process in certain civil actions. A person brought into this state by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.24

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.25 - Written Waiver of Extradition Proceedings.

Sec. 25. Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his or her bail, probation, or parole may waive the issuance and service of the warrant provided for in sections 6 and 7 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing that states that he or she consents to return to the demanding state. However, before the waiver is executed or subscribed by the person, the judge shall inform the person of his or her rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in section 9. When a person's consent has been duly executed, it shall promptly be forwarded to and filed in the office of the governor of this state. The judge shall direct the officer having the person in custody to promptly deliver the person to the accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to that agent or agents a copy of the person's consent. If a waiver is executed, the judge shall remand the person to custody without bail. The order shall direct the officer having the person in custody to deliver the person to the duly authorized agent of the demanding state together with a copy of the order and the waiver. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.25 ;-- Am. 2002, Act 584, Eff. Jan. 1, 2003

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.25a - Delivering Individual to Demanding State Without Governor's Warrant.

Sec. 25a. Notwithstanding section 3, a law enforcement agency in this state holding an individual who is alleged to have broken the terms of his or her probation, parole, bail, or other release in the demanding state shall immediately deliver the individual to the authorized agent of the demanding state without the requirement of a governor's warrant if all of the following have occurred: (a) The individual has signed a prior waiver of extradition as a term of his or her current probation, parole, bail, or other release in the demanding state. (b) The law enforcement agency holding the individual has received a copy of the prior waiver of extradition signed by the individual and confirmed by the demanding agency. (c) The law enforcement agency has received photographs, fingerprints, or other evidence that properly identify the individual who signed the waiver. History:Add. 1994, Act 380, Imd. Eff. Dec. 27, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.26 - Non-Waiver by State.

Sec. 26. Non-waiver by this state. Nothing in this act contained shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, nor shall any proceedings had under this act which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.26

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.27 - No Right of Asylum.

Sec. 27. No right of asylum. No immunity from other criminal prosecutions while in this state. After a person has been brought back

to this state by, or after waiver of extradition proceedings, he may be tried in this state for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.27

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.28 - Interpretation of Act.

Sec. 28. Interpretation. The provisions of this act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.28

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.3 - Form of Demand.

Sec. 3. Form of demand. No demand for extradition of a person charged with a crime in another state shall be recognized by the governor unless in writing, accompanied by the following papers: (1) Governor's requisition under the seal of the state; (2) Prosecutor's application for requisition for the return of a person charged with crime, wherein shall be stated: (a) The name of the person so charged; (b) The nature of the crime; (c) The approximate time, place and circumstances of its commission; (d) That the accused was present in demanding state at the time of commission of alleged crime; (e) That he thereafter fled from the state; (f) The state in which he is believed to be, including the location of the accused therein, at the time the application is made; certifying that, in the opinion of the said prosecuting attorney, the ends of justice require the arrest and return of the accused to the demanding state for trial, and that the proceeding is not instituted to enforce a private claim; (3) Verification by affidavit of said application, which shall be accompanied by certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, and the warrant issued thereupon, stating the offense with which the accused is charged, or of the judgment of conviction or of a sentence imposed in execution thereof, together with a statement by executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. Affidavits or documents as the prosecutor may deem proper may be submitted with such application; (4) Executive warrant, under the seal of the state, authorizing agent, therein named, to receive the person demanded; (5) The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state; and the copy of indictment, information, affidavit, judgment or conviction or sentence must be authenticated by the executive authority making the demand. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.3

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.31 - Uniform Criminal Extradition Act; Short Title.

Sec. 31. This act may be cited as the "uniform criminal extradition act". History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.31

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.3a - Extradition; Persons Not Present in Demanding State at Time of Commission of Crime.

Sec. 3a. The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged in such other state in the manner provided in section 3 with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this act not otherwise inconsistent shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom, and the requirements contained in subdivisions (d) and (e) of section 3 of this act shall not apply to such cases. History:Add. 1939, Act 81, Eff. Sept. 29, 1939 ;-- Am. 1947, Act 143, Imd. Eff. May 29, 1947 ;-- CL 1948, 780.3a

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.4 - Investigation by Governor.

Sec. 4. Governor may investigate case. When a demand shall be made upon the governor of this state by the executive authority of another state for the surrender of a person so charged with crime, the governor may call upon the attorney general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.4

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.5 - Extradition; Persons Imprisoned or Awaiting Trial in Another State or Who Have Left Demanding State Under Compulsion.

Sec. 5. Extradition of persons imprisoned or awaiting trial in another state or who have left the demanding state under compulsion. When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the

prosecution in this state is terminated. The governor of this state may also surrender on demand of the executive authority of any other state any person in this state who is charged in the manner provided in section 22 of this act with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.5

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.6 - Governor's Warrant; Issuance; Recitation of Facts; Revocation of Bail.

Sec. 6. If the governor decides that the demand should be complied with, he or she shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person who the governor determines is fit to entrust with the execution of the warrant. The warrant shall substantially recite the facts necessary to the validity of its issuance. If the person was released on bail, the court shall immediately revoke bail and shall not release the person on bail but shall detain the person subject only to habeas corpus review. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.6 ;-- Am. 2002, Act 584, Eff. Jan. 1, 2003

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.7 - Governor's Warrant; Execution, Manner and Place.

Sec. 7. Manner and place of execution. Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this act to the duly authorized agent of the demanding state. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.7

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.8 - Arresting Officer; Authority.

Sec. 8. Authority of arresting officer. Every such peace officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.8

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 144 of 1937 - Uniform Criminal Extradition Act (780.1 - 780.31)Section 780.9 - Rights of Accused Persons; Writ of Habeas Corpus, Application.

Sec. 9. Rights of accused person; application for writ of habeas corpus. No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state. History:1937, Act 144, Eff. Oct. 29, 1937 ;-- CL 1948, 780.9

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 161 of 1967 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act (780.111 - 780.120)Section 780.111 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act; Short Title.

Sec. 1. This act shall be known and may be cited as the "uniform rendition of prisoners as witnesses in criminal proceedings act". History:1967, Act 161, Imd. Eff. June 30, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 161 of 1967 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act (780.111 - 780.120)Section 780.112 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act; Definitions.

Sec. 2. As used in this act: (a) "Witness" means a person who is confined in a penal institution in any state and whose testimony is desired in another state in any criminal proceeding or investigation by a grand jury or in any criminal action before a court. (b) "Penal institutions" includes a jail, prison, penitentiary, house of correction or other place of penal detention. (c) "State" includes any state of the United States, the district of Columbia, the commonwealth of Puerto Rico, and any territory of the United States. History:1967, Act 161, Imd. Eff. June 30, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 161 of 1967 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act (780.111 - 780.120)Section 780.113 - Request of Foreign Court; Certificate of State Judge Having Jurisdiction Over Prisoner, Contents; Notice; Hearing.

Sec. 3. A judge of a state court of record in another state, which by its laws has made provision for commanding persons confined in penal institutions within that state to attend and testify in this state, may certify (1) that there is a criminal proceeding or

investigation by a grand jury or a criminal action pending in the court, (2) that a person who is confined in a penal institution in this state may be a material witness in the proceeding, investigation or action, and (3) that his presence will be required during a specified time. Upon presentation of the certificate to any judge having jurisdiction over the person confined, and upon notice to the attorney general, the judge in this state shall fix a time and place for a hearing and shall make an order directed to the person having custody of the prisoner requiring that the prisoner be produced before him at the hearing. History:1967, Act 161, Imd. Eff. June 30, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 161 of 1967 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act (780.111 - 780.120)Section 780.114 - Orders Directing Witness to Attend and Testify; Contents; Production of Witness.

Sec. 4. If at the hearing the judge determines (1) that the witness may be material and necessary, (2) that his attending and testifying are not adverse to the interests of this state or to the health or legal rights of the witness, (3) that the laws of the state in which he is requested to testify will give him protection from arrest and the service of civil and criminal process because of any act committed prior to his arrival in the state under the order, and (4) that as a practical matter the possibility is negligible that the witness may be subject to arrest or to the service of civil or criminal process in any state through which he will be required to pass, the judge shall issue an order, with a copy of the certificate attached, (a) directing the witness to attend and testify, (b) directing the person having custody of the witness to produce him, in the court where the criminal action is pending, or where the grand jury investigation is pending, at a time and place specified in the order, and (c) prescribing such conditions as the judge shall determine. History:1967, Act 161, Imd. Eff. June 30, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 161 of 1967 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act (780.111 - 780.120)Section 780.115 - Orders; Contents; Custodial Safeguards; Expenses; Time Effective.

Sec. 5. The order to the witness and to the person having custody of the witness shall provide for the return of the witness at the conclusion of his testimony, proper safeguards on his custody, and proper financial reimbursement or prepayment by the requesting jurisdiction for all expenses incurred in the production and return of the witness, and may prescribe such other conditions as the judge thinks proper or necessary. The order shall not become effective until the judge of the state requesting the witness enters an order directing compliance with the conditions prescribed. History:1967, Act 161, Imd. Eff. June 30, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 161 of 1967 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act (780.111 - 780.120)Section 780.116 - Inapplicability of Act.

Sec. 6. This act does not apply to any person in this state confined as insane or mentally ill or as a defective delinquent. History:1967, Act 161, Imd. Eff. June 30, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 161 of 1967 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act (780.111 - 780.120)Section 780.117 - Request for Witnesses Confined in Foreign State; Certificate; Contents; Foreign Court Having Jurisdiction Over Prisoner, Presentment of Certificate.

Sec. 7. If a person confined in a penal institution in any other state may be a material witness in a criminal action pending in a court of record or in a grand jury investigation in this state, a judge of the court may certify (1) that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, (2) that a person who is confined in a penal institution in the other state may be a material witness in the proceeding, investigation or action, and (3) that his presence will be required during a specified time. The certificate shall be presented to a judge of a court of record in the other state having jurisdiction over the prisoner confined, and a notice shall be given to the attorney general of the state in which the prisoner is confined. History:1967, Act 161, Imd. Eff. June 30, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 161 of 1967 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act (780.111 - 780.120)Section 780.118 - Order of Compliance With Terms and Conditions of Foreign Judge.

Sec. 8. The judge of the court in this state may enter an order directing compliance with the terms and conditions prescribed by the judge of the state in which the witness is confined. History:1967, Act 161, Imd. Eff. June 30, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 161 of 1967 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act (780.111 - 780.120)Section 780.119 - Immunity of Witness; Arrest or Service of Process.

Sec. 9. If a witness from another state comes into or passes through this state under an order directing him to attend and testify in this or another state, he shall not while in this state pursuant to the order be subject to arrest or the service of process, civil or criminal, because of any act committed prior to his arrival in this state under the order. History:1967, Act 161, Imd. Eff. June 30, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 161 of 1967 - Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act (780.111 - 780.120)Section 780.120 - Construction of Act.

Sec. 10. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it. History:1967, Act 161, Imd. Eff. June 30, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 177 of 1957 - Disposition of Untried Charges Against Inmates of Penal Institutions (780.131 - 780.133)Section 780.131 - Notice of Untried Warrant, Indictment, Information, or Complaint; Notice of Place of Imprisonment; Request for Final Disposition; Statement; Delivery by Certified Mail; Applicability of Section.

Sec. 1. (1) Whenever the department of corrections receives notice that there is pending in this state any untried warrant, indictment, information, or complaint setting forth against any inmate of a correctional facility of this state a criminal offense for which a prison sentence might be imposed upon conviction, the inmate shall be brought to trial within 180 days after the department of corrections causes to be delivered to the prosecuting attorney of the county in which the warrant, indictment, information, or complaint is pending written notice of the place of imprisonment of the inmate and a request for final disposition of the warrant, indictment, information, or complaint. The request shall be accompanied by a statement setting forth the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time or disciplinary credits earned, the time of parole eligibility of the prisoner, and any decisions of the parole board relating to the prisoner. The written notice and statement shall be delivered by certified mail. (2) This section does not apply to a warrant, indictment, information, or complaint arising from either of the following: (a) A criminal offense committed by an inmate of a state correctional facility while incarcerated in the correctional facility. (b) A criminal offense committed by an inmate of a state correctional facility after the inmate has escaped from the correctional facility and before he or she has been returned to the custody of the department of corrections. History:1957, Act 177, Eff. Sept. 27, 1957 ;-- Am. 1988, Act 400, Eff. Mar. 30, 1989Compiler's Notes:For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 177 of 1957 - Disposition of Untried Charges Against Inmates of Penal Institutions (780.131 - 780.133)Section 780.132 - Request; Notice to Prisoners.

Sec. 2. The department of corrections shall notify each prisoner of any request forwarded under the provisions of section 1 of this act. History:1957, Act 177, Eff. Sept. 27, 1957

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 177 of 1957 - Disposition of Untried Charges Against Inmates of Penal Institutions (780.131 - 780.133)Section 780.133 - Failure to Prosecute; Dismissal With Prejudice.

Sec. 3. In the event that, within the time limitation set forth in section 1 of this act, action is not commenced on the matter for which request for disposition was made, no court of this state shall any longer have jurisdiction thereof, nor shall the untried warrant, indictment, information or complaint be of any further force or effect, and the court shall enter an order dismissing the same with prejudice. History:1957, Act 177, Eff. Sept. 27, 1957

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1937 - Uniform Act on Fresh Pursuit (780.101 - 780.108)Section 780.101 - Uniform Act on Fresh Pursuit; Arrest by Officer From Other State.

Sec. 1. Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state. History:1937, Act 189, Imd. Eff. July 14, 1937 ;-- CL 1948, 780.101

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1937 - Uniform Act on Fresh Pursuit (780.101 - 780.108)Section 780.102 - Uniform Act on Fresh Pursuit; Procedure.

Sec. 2. If an arrest is made in this state by an officer of another state in accordance with the provisions of section 1 of this act, he shall without unnecessary delay take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state. If the magistrate determines that the arrest was unlawful he shall discharge the person arrested. History:1937, Act 189, Imd. Eff. July 14, 1937 ;-- CL 1948, 780.102

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1937 - Uniform Act on Fresh Pursuit (780.101 - 780.108)Section 780.103 - Section One Construed.

Sec. 3. Section 1 of this act shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

History:1937, Act 189, Imd. Eff. July 14, 1937 ;-- CL 1948, 780.103

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1937 - Uniform Act on Fresh Pursuit (780.101 - 780.108)Section 780.104 - State; Construction of Term.

Sec. 4. For the purpose of this act the word "state" shall include the District of Columbia. History:1937, Act 189, Imd. Eff. July 14, 1937 ;-- CL 1948, 780.104

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1937 - Uniform Act on Fresh Pursuit (780.101 - 780.108)Section 780.105 - Fresh Pursuit; Definition.

Sec. 5. The term "fresh pursuit" as used in this act shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay. History:1937, Act 189, Imd. Eff. July 14, 1937 ;-- CL 1948, 780.105

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1937 - Uniform Act on Fresh Pursuit (780.101 - 780.108)Section 780.106 - Certified Copies of Act; Executive Department of States.

Sec. 6. Upon the passage and approval by the governor of this act it shall be the duty of the secretary of state to certify a copy of this act to the executive department of each of the states of the United States. History:1937, Act 189, Imd. Eff. July 14, 1937 ;-- CL 1948, 780.106

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1937 - Uniform Act on Fresh Pursuit (780.101 - 780.108)Section 780.108 - Uniform Act on Fresh Pursuit; Short Title.

Sec. 8. This act may be cited as the "uniform act on fresh pursuit." History:1937, Act 189, Imd. Eff. July 14, 1937 ;-- CL 1948, 780.108

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1966 - Search Warrants (780.651 - 780.659)Section 780.651 - Issuance of Search Warrant; Requirements; Making Affidavit for Search Warrant or Search Warrant by Electronic or Electromagnetic Means; Signing; Proof; Oath or Affirmation; Impression Seal; Nonpublic Information; Suppression Order.

Sec. 1. (1) When an affidavit is made on oath to a judge or district court magistrate authorized to issue warrants in criminal cases, and the affidavit establishes grounds for issuing a warrant under this act, the judge or district court magistrate, if he or she is satisfied that there is probable cause for the search, shall issue a warrant to search the house, building, or other location or place where the person, property, or thing to be searched for and seized is situated. (2) An affidavit for a search warrant may be made by any electronic or electromagnetic means of communication, including by facsimile or over a computer network, if both of the following occur: (a) The judge or district court magistrate orally administers the oath or affirmation to an applicant for a search warrant who submits an affidavit under this subsection. (b) The affiant signs the affidavit. Proof that the affiant has signed the affidavit may consist of an electronically or electromagnetically transmitted facsimile of the signed affidavit or an electronic signature on an affidavit transmitted over a computer network. (3) A judge or district court magistrate may issue a written search warrant in person or by any electronic or electromagnetic means of communication, including by facsimile or over a computer network. (4) A judge or district court magistrate may sign an electronically issued search warrant when he or she is at any location in this state. (5) The peace officer or department receiving an electronically or electromagnetically issued search warrant shall receive proof that the issuing judge or district court magistrate has signed the warrant before the warrant is executed. Proof that the issuing judge or district court magistrate has signed the warrant may consist of an electronically or electromagnetically transmitted facsimile of the signed warrant or an electronic signature on a warrant transmitted over a computer network. (6) If an oath or affirmation is orally administered by electronic or electromagnetic means of communication under this section, the oath or affirmation is considered to be administered before the judge or district court magistrate. (7) If an affidavit for a search warrant is submitted by electronic or electromagnetic means of communication, or a search warrant is issued by electronic or electromagnetic means of communication, the transmitted copies of the affidavit or search warrant are duplicate originals of the affidavit or search warrant and are not required to contain an impression made by an impression seal. (8) Except as provided in subsection (9), an affidavit for a search warrant contained in any court file or court record retention system is nonpublic information. (9) On the fifty-sixth day following the issuance of a search warrant, the search warrant affidavit contained in any court file or court record retention system is public information unless, before the fifty-sixth day after the search warrant is issued, a peace officer or prosecuting attorney obtains a suppression order from a judge or district court magistrate upon a showing under oath that suppression of the affidavit is necessary to protect an ongoing investigation or the privacy or safety of a victim or witness. The suppression order may be obtained ex parte in the same manner that the search warrant was issued. An initial suppression order issued under this subsection expires on the fifty-sixth day after the order is issued. A second or subsequent suppression order may be obtained in the same manner as the initial suppression order and shall expire on a date specified in the order. This subsection and

subsection (8) do not affect a person's right to obtain a copy of a search warrant affidavit from the prosecuting attorney or law enforcement agency under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. History:1966, Act 189, Eff. Mar. 10, 1967 ;-- Am. 1990, Act 43, Imd. Eff. Mar. 29, 1990 ;-- Am. 2002, Act 128, Eff. Apr. 22, 2002 ;-- Am. 2002, Act 506, Imd. Eff. July 19, 2002 ;-- Am. 2003, Act 185, Imd. Eff. Oct. 17, 2003 ;-- Am. 2009, Act 11, Imd. Eff. Apr. 9, 2009 ;-- Am. 2014, Act 383, Imd. Eff. Dec. 18, 2014Constitutionality:A search warrant based upon an unsigned affidavit is presumed invalid, but the presumption may be rebutted by a showing that the facts in the affidavit supporting issuance of the warrant were made on oath to the magistrate who authorized issuance of the warrant. People v Mitchell, 428 Mich 364; 408 NW2d 798 (1987).

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1966 - Search Warrants (780.651 - 780.659)Section 780.652 - Search Warrant; Grounds for Issuance.

Sec. 2. (1) A warrant may be issued to search for and seize any property or other thing that is 1 or more of the following: (a) Stolen or embezzled in violation of a law of this state. (b) Designed and intended for use, or that is or has been used, as the means of committing a crime. (c) Possessed, controlled, or used wholly or partially in violation of a law of this state. (d) Evidence of crime or criminal conduct. (e) Contraband. (f) The body or person of a human being or of an animal that may be the victim of a crime. (g) The object of a search warrant under another law of this state providing for the search warrant. If there is a conflict between this act and another search warrant law, this act controls. (2) A warrant may be issued to search for and seize a person who is the subject of either of the following: (a) An arrest warrant for the apprehension of a person charged with a crime. (b) A bench warrant issued in a criminal case. History:1966, Act 189, Eff. Mar. 10, 1967 ;-- Am. 2009, Act 10, Imd. Eff. Apr. 9, 2009

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1966 - Search Warrants (780.651 - 780.659)Section 780.652a - Search Warrant; Search and Seizure of Hair, Tissue, Blood, or Other Fluids.

Sec. 2a. (1) If the court has probable cause to believe that an individual violated section 520b(1)(b)(ii) or (h)(i), 520c(1)(b)(ii) or (h)(i), 520d(1)(d), or 520e(1)(g) of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d, and 750.520e of the Michigan Compiled Laws, the court shall, upon proper petition for a search warrant, authorize the search and seizure of hair or tissue, or blood or other fluid samples from all of the following: (a) Any individual whom the court has probable cause to believe committed that violation. (b) If the court has probable cause to believe that the violation resulted in the birth of a child, that child. (c) If the court has probable cause to believe that the violation resulted in a pregnancy that was terminated before the birth of a child, the remains of that unborn child. (2) This section does not prohibit the court from issuing a search warrant for other evidence as considered appropriate by the court. History:Add. 1996, Act 186, Eff. June 1, 1996

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1966 - Search Warrants (780.651 - 780.659)Section 780.653 - Judge or District Court Magistrate's Finding of Reasonable or Probable Cause; Basis of Finding; Basis and Contents of Affidavit.

Sec. 3. The judge or district court magistrate's finding of reasonable or probable cause shall be based upon all the facts related within the affidavit made before him or her. The affidavit may be based upon information supplied to the complainant by a named or unnamed person if the affidavit contains 1 of the following: (a) If the person is named, affirmative allegations from which the judge or district court magistrate may conclude that the person spoke with personal knowledge of the information. (b) If the person is unnamed, affirmative allegations from which the judge or district magistrate may conclude that the person spoke with personal knowledge of the information and either that the unnamed person is credible or that the information is reliable. History:1966, Act 189, Eff. Mar. 10, 1967 ;-- Am. 1988, Act 80, Eff. June 1, 1988 ;-- Am. 2014, Act 383, Imd. Eff. Dec. 18, 2014

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1966 - Search Warrants (780.651 - 780.659)Section 780.654 - Search Warrant; Direction of Warrant; Contents; Order to Suppress Affidavit.

Sec. 4. (1) A search warrant shall be directed to the sheriff or any peace officer, commanding the sheriff or peace officer to search the house, building, or other location or place, where the person, property, or thing for which the sheriff or peace officer is required to search is believed to be concealed. Each warrant shall designate and describe the house or building or other location or place to be searched and the property or thing to be seized. (2) The warrant shall either state the grounds or the probable or reasonable cause for its issuance or shall have attached to it a copy of the affidavit. (3) Upon a showing that it is necessary to protect an ongoing investigation or the privacy or safety of a victim or witness, the magistrate may order that the affidavit be suppressed and not be given to the person whose property was seized or whose premises were searched until that person is charged with a crime or named as a claimant in a civil forfeiture proceeding involving evidence seized as a result of the search. History:1966, Act 189, Eff. Mar. 10, 1967 ;-- Am. 2002, Act 112, Eff. Apr. 22, 2002 ;-- Am. 2009, Act 11, Imd. Eff. Apr. 9, 2009

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1966 - Search Warrants (780.651 - 780.659)Section 780.655 - Property Seized Upon Search; Tabulation; Filing; Suppression Order; Custody; Restoration to Owner; Disposition of Other Property.

Sec. 5. (1) When an officer in the execution of a search warrant finds any property or seizes any of the other things for which a search warrant is allowed by this act, the officer, in the presence of the person from whose possession or premises the property or

thing was taken, if present, or in the presence of at least 1 other person, shall make a complete and accurate tabulation of the property and things that were seized. The officer taking property or other things under the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and shall give to the person a copy of the tabulation upon completion, or shall leave a copy of the warrant and tabulation at the place from which the property or thing was taken. The officer is not required to give a copy of the affidavit to that person or to leave a copy of the affidavit at the place from which the property or thing was taken. (2) The officer shall file the tabulation promptly with the judge or district court magistrate. The tabulation may be suppressed by order of the judge or district court magistrate until the final disposition of the case unless otherwise ordered. The property and things that were seized shall be safely kept by the officer so long as necessary for the purpose of being produced or used as evidence in any trial. (3) As soon as practicable, stolen or embezzled property shall be restored to the owner of the property. Other things seized under the warrant shall be disposed of under direction of the judge or district court magistrate, except that money and other useful property shall be turned over to the state, county or municipality, the officers of which seized the property under the warrant. Money turned over to the state, county, or municipality shall be credited to the general fund of the state, county, or municipality. History:1966, Act 189, Eff. Mar. 10, 1967 ;-- Am. 2002, Act 112, Eff. Apr. 22, 2002 ;-- Am. 2014, Act 383, Imd. Eff. Dec. 18, 2014

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1966 - Search Warrants (780.651 - 780.659)Section 780.656 - Service of Warrant; Officer's Authorization to Use Force.

Sec. 6. The officer to whom a warrant is directed, or any person assisting him, may break any outer or inner door or window of a house or building, or anything therein, in order to execute the warrant, if, after notice of his authority and purpose, he is refused admittance, or when necessary to liberate himself or any person assisting him in execution of the warrant. History:1966, Act 189, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1966 - Search Warrants (780.651 - 780.659)Section 780.657 - Executing Search Warrant; Wilfully Exceeding Authority; Penalty.

Sec. 7. Any person who in executing a search warrant, wilfully exceeds his authority or exercises it with unnecessary severity, shall be fined not more than $1,000.00 or imprisoned not more than 1 year. History:1966, Act 189, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1966 - Search Warrants (780.651 - 780.659)Section 780.658 - Unlawful Procurement of Search Warrant; Penalty.

Sec. 8. Any person who maliciously and without probable cause procures a search warrant to be issued and executed shall be fined not more than $1,000.00 or imprisoned not more than 1 year. History:1966, Act 189, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 189 of 1966 - Search Warrants (780.651 - 780.659)Section 780.659 - Repeal.

Sec. 9. Sections 1, 2, 3 and 5 of chapter 16 of Act No. 175 of the Public Acts of 1927, as amended, being sections 776.1, 776.2, 776.3 and 776.5 of the Compiled Laws of 1948, are repealed. History:1966, Act 189, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 191 of 1965 - Jurisdiction Over Great Lakes Waters (780.51 - 780.52)Section 780.51 - Municipalities; Jurisdiction.

Sec. 1. A city or incorporated village, having a boundary running to the shoreline of any of the Great Lakes or connecting waters, through its peace officers, with or without a pertinent ordinance, may exercise concurrent jurisdiction as to such waters to enforce any criminal law of this state applicable to the conduct of persons in, on or over such waters which extend 1/2 mile lakeward from such boundary, but not beyond any interstate or international boundary. History:1965, Act 191, Imd. Eff. July 15, 1965

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 191 of 1965 - Jurisdiction Over Great Lakes Waters (780.51 - 780.52)Section 780.52 - Construction of Act.

Sec. 2. This act shall not be construed as granting any authority to regulate or control the erection, maintenance or destruction of any structure in, on or over such waters as may be covered by state law, or to grant a power to alter any federal or state law, rule or regulation pertaining to navigation, hunting or fishing. History:1965, Act 191, Imd. Eff. July 15, 1965

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1931 - Photographing Grand Jury Proceedings (780.301 - 780.302)Section 780.301 - Grand Jury Proceeding and Persons Connected Therewith; Photographs Prohibited.

Sec. 1. It shall be unlawful for any person to take or attempt to take any picture or photographic reproduction of any grand jury proceeding, or of any judge, witness, attorney, juror, officer or other person present at or in any way connected with such proceeding, either within any grand jury room or room, or building adjacent thereto either during such proceeding or during an adjournment or recess thereof. History:1931, Act 196, Eff. Sept. 18, 1931 ;-- CL 1948, 780.301

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1931 - Photographing Grand Jury Proceedings

(780.301 - 780.302)Section 780.302 - Violation of Act; Misdemeanor, Penalty.

Sec. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding 100 dollars or by imprisonment in the county jail for a period not exceeding 90 days, or by both such fine and imprisonment in the discretion of the court. History:1931, Act 196, Eff. Sept. 18, 1931 ;-- CL 1948, 780.302

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1989 - Crime Victims Rights Services (780.901 - 780.911)Section 780.901 - Definitions.

Sec. 1. As used in this act: (a) "Commission" means the crime victim services commission described in section 2 of 1976 PA 223, MCL 18.352. (b) "Crime victim's rights services" means services required to implement fully the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, and services prescribed under this act. (c) "Department" means the department of community health. (d) "Felony" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony. (e) "Fund" means the crime victim's rights fund created under section 4. (f) "Juvenile offense" means an offense committed by a juvenile under the jurisdiction of the juvenile division of the probate court or the family division of circuit court under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, that if committed by an adult would be a felony, misdemeanor, or ordinance violation, if the juvenile's case is not designated as a case in which the juvenile is to be tried in the same manner as an adult. History:1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 1996, Act 26, Eff. May 1, 1996 ;-- Am. 1996, Act 520, Imd. Eff. Jan. 13, 1997 ;-- Am. 2008, Act 396, Imd. Eff. Dec. 29, 2008 ;-- Am. 2011, Act 294, Eff. Apr. 1, 2012

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1989 - Crime Victims Rights Services (780.901 - 780.911)Section 780.902 - Criminal Assessments Commission; Transfer of Powers, Duties, and Jurisdiction to Crime Victim Services Commission.

Sec. 2. The criminal assessments commission formerly created under this act is abolished. Its powers, duties, and jurisdiction are transferred to the crime victim services commission. History:1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1996, Act 520, Imd. Eff. Jan. 13, 1997

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1989 - Crime Victims Rights Services (780.901 - 780.911)Section 780.903 - Crime Victim Services Commission; Duties.

Sec. 3. The commission shall do all of the following: (a) Investigate and determine the amount of revenue needed to pay for crime victim's rights services. (b) Investigate and determine an appropriate assessment amount to be imposed against convicted criminal defendants and juveniles for whom the probate court or the family division of circuit court enters orders of disposition for juvenile offenses to pay for crime victim's rights services. (c) By December 31 of each year, report to the governor, the secretary of the senate, the clerk of the house of representatives, and the department the commission's findings and recommendations under this section. History:1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 1996, Act 520, Imd. Eff. Jan. 13, 1997

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1989 - Crime Victims Rights Services (780.901 - 780.911)Section 780.904 - Crime Victim's Rights Fund; Creation; Investment; Expenditures; Use of Additional Excess Revenue; Report Regarding Minor Crime Victims Receiving Crime Victim Compensation; "Minor Crime Victim" Defined.

Sec. 4. (1) The crime victim's rights fund is created as a separate fund in the state treasury. The state treasurer shall credit to the fund all amounts received under this act and as provided by law. The state treasurer shall invest fund money in the same manner as surplus funds are invested under section 3 of 1855 PA 105, MCL 21.143. Earnings from the fund must be credited to the fund. (2) The fund must be expended only as provided in this act. Amounts in the fund in excess of the necessary revenue needed to pay for crime victim's rights services as determined by the commission under section 3(a) may be used for crime victim compensation under 1976 PA 223, MCL 18.351 to 18.368, including compensation to minor crime victims. Until September 30, 2022, additional excess revenue of not more than $3,500,000.00 that has not been used for crime victim compensation may be used to provide for establishment and maintenance of a statewide trauma system, including staff support associated with trauma and related emergency medical services program activities. (3) Beginning December 31, 2017 and annually after that date, the department shall report all of the following regarding minor crime victims who received crime victim compensation under this section to the legislature: (a) The number of minor crime victims who received compensation. (b) The age, gender, and geographic location of minor crime victims who received compensation. (c) Whether the compensation was used for counseling or other services. (d) If the compensation was used for counseling, whether the minor crime victim received the counseling during a 1-time visit or over the course of multiple visits. (4) As used in this section, "minor crime victim" means a crime victim who is less than 18 years of age. History:1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 1996, Act 520, Imd. Eff. Jan. 13, 1997 ;-- Am. 2008, Act 396, Imd. Eff. Dec. 29, 2008 ;-- Am. 2010, Act 202, Imd. Eff. Oct. 5, 2010 ;-- Am. 2010, Act 280, Eff. Apr. 1, 2011 ;-- Am. 2014, Act 299, Imd. Eff. Oct. 3, 2014 ;-- Am. 2015, Act 9, Eff. June 30, 2015 ;-- Am. 2017, Act 15, Eff. June 29, 2017 ;-- Am. 2018, Act 221, Eff. Sept. 24, 2018 ;-- Am. 2021, Act 89, Imd. Eff. Oct. 7, 2021

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1989 - Crime Victims Rights Services (780.901 - 780.911)Section 780.905 - Payment and Use of Assessments; Order; Duties of Clerk of Court.

Sec. 5. (1) The court shall order each person charged with an offense that is a felony, misdemeanor, or ordinance violation that is resolved by conviction, assignment of the defendant to youthful trainee status, a delayed sentence or deferred entry of judgment of guilt, or in another way that is not an acquittal or unconditional dismissal, to pay an assessment as follows: (a) If the offense is a felony, $130.00. (b) If the offense is a misdemeanor or ordinance violation, $75.00. (2) The court shall order a defendant to pay only 1 assessment under subsection (1) per criminal case. Payment of the assessment shall be a condition of a probation order entered under chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1 to 771.14a, or a parole order entered under section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236. (3) The court shall order each juvenile for whom the court enters an order of disposition for a juvenile offense to pay an assessment of $25.00. The court shall order a juvenile to pay only 1 assessment under this subsection per case. (4) Except as otherwise provided under this act, an assessment under this section shall be used to pay for crime victim's rights services. (5) If a defendant ordered to pay an assessment under this act posted a cash bond or bail deposit in connection with the case, the court shall order the assessment collected out of that bond or deposit as provided in section 15 of chapter V and section 22 of chapter XV of the code of criminal procedure, 1927 PA 175, MCL 765.15 and 775.22, or section 6 or 7 of 1966 PA 257, MCL 780.66 and 780.67. (6) If a person is subject to any combination of fines, costs, restitution, assessments, or payments arising out of the same criminal or juvenile proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, or other payments shall be allocated as provided in section 22 of chapter XV of the code of criminal procedure, 1927 PA 175, MCL 775.22, or section 29 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.29. (7) The clerk of the court shall do both of the following on the last day of each month: (a) Transmit 90% of the assessments received under this section to the department of treasury with a written report of those assessments as the department of treasury prescribes. To provide funding for costs incurred under this section and for providing crime victim's rights services, the court may retain 10% of the assessments received under this section and transmit that amount to the court's funding unit. (b) Transmit a written report to the department on a form the department prescribes containing all of the following information for that month: (i) The name of the court. (ii) The total number of criminal convictions or dispositions for offenses that if committed by an adult would be criminal obtained in that court. (iii) The total number of defendants or juveniles against whom an assessment was imposed by that court. (iv) The total amount of assessments imposed by that court. (v) The total amount of assessments collected by that court. (vi) Other information required by the department. History:1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 1996, Act 344, Imd. Eff. June 27, 1996 ;-- Am. 1996, Act 520, Imd. Eff. Jan. 13, 1996 ;-- Am. 2005, Act 315, Eff. Jan. 1, 2006 ;-- Am. 2010, Act 281, Imd. Eff. Dec. 16, 2010 ;-- Am. 2011, Act 294, Eff. Apr. 1, 2012

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1989 - Crime Victims Rights Services (780.901 - 780.911)Section 780.906 - Service and Funding Levels; Disbursements; Adjustments; Application for Compensation for Cost of Services; Administrative Costs.

Sec. 6. (1) The department shall establish service and funding levels for the courts, departments, and local agencies that receive money under this act. (2) A disbursement to cover the funding level established by the department shall be annually distributed to eligible departments and local agencies. (3) If the amount retained by the clerk of a court pursuant to section 5(7) is less than the service and funding level for the court established under subsection (1), a disbursement to cover the difference between the amount retained and the funding level established by the department shall be annually distributed to an eligible court. (4) A department or local agency that provides crime victim's rights services may apply quarterly to the department for an adjustment to the funding level established pursuant to subsection (1). The application shall be on a form provided by the department. The department shall disburse an adjustment to the funding level to an eligible department or local agency. (5) A court that provides crime victim's rights services may apply annually to the department for compensation for the cost of those services to that court in excess of the greater of the amount retained under section 5(7) or the funding level for the court established pursuant to subsection (1). The application shall be on a form provided by the department. (6) The department shall compensate units of government for the actual and reasonable administrative costs incurred by those units of government under this act. History:1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 2005, Act 315, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1989 - Crime Victims Rights Services (780.901 - 780.911)Section 780.907 - Disbursements for Crime Victim's Rights Services; Priority; Financial Incentive Programs; Administrative Costs.

Sec. 7. (1) The department shall direct and authorize the state treasurer in writing to disburse money from the fund to pay for crime victim's rights services as required under this act. The department may direct and authorize the state treasurer in writing to disburse money from the fund to pay for crime victims' compensation as provided in section 4(2). (2) The department shall make the implementation of crime victim's rights a priority, and may develop financial incentive programs to enhance the delivery of crime victim's rights services under this act. (3) The department shall make disbursements under this act to the treasurer of a unit of government, and the treasurer shall transmit that money to courts, departments, and local agencies within that unit of government as the department directs. The department may withhold a distribution to a unit of government until the treasurer of that unit of government has distributed all previous disbursements made by the department to courts, departments, and local agencies within that

unit of government. (4) The department shall receive disbursements for its administrative costs as authorized by appropriation. History:1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1989 - Crime Victims Rights Services (780.901 - 780.911)Section 780.908 - Using Distribution to Maintain or Enhance Crime Victim's Rights Services.

Sec. 8. A court, department, or local agency that receives a distribution under this act shall use that distribution to maintain or enhance crime victim's rights services. History:1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 2008, Act 396, Imd. Eff. Dec. 29, 2008

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1989 - Crime Victims Rights Services (780.901 - 780.911)Section 780.909 - Annual Estimate of Cost and Revenue; Notice to Legislature; Covering Estimated Shortfall.

Sec. 9. The department shall annually estimate the cost of providing crime victim's rights services and the estimated revenue to be received by the crime victim's rights fund. If the estimated revenue is projected to be insufficient to cover the estimated costs of totally funding crime victim's rights services, the department shall notify the legislature and determine whether to request an appropriation or budget transfer to cover the estimated shortfall. History:1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1989 - Crime Victims Rights Services (780.901 - 780.911)Section 780.910 - Rules.

Sec. 10. The department may promulgate rules to implement this act. History:1989, Act 196, Eff. Oct. 30, 1989

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 196 of 1989 - Crime Victims Rights Services (780.901 - 780.911)Section 780.911 - Effective Date.

Sec. 11. This act shall take effect upon the expiration of 60 days after the date of its enactment. History:1989, Act 196, Eff. Oct. 30, 1989

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.621 - Application for Order Setting Aside Conviction; Felony or Misdemeanor Conviction; Setting Aside of Certain Convictions Prohibited; Victim of Human Trafficking Violation; Definitions.

Sec. 1. (1) Except as otherwise provided in this act, a person who is convicted of 1 or more criminal offenses may file an application with the convicting court for the entry of an order setting aside 1 or more convictions as follows: (a) Except as provided in subdivisions (b) and (c), a person convicted of 1 or more criminal offenses, but not more than a total of 3 felony offenses, in this state, may apply to have all of the applicant's convictions from this state set aside. (b) An applicant may not have more than a total of 2 convictions for an assaultive crime set aside under this act during the applicant's lifetime. (c) An applicant may not have more than 1 felony conviction for the same offense set aside under this section if the offense is punishable by more than 10 years imprisonment. (d) A person who is convicted of a violation or an attempted violation of section 520e of the Michigan penal code, 1931 PA 328, MCL 750.520e, before January 12, 2015 may petition the convicting court to set aside the conviction if the individual has not been convicted of another offense other than not more than 2 minor offenses. As used in this subdivision, "minor offense" means a misdemeanor or ordinance violation to which all of the following apply: (i) The maximum permissible term of imprisonment does not exceed 90 days. (ii) The maximum permissible fine is not more than $1,000.00. (iii) The person who committed the offense is not more than 21 years old. (2) A conviction that was deferred and dismissed under any of the following, whether a misdemeanor or a felony, is considered a misdemeanor conviction under subsection (1) for purposes of determining whether a person is eligible to have any conviction set aside under this act: (a) Section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703. (b) Section 1070(1)(b)(i) or 1209 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1070 and 600.1209. (c) Section 13 of chapter II or section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 762.13 and 769.4a. (d) Section 7411 of the public health code, 1978 PA 368, MCL 333.7411. (e) Section 350a or 430 of the Michigan penal code, 1931 PA 328, MCL 750.350a and 750.430. (f) Any other law or laws of this state or of a political subdivision of this state similar in nature and applicability to those listed in this subsection that provide for the deferral and dismissal of a felony or misdemeanor charge. (3) A person who is convicted of a violation of section 448, 449, or 450 of the Michigan penal code, 1931 PA 328, MCL 750.448, 750.449, and 750.450, or a local ordinance substantially corresponding to section 448, 449, or 450 of the Michigan penal code, 1931 PA 328, MCL 750.448, 750.449, and 750.450, may apply to have that conviction set aside if the person committed the offense as a direct result of the person being a victim of a human trafficking violation. (4) As used in this act: (a) "Assaultive crime" includes any of the following: (i) A violation described in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a. (ii) A violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90g, not otherwise included in subparagraph (i). (iii) A violation of section 110a, 136b, 234a, 234b, 234c, 349b, or 411h(2)(a) of the Michigan penal code, 1931 PA 328, MCL 750.110a, 750.136b, 750.234a, 750.234b, 750.234c, 750.349b, or 750.411h, or any other violent felony. (iv) A violation of a law of another state or of a political subdivision of this state or of another state that substantially corresponds to a violation described in subparagraph (i), (ii), or (iii). (b) "Domestic violence" means that term as

defined in section 1 of 1978 PA 389, MCL 400.1501. (c) "Felony" means either of the following, as applicable: (i) For purposes of the offense to be set aside, felony means a violation of a penal law of this state that is punishable by imprisonment for more than 1 year or that is designated by law to be a felony. (ii) For purposes of identifying a prior offense, felony means a violation of a penal law of this state, of another state, or of the United States that is punishable by imprisonment for more than 1 year or is designated by law to be a felony. (d) "First violation operating while intoxicated offense" means a violation of any of the following committed by an individual who at the time of the violation has no prior convictions for violating section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625: (i) Section 625(1), (2), (3), (6), or (8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625. (ii) A local ordinance substantially corresponding to a violation listed in subparagraph (i). (iii) A law of an Indian tribe substantially corresponding to a violation listed in subparagraph (i). (iv) A law of another state substantially corresponding to a violation listed in subparagraph (i). (v) A law of the United States substantially corresponding to a violation listed in subparagraph (i). (e) "Human trafficking violation" means a violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h, or of former section 462i or 462j of that act. (f) "Indian tribe" means an Indian tribe, Indian band, or Alaskan native village that is recognized by federal law or formally acknowledged by a state. (g) "Misdemeanor" means a violation of any of the following: (i) A penal law of this state, another state, an Indian tribe, or the United States that is not a felony. (ii) An order, rule, or regulation of a state agency that is punishable by imprisonment for not more than 1 year or a fine that is not a civil fine, or both. (iii) A local ordinance of a political subdivision of this state substantially corresponding to a crime listed in subparagraph (i) or (ii) that is not a felony. (iv) A violation of the law of another state or political subdivision of another state substantially corresponding to a crime listed under subparagraph (i) or (ii) that is not a felony. (v) A violation of the law of the United States substantially corresponding to a crime listed under subparagraph (i) or (ii) that is not a felony. (h) "Operating while intoxicated" means a violation of any of the following that is not a first violation operating while intoxicated offense: (i) Section 625 or 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m. (ii) A local ordinance substantially corresponding to a violation listed in subparagraph (i). (iii) A law of an Indian tribe substantially corresponding to a violation listed in subparagraph (i). (iv) A law of another state substantially corresponding to a violation listed in subparagraph (i). (v) A law of the United States substantially corresponding to a violation listed in subparagraph (i). (i) "Serious misdemeanor" means that term as defined in section 61 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.811. (j) "Victim" means that term as defined in sections 2, 31, and 61 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.752, 780.781, and 780.811. (k) "Violent felony" means that term as defined in section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236. History:1965, Act 213, Imd. Eff. July 16, 1965 ;-- Am. 1982, Act 495, Eff. Mar. 30, 1983 ;-- Am. 1993, Act 342, Eff. May 1, 1994 ;-- Am. 1996, Act 573, Eff. Apr. 1, 1997 ;-- Am. 2002, Act 472, Eff. Oct. 1, 2002 ;-- Am. 2011, Act 64, Imd. Eff. June 23, 2011 ;-- Am. 2014, Act 335, Eff. Jan. 14, 2015 ;-- Am. 2014, Act 463, Imd. Eff. Jan. 12, 2015 ;-- Am. 2016, Act 336, Eff. Mar. 14, 2017 ;-- Am. 2020, Act 191, Eff. Apr. 11, 2021 ;-- Am. 2021, Act 78, Eff. Feb. 19, 2022 ;-- Am. 2023, Act 205, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.621a - Definitions.

Sec. 1a. As used in this act: (a) "Conviction" means a judgment entered by a court upon a plea of guilty, guilty but mentally ill, or nolo contendere, or upon a jury verdict or court finding that a defendant is guilty or guilty but mentally ill. (b) "Traffic offense" means a violation of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or a local ordinance substantially corresponding to that act, which violation involves the operation of a vehicle and at the time of the violation is a felony or misdemeanor. History:Add. 1982, Act 495, Eff. Mar. 30, 1983

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.621b - Setting Aside Multiple Criminal Offenses Arising Out of Same Transaction; Exceptions.

Sec. 1b. (1) For purposes of a petition to set aside a conviction under section 1 or 1e, more than 1 felony offense or more than 1 misdemeanor offense must be treated as a single felony or misdemeanor conviction if the felony or misdemeanor convictions were contemporaneous such that all of the felony or misdemeanor offenses occurred within 24 hours and arose from the same transaction, provided that none of those felony or misdemeanor offenses constitute any of the following: (a) An assaultive crime. (b) A crime involving the use or possession of a dangerous weapon. (c) A crime with a maximum penalty of 10 or more years' imprisonment. (d) A conviction for a crime that if it had been obtained in this state would be for an assaultive crime. (2) As used in this section, "dangerous weapon" means that term as defined in section 110a of the Michigan penal code, 1931 PA 328, MCL 750.110a. History:Add. 2020, Act 188, Eff. Apr. 11, 2021

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.621c - Prohibition on Setting Aside Convictions for Certain Criminal Cases; Applicability to MCL 780.621g; Inapplicable to Secretary of State Driving Record.

Sec. 1c. (1) A person shall not apply to have set aside, and a judge shall not set aside, a conviction for any of the following: (a) A felony for which the maximum punishment is life imprisonment or an attempt to commit a felony for which the maximum punishment is life imprisonment. (b) A violation or attempted violation of section 136b(3), 136d(1)(b) or (c), 145c, 145d, 520c, 520d, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.136d, 750.145c, 750.145d, 750.520c, 750.520d, and 750.520g. (c) A violation or attempted violation of section 520e of the Michigan penal code, 1931 PA 328, MCL 750.520e, if the

conviction occurred on or after January 12, 2015. (d) The following traffic offenses: (i) Subject to subsections (3) and (4), a conviction for operating while intoxicated committed by any person. (ii) Any traffic offense committed by an individual with an indorsement on his or her operator's or chauffeur's license to operate a commercial motor vehicle that was committed while the individual was operating the commercial motor vehicle or was in another manner a commercial motor vehicle violation. (iii) Any traffic offense that causes injury or death. (e) A felony conviction for domestic violence, if the person has a previous misdemeanor conviction for domestic violence. (f) A violation of former section 462i or 462j or chapter LXVIIA or chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h and 750.543a to 750.543z. (2) The prohibition on the setting aside of the convictions under subsection (1) upon application also applies to the setting aside of convictions without application under section 1g. (3) The prohibition on setting aside a conviction for operating while intoxicated under subsection (1)(d)(i) does not apply to a conviction for a first violation operating while intoxicated offense if the person applying to have the first violation operating while intoxicated offense conviction set aside has not previously applied to have and had a first violation operating while intoxicated offense conviction set aside under this act. However, a conviction for a first violation operating while intoxicated offense that may be set aside upon application is not eligible for and shall not be set aside without application under section 1g. (4) In making a determination whether to grant the petition to set aside a first violation operating while intoxicated offense conviction the reviewing court may consider whether or not the petitioner has benefited from rehabilitative or educational programs, if any were ordered by the sentencing court, or whether such steps were taken by the petitioner before sentencing for the first violation operating while intoxicated offense conviction he or she is seeking to set aside. The reviewing court is not constrained by the record made at sentencing. The reviewing court may deny the petition if it is not convinced that the petitioner has either availed himself or herself of rehabilitative or educational programming or benefited from rehabilitative or educational programming he or she has completed. (5) An order setting aside a conviction for a traffic offense under this act must not require that the conviction be removed or expunged from the applicant's driving record maintained by the secretary of state as required under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. History:Add. 2020, Act 187, Eff. Apr. 11, 2021 ;-- Am. 2021, Act 79, Eff. Feb. 19, 2022

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.621d - Application and Procedures for Setting Aside Felonies and Serious Misdemeanor Convictions.

Sec. 1d. (1) An application under section 1 to set aside more than 1 felony conviction shall only be filed 7 or more years after whichever of the following events occurs last: (a) Imposition of the sentence for the convictions that the applicant seeks to set aside. (b) Completion of any term of felony probation imposed for the convictions that the applicant seeks to set aside. (c) Discharge from parole imposed for the convictions that the applicant seeks to set aside. (d) Completion of any term of imprisonment imposed for the convictions that the applicant seeks to set aside. (2) An application under section 1 to set aside 1 or more serious misdemeanor convictions, 1 first violation operating while intoxicated offense, or 1 felony conviction shall only be filed 5 or more years after whichever of the following events occurs last: (a) Imposition of the sentence for the conviction or convictions that the applicant seeks to set aside. (b) Completion of probation imposed for the conviction or convictions that the applicant seeks to set aside. (c) Discharge from parole imposed for the conviction that the applicant seeks to set aside, if applicable. (d) Completion of any term of imprisonment imposed for the conviction or convictions that the applicant seeks to set aside. (3) An application under section 1 to set aside 1 or more misdemeanor convictions, other than an application to set aside a serious misdemeanor, a first violation operating while intoxicated offense, or any other misdemeanor conviction for an assaultive crime, shall only be filed 3 or more years after whichever of the following events occurs last: (a) Imposition of the sentence for the conviction that the applicant seeks to set aside. (b) Completion of any term of imprisonment imposed for the conviction that the applicant seeks to set aside. (c) Completion of probation imposed for the conviction or convictions that the applicant seeks to set aside. (4) For an application under section 1, a court shall not enter an order setting aside a conviction or convictions unless all of the following apply: (a) The applicable time period required under subsection (1), (2), or (3) has elapsed. (b) There are no criminal charges pending against the applicant. (c) The applicant has not been convicted of any criminal offense during the applicable time period required under subsection (1), (2), or (3). (5) If a petition under this act is denied by the convicting court, a person shall not file another petition concerning the same conviction or convictions with the convicting court until 3 years after the date the convicting court denies the previous petition, unless the court specifies an earlier date for filing another petition in the order denying the petition. (6) An application under section 1(3) may be filed at any time following the date of the conviction to be set aside. A person may apply to have more than 1 conviction set aside under section 1(3). (7) An application under section 1 is invalid unless it contains the following information and is signed under oath by the person whose conviction is or convictions are to be set aside: (a) The full name and current address of the applicant. (b) A certified record of each conviction that is to be set aside. (c) For an application under section 1(1), a statement that the applicant has not been convicted of an offense during the applicable time period required under subsection (1), (2), or (3). (d) A statement listing all actions enumerated in section 1(2) that were initiated against the applicant and have been dismissed. (e) A statement as to whether the applicant has previously filed an application to set aside this or other conviction and, if so, the disposition of the application. (f) A statement as to whether the applicant has any other criminal charge pending against him or her in any court in the United States or in any other country. (g) If the person is seeking to have 1 or more convictions set aside under section 1(3), a statement that he or she meets the criteria set forth in section 1(3), together with a statement of the facts supporting his or her contention that the conviction was a direct result of his or her being a victim of human trafficking. (h) A consent to the use of the nonpublic record created under section 3 to the extent authorized by section 3. (8) The applicant shall submit a copy of the application and 1 complete set of fingerprints to the department of state police. The department of state police shall compare those

fingerprints with the records of the department, including the nonpublic record created under section 3, and shall forward an electronic copy of a complete set of fingerprints to the Federal Bureau of Investigation for a comparison with the records available to that agency. The department of state police shall report to the court in which the application is filed the information contained in the department's records with respect to any pending charges against the applicant, any record of conviction of the applicant, and the setting aside of any conviction of the applicant and shall report to the court any similar information obtained from the Federal Bureau of Investigation. The court shall not act upon the application until the department of state police reports the information required by this subsection to the court. (9) The copy of the application submitted to the department of state police under subsection (8) must be accompanied by a fee of $50.00 payable to the state of Michigan that must be used by the department of state police to defray the expenses incurred in processing the application. (10) A copy of the application must be served upon the attorney general and upon the office of each prosecuting attorney who prosecuted the crime or crimes the applicant seeks to set aside, and an opportunity must be given to the attorney general and to the prosecuting attorney to contest the application. If a conviction was for an assaultive crime or a serious misdemeanor, the prosecuting attorney shall notify the victim of the assaultive crime or serious misdemeanor of the application under section 22a or 77a of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.772a and 780.827a. The notice must be by first-class mail to the victim's last known address. The victim has the right to appear at any proceeding under this act concerning that conviction and to make a written or oral statement. (11) For an application under section 1(1), upon the hearing of the application the court may require the filing of affidavits and the taking of proofs as it considers proper. (12) For an application under section 1(3), if the applicant proves to the court by a preponderance of the evidence that the conviction was a direct result of his or her being a victim of human trafficking, the court may, subject to the requirements of subsection (13), enter an order setting aside the conviction. (13) If the court determines that the circumstances and behavior of an applicant under section 1(1) or (3), from the date of the applicant's conviction or convictions to the filing of the application warrant setting aside the conviction or convictions, and that setting aside the conviction or convictions is consistent with the public welfare, the court may enter an order setting aside the conviction or convictions. (14) The setting aside of a conviction or convictions under this act is a privilege and conditional and is not a right. History:Add. 2020, Act 190, Eff. Apr. 11, 2021 ;-- Am. 2021, Act 82, Eff. Mar. 9, 2022

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.621e - Application to Set Aside Misdemeanor Marihuana Offenses; Requirements; Rebuttable Presumption; Order; "Misdemeanor Marihuana Offense" Defined.

Sec. 1e. (1) Beginning on January 1, 2020, a person convicted of 1 or more misdemeanor marihuana offenses may apply to set aside the conviction or convictions under this subsection. (2) An application under subsection (1) must contain all of the following information: (a) The full name and current address of the applicant. (b) A certified record of each conviction that is to be set aside. (3) A copy of the application under subsection (1) must be served upon the agency that prosecuted the offense or offenses the applicant seeks to set aside. (4) A rebuttable presumption that a conviction for a misdemeanor marihuana offense sought to be set aside by an applicant was based on activity that would not have been a crime if committed on or after December 6, 2018 arises upon the filing of an application under subsection (1). The presumption described in this subsection may be rebutted by the presentation of evidence by the prosecuting agency that prosecuted the case that demonstrates by a preponderance of the evidence that the conduct on which the applicant's conviction was or convictions were based would constitute a criminal violation of the laws of this state or a political subdivision of this state if it had been committed on or after December 6, 2018. An answer made under this subsection must be filed no later than 60 days from the date of service of the application. If an answer is filed with the convicting court, the answering party must serve the answer upon the other parties to the matter. (5) Upon the expiration of the 60-day period under subsection (4), if the prosecuting agency has not filed an answer to the application addressing the rebuttable presumption described in subsection (4), the convicting court must within 21 days enter an order setting aside the conviction or convictions and serve a copy of the order upon the applicant, the arresting agency, the prosecuting agency, and the department of the state police. (6) If the prosecuting agency files an answer addressing the rebuttable presumption in subsection (4), the convicting court must promptly set the matter for a hearing no later than 30 days from its receipt of the answer, and serve a notice of the hearing upon the applicant. At the hearing, the prosecuting agency must prove by a preponderance of the evidence that a conviction or convictions sought to be set aside by an applicant were based upon conduct that would constitute a criminal violation of the laws of this state or a political subdivision of this state if it had been committed on or after December 6, 2018. An applicant is not required to present evidence that his or her conviction was based upon conduct that would not constitute a criminal violation of the laws of this state or a political subdivision of this state on or after December 6, 2018. The evidentiary burden under this subsection rests solely on the objecting prosecuting agency. After a hearing under this subsection, the court shall enter an order denying or granting the application no later than 14 days after completion of the hearing and serve any written opinions and orders, including an order setting aside the conviction or convictions, upon the parties, including the department of state police. The rules of evidence do not apply to a hearing under this subsection. (7) As used in this section, "misdemeanor marihuana offense" means a violation of section 7403(2)(d), 7404(2)(d), or a marihuana paraphernalia violation of section 7453 of the public health code, 1978 PA 368, MCL 333.7403, 333.7404, and 333.7453, or a violation of a local ordinance substantially corresponding to section 7403(2)(d), 7404(2)(d), or the prohibition regarding marihuana paraphernalia of section 7453 of the public health code, 1978 PA 368, MCL 333.7403, 333.7404, and 333.7453. History:Add. 2020, Act 192, Eff. Apr. 11, 2021

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.621f - Procedures for Setting Aside Certain Marihuana Offenses Under MCL 780.621e.

Sec. 1f. (1) If an application to set aside a conviction or convictions under section 1e is granted, the arresting agency and the department of the state police shall maintain the nonpublic record created under section 3 for use as authorized under section 3. (2) If an application to set aside a conviction or convictions is granted under section 1e, the applicant may not thereafter seek resentencing in another criminal case the applicant was sentenced for during which the conviction or convictions at issue were used in determining an appropriate sentence for the applicant, whether or not the setting aside of the conviction or convictions would have changed the scoring of a prior record variable for purposes of the sentencing guidelines or otherwise. (3) A party aggrieved by the ruling of the convicting court considering an application under section 1e may seek a rehearing or reconsideration under the applicable rules of the convicting court or may file an appeal with the circuit court or, if applicable, the court of appeals in accordance with the rules of those courts. (4) The setting aside of a conviction under section 1e does not entitle the applicant to the return of any fines, costs, or fees imposed as part of the applicant's sentence for the conviction or convictions or of any money or property forfeited by the prosecuting agency or any law enforcement agency as a result of the conduct leading to the conviction or as a result of the conviction itself. History:Add. 2020, Act 189, Eff. Apr. 11, 2021

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.621g - Setting Aside Certain Convictions Without Application; Requirements; Exceptions; Implementation Date; Reinstatement; "Crime of Dishonesty" Defined.

Sec. 1g. (1) Beginning 2 years after the effective date of the amendatory act that added this section and subject to any necessary appropriation, a misdemeanor conviction for an offense for which the maximum punishment is imprisonment for not more than 92 days is set aside under this section without the filing of an application under section 1 if 7 years have passed from the imposition of the sentence. Each court shall notify the arresting law enforcement agency of each conviction on or before the tenth day of each month that is set aside under this subsection for the preceding month. Each law enforcement agency need not retain and shall make nonpublic the notification that the conviction has been set aside, and the record of the arrest, fingerprinting, conviction, and sentence of the person in the case to which the notification applies. (2) Beginning 2 years after the effective date of the amendatory act that added this section and subject to any necessary appropriation and subsections (5), (6), (7), and (10), a felony conviction that is recorded and maintained in the department of state police database is set aside under this section without the filing of an application under section 1 if both of the following apply: (a) Ten years have passed from whichever of the following events occurs last: (i) Imposition of the sentence for the conviction. (ii) Completion of any term of imprisonment with the department of corrections for the conviction. (b) The conviction or convictions are otherwise eligible to be set aside under section 1. (3) Beginning 2 years after the effective date of the amendatory act that added this section and subject to any necessary appropriation and subsection (10), a conviction for a misdemeanor offense for which the maximum punishment is imprisonment for not more than 92 days that is recorded and maintained in the department of state police database is set aside under this section without the filing of an application under section 1 if 7 years have passed from the imposition of the sentence. (4) Beginning 2 years after the effective date of the amendatory act that added this section and subject to any necessary appropriation and subsections (5), (6), (7), and (10), a conviction for a misdemeanor offense for which the maximum punishment is imprisonment for 93 days or more that is recorded and maintained in the department of state police database is set aside under this section without the filing of an application under section 1 if 7 years have passed from the imposition of the sentence. (5) Except as otherwise provided in this subsection, not more than 2 felony convictions and 4 misdemeanor convictions total that are recorded and maintained in the department of state police database may be set aside under this section during the lifetime of an individual. The limit on the number of misdemeanor convictions that may be set aside under this subsection does not apply to the setting aside of convictions described under subsection (1) or (3). (6) A conviction is not set aside under subsection (2) or (4) unless all of the following apply: (a) The applicable time period required under subsection (2) or (4) has elapsed. (b) There are no criminal charges pending in the department of state police database against the applicant. (c) The applicant has not been convicted of any criminal offense that is recorded and maintained in the department of state police database during the applicable time period required under subsection (2) or (4). (7) Subsections (2) and (4) do not apply to an individual who has more than 1 conviction for an assaultive crime or an attempt to commit an assaultive crime that is recorded and maintained in the department of state police database. (8) If the governor determines that the process for setting aside a conviction without an application under this section cannot be implemented by the date required under subsections (1), (2), (3), and (4) because of technological limitations, the governor may issue a directive delaying the implementation of this section for not more than 180 days. The attorney general, the state court administrator, or the director of the department of state police may recommend a delay of implementation to the governor under this subsection. (9) An individual whose conviction is set aside under this section impliedly consents to the creation of the nonpublic record under section 3. (10) Subsections (2) and (4) do not apply to a conviction recorded and maintained in the department of state police database for the commission of or attempted commission of any of the following: (a) An assaultive crime. (b) A serious misdemeanor. (c) A crime of dishonesty. (d) Any other offense, not otherwise listed under this subsection, that is punishable by 10 or more years' imprisonment. (e) A violation of the laws of this state listed under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, the elements of which involve a minor, vulnerable adult, injury or serious impairment, or death. (f) Any violation related to human trafficking. (11) The department of technology, management, and budget shall develop and maintain a computer-based program for the setting aside of convictions under this

section. In fulfilling its duty under this subsection, the department of technology, management, and budget may contract with a private technical consultant as needed. (12) The setting aside of a conviction without an application under this section is subject to reinstatement under section 1h. (13) The department of state police shall create and maintain an electronically accessible record of each conviction recorded and maintained in the department of state police database that was set aside under this section that must be provided to or accessible by each court in this state. An electronic record created as required under this section may only be used as authorized under section 3 and by a court for purposes of updating locally maintained court records. (14) The implementation of the section is subject to appropriation. The department of state police and the department of technology, management, and budget shall begin work to implement the section immediately upon appropriation. (15) As used in this section, "crime of dishonesty" includes a felony violation of chapters XXVA and XLI, felony violations of sections 174, 174a, 175, 176, 180, and 181 of the Michigan penal code, 1931 PA 328, MCL 750.159f to 750.159x, 750.248 to 750.265a, 750.174, 750.174a, 750.175, 750.176, 750.180, and 750.181, and a violation of 1979 PA 53, MCL 752.791 to 752.797. History:Add. 2020, Act 193, Eff. Apr. 11, 2021

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.621h - Reinstatement of Conviction Set Aside Without Application.

Sec. 1h. (1) Upon the occurrence of 1 of the circumstances under subsection (2) or (3), a conviction that was set aside by operation of law under section 1g shall be reinstated by the court as provided in this section. (2) If it is determined that a conviction was improperly or erroneously set aside under section 1g because the conviction was not eligible to be set aside under section 1g or any other provision of this act, the court shall, on its own motion, reinstate the conviction. (3) Upon a motion by a person owed restitution, or on its own motion, the court shall reinstate a conviction that was set aside under section 1g for which the individual whose conviction was set aside was ordered to pay restitution if the court determines that the individual has not made a good-faith effort to pay the ordered restitution. History:Add. 2020, Act 193, Eff. Apr. 11, 2021

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.621i - Michigan Set Aside Fund; Creation; Expenditures.

Sec. 1i. (1) The Michigan set aside fund is created within the state treasury. (2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. (3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. (4) The state treasurer shall be the administrator of the fund for auditing purposes. (5) The department of state police, the department of technology, management, and budget, and the state court administrative office shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes: (a) Implementation costs associated with changes made to this act by the amendatory act that added this section. (b) System upgrades necessitated by the changes made to this act by the amendatory act that added this section. (c) Staffing needs necessitated by the changes made to this act by the amendatory act that added this section. History:Add. 2020, Act 193, Eff. Apr. 11, 2021

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.622 - Entry of Order; Effect; Use of Set Aside Conviction; "Applicant" Defined.

Sec. 2. (1) Upon the entry of an order under section 1 or 1e, or upon the automatic setting aside of a conviction under section 1g, the applicant, for purposes of the law, is considered not to have been previously convicted, except as provided in this section and section 3. (2) The applicant is not entitled to the remission of any fine, costs, or other money paid as a consequence of a conviction that is set aside. (3) If the conviction set aside under section 1(1), 1e, or 1g is for a listed offense as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the applicant is considered to have been convicted of that offense for purposes of that act. (4) This act does not affect the right of the applicant to rely upon the conviction to bar subsequent proceedings for the same offense. (5) This act does not affect the right of a victim of a crime to prosecute or defend a civil action for damages. (6) This act does not create a right to commence an action for damages for incarceration under the sentence that the applicant served before the conviction is set aside under this act. (7) This act does not relieve any obligation to pay restitution owed to the victim of a crime nor does it affect the jurisdiction of the convicting court or the authority of any court order with regard to enforcing an order for restitution. (8) A conviction, including any records relating to the conviction and any records concerning a collateral action, that has been set aside under this act cannot be used as evidence in an action for negligent hiring, admission, or licensure against any person. (9) A conviction that is set aside under section 1, 1e, or 1g may be considered a prior conviction by court, law enforcement agency, prosecuting attorney, or the attorney general, as applicable, for purposes of charging a crime as a second or subsequent offense or for sentencing under sections 10, 11, and 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12. (10) As used in this section, "applicant" includes an individual who has applied under this act to have his or her conviction or convictions set aside and an individual whose conviction or convictions have been set aside without an application under section 1g. History:1965, Act 213, Imd. Eff. July 16, 1965 ;-- Am. 1982, Act 495, Eff. Mar. 30, 1983 ;-- Am. 1993, Act 342, Eff. May 1, 1994 ;-- Am. 1994, Act 294, Eff. Oct. 1, 1995 ;-- Am. 2014, Act 335, Eff. Jan. 14, 2015 ;-- Am. 2020, Act 193, Eff. Apr. 11, 2021

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.623 - Sending Copy of Order to Arresting Agency and Department of State Police; Retention and

Availability of Nonpublic Record of Order and Other Records; Providing Copy of Nonpublic Record to Person Whose Conviction Set Aside; Fee; Nonpublic Record Exempt From Disclosure; Prohibited Conduct; Misdemeanor; Penalty; Liability; "Victim" Defined.

Sec. 3. (1) Upon the entry of an order under section 1 or 1e, the court shall send a copy of the order to the arresting agency and the department of state police. (2) The department of state police shall retain a nonpublic record of the order setting aside a conviction, or other notification regarding a conviction that was automatically set aside under section 1g, and of the record of the arrest, fingerprints, conviction, and sentence of the person in the case to which the order or other notification applies. Except as provided in subsection (3), this nonpublic record shall be made available only to a court of competent jurisdiction, an agency of the judicial branch of state government, the department of corrections, a law enforcement agency, a prosecuting attorney, the attorney general, or the governor upon request and only for the following purposes: (a) Consideration in a licensing function conducted by an agency of the judicial branch of state government. (b) To show that a person who has filed an application to set aside a conviction has previously had a conviction set aside under this act. (c) The court's consideration in determining the sentence to be imposed upon conviction for a subsequent offense that is punishable as a felony or by imprisonment for more than 1 year. (d) Consideration by the governor if a person whose conviction has been set aside applies for a pardon for another offense. (e) Consideration by the department of corrections or a law enforcement agency if a person whose conviction has been set aside applies for employment with the department of corrections or law enforcement agency. (f) Consideration by a court, law enforcement agency, prosecuting attorney, or the attorney general in determining whether an individual required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, has violated that act, or for use in a prosecution for violating that act. (g) Consideration by a court, law enforcement agency, prosecuting attorney, or the attorney general for use in making determinations regarding charging, plea offers, and sentencing, as applicable. (3) A copy of the nonpublic record created under subsection (2) must be provided to the person whose conviction is set aside under this act upon payment of a fee determined and charged by the department of state police in the same manner as the fee prescribed in section 4 of the freedom of information act, 1976 PA 442, MCL 15.234. (4) The nonpublic record maintained under subsection (2) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (5) Except as provided in subsection (2), a person, other than the person whose conviction was set aside or a victim, who knows or should have known that a conviction was set aside under this section and who divulges, uses, or publishes information concerning a conviction set aside under this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. (6) An entity is not liable for damages or subject to criminal penalties under this section for reporting a public record of conviction that has been set-aside by court order or operation of law, if that record was available as a public record on the date of the report. (6) As used in this section, "victim" means any individual who suffers direct or threatened physical, financial, or emotional harm as the result of the offense that was committed by the applicant. History:Add. 1982, Act 495, Eff. Mar. 30, 1983 ;-- Am. 1988, Act 11, Imd. Eff. Feb. 8, 1988 ;-- Am. 1993, Act 342, Eff. May 1, 1994 ;-- Am. 1994, Act 294, Eff. Oct. 1, 1995 ;-- Am. 2014, Act 463, Imd. Eff. Jan. 12, 2015 ;-- Am. 2020, Act 193, Eff. Apr. 11, 2021Compiler's Notes:Subsection (6) beginning with "As used in this section," evidently should be numbered (7).

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 213 of 1965 - Setting Aside Convictions (780.621 - 780.624)Section 780.624 - Setting Aside of Convictions; Limitation.

Sec. 4. Except as provided in sections 1, 1e, and 1g, a person may have only 1 conviction set aside under this act. History:Add. 1982, Act 495, Eff. Mar. 30, 1983 ;-- Am. 2014, Act 335, Eff. Jan. 14, 2015 ;-- Am. 2020, Act 193, Eff. Apr. 11, 2021

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.61 - Bail for Traffic Offenses or Misdemeanors; Definitions.

Sec. 1. As used in this act: (a) "Security" means that which is required to be pledged to insure the payment of bail. (b) "Surety" means one who executes a bail bond and binds himself to pay the bail if the person in custody fails to comply with all conditions of the bail bond. History:1966, Act 257, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.62 - Release Upon Own Recognizance; Failure to Appear, Misdemeanor; Forfeiture.

Sec. 2. When from all the circumstances involving traffic offenses in violation of state law, township traffic ordinances or municipal traffic ordinances or any misdemeanor offense, the court is of the opinion that the accused will appear as required either before or after conviction the accused may be released on his own recognizance. A failure to appear as required by such recognizance is a misdemeanor and any obligated sum fixed in the recognizance shall be forfeited and collected in accordance with section 6. This section shall be liberally construed to effectuate the purpose of relying upon criminal sanctions instead of financial loss to assure the appearance of the accused. History:1966, Act 257, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.63 - Failure to Appear; Arrest.

Sec. 3. Upon failure to comply with any condition of a bail bond or recognizance the court having jurisdiction at the time of such

failure, in addition to any other action provided by law, may issue a warrant for the arrest of the person at liberty on bail or his own recognizance. History:1966, Act 257, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.64 - Amount of Bail; Surrender by Defendant of Operator's or Chauffeur's License as Security; Receipt; Expiration Date; Extension; Written Notice; Return of License.

Sec. 4. (1) The amount of bail shall be: (a) Sufficient to assure compliance with the conditions set forth in the bail bond. (b) Not oppressive. (c) Commensurate with the nature of the offense charged. (d) Considerate of the past criminal acts and conduct of the defendant. (e) Considerate of the financial ability of the accused. (f) Uniform whether the bail bond be executed by the person for whom bail has been set or by a surety. (2) If a person is charged with an offense punishable by a fine only, the amount of the bail shall not exceed double the amount of the maximum penalty. (3) If a person has been convicted of an offense and only a fine has been imposed, the amount of the bail shall not exceed double the amount of the fine. (4) If a person is arrested for an ordinance violation or a misdemeanor punishable by imprisonment for not more than 1 year or a fine, or both, and if the defendant's operator's or chauffeur's license is not expired, suspended, revoked, or canceled, then the court may require the defendant, in place of other security for the defendant's appearance in court for trial or sentencing or, in addition, to release of the defendant on personal recognizance, to surrender to the court his or her operator's or chauffeur's license. The court shall issue to the defendant a receipt for the license as provided in section 311a of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.311a of the Michigan Compiled Laws. If the trial date is set at the arraignment, the court shall specify on the receipt the date on which the defendant is required to appear for trial. If a trial date is not set at the arraignment, the court shall specify on the receipt a date on which the receipt expires. By written notice, which shall instruct a person who has surrendered a license as security under this subsection to attach the notice to the receipt issued under this subsection, the court may extend the expiration date of the receipt, as needed, to secure the defendant's appearance for trial and sentencing. Upon its attachment to the receipt, the written notice shall be considered a part of the receipt for purposes of determining the expiration date. At the conclusion of the trial or imposition of sentence, as applicable, the court shall return the license to the defendant unless other disposition of the license is authorized by law. History:1966, Act 257, Eff. Mar. 10, 1967 ;-- Am. 1969, Act 221, Imd. Eff. Aug. 6, 1969 ;-- Am. 1983, Act 57, Eff. Mar. 29, 1984

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.65 - Increase or Reduction in Amount of Bail; Notices; Alteration of Conditions of Bond.

Sec. 5. (1) Upon application by the state or a local unit of government or the defendant the court before which the proceeding is pending may increase or reduce the amount of bail or may alter the conditions of the bail bond. (2) Reasonable notice of the application by the defendant shall be given to the state. (3) Reasonable notice of the application by the state or local unit of government shall be given to the defendant, except as provided in subsection (4). (4) Upon verified application by the state or local unit of government stating facts or circumstances constituting a breach or a threatened breach of any of the conditions of the bail bond the court may issue a warrant commanding any peace officer to bring the defendant without unnecessary delay before the court for a hearing on the matters set forth in the application. At the conclusion of the hearing the court may enter an order authorized by subsection (1). History:1966, Act 257, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.66 - Bail Deposit; Moneys; Minimum Amount; Procedure.

Sec. 6. (1) The person for whom bail has been set shall execute the bail bond and deposit with the clerk of the court before which the proceeding is pending a sum of money equal to 10% of the bail but at least $10.00. A defendant who personally makes the deposit shall be notified that upon the defendant's conviction the defendant's deposit may be used to collect a fine, costs, restitution, assessment, or other payment as provided in subsection (8). (2) Upon depositing this sum, the person shall be released from custody subject to the conditions of the bail bond. (3) Once bail has been given and a charge is pending or is thereafter filed in or transferred to a court of competent jurisdiction, the latter court shall continue the original bail in that court subject to section 5. (4) After conviction, the court may order that the original bail stand as bail pending appeal or increase or reduce bail. (5) After the entry of an order by the trial court allowing bail pending appeal, either party may apply to the reviewing court having jurisdiction or to a justice thereof sitting in vacation for an order increasing or decreasing the amount of bail or allowing bail pending appeal. (6) When the conditions of the bail bond have been performed and the accused has been discharged from all obligations in the cause, the clerk of the court shall return to the accused 90% of the sum that had been deposited, except as provided in subsection (8), and shall retain as bail bond costs 10% of the amount deposited, except that if the accused has not been convicted of the charge, the entire sum deposited shall be returned to the accused. (7) If the accused does not comply with the conditions of the bail bond, the court having jurisdiction shall enter an order declaring the bail to be forfeited. Notice of the order of forfeiture shall be mailed promptly by the court to the accused at his or her last known address. If the accused does not appear and surrender to the court having jurisdiction within 30 days from the date of the forfeiture, or within that period satisfy the court that appearance and surrender by the accused is impossible and without his fault, the court shall enter judgment for the state or local unit of government against the accused for the amount of the bail and costs of the court proceedings. The deposit made in accordance with subsection (1) shall be applied to the payment of costs. If any amount of the deposit remains after the payment of costs, it shall be applied to payment of the judgment and

transferred to the treasury of the unit of government in which the court is located. The balance of the judgment may be enforced and collected in the same manner as a judgment entered in a civil action. (8) If the court ordered a defendant who has made a cash deposit in accordance with subsection (1) to pay a fine, costs, restitution, assessment, or other payment, the court shall order the fine, costs, restitution, assessment, or other payment collected out of the cash deposit. If a person is subject to any combination of fines, costs, restitution, assessments, or payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, or other payments shall be allocated as provided in section 22 of chapter XV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 775.22 of the Michigan Compiled Laws.
History:1966, Act 257, Eff. Mar. 10, 1967 ;-- Am. 1993, Act 347, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.67 - Bail Bond in Lieu of Bail Deposit; Security Required; Procedure.

Sec. 7. (1) In lieu of the bail deposit provided for in section 6, a person for whom bail has been set may execute the bail bond with or without sureties. The bond may be secured by 1 or more of the following: (a) Depositing with the clerk of the court an amount equal to the required bail in cash or stocks or bonds in which trustees are authorized to invest trust funds under the laws of this state. A defendant who personally makes the cash deposit shall be notified that upon the defendant's conviction the defendant's cash deposit may be used to collect a fine, costs, restitution, assessment, or other payment as provided in subsection (7). (b) Real estate situated in this state with unencumbered equity not exempt and owned by the accused or sureties worth double the amount of bail set in the bond. (2) If the bail bond is secured by cash or stocks and bonds, the accused or sureties shall file with the bond a sworn schedule containing all of the following: (a) A list of the stocks or bonds deposited, describing each in sufficient detail that it may be identified. (b) The market value of each stock or bond. (c) The total market value of the stocks or bonds listed. (d) A statement that the affiant is the sole owner of the stocks or bonds listed and that they are not exempt from execution. (e) A statement that the stocks or bonds have not previously been used or accepted as bail in this state during the 12 months preceding the date of the bail bond. (f) A statement that the stocks or bonds are security for the appearance of the accused in accordance with the conditions of the bail bond. (3) If the bail bond is secured by real estate, the accused or sureties shall file with the bond a sworn schedule containing all of the following: (a) A legal description of the real estate. (b) A description of any encumbrance on the real estate, including the amount and the holder of each encumbrance. (c) The market value of the unencumbered equity owned by the affiant. (d) A statement that the affiant is the sole owner of the unencumbered equity and that it is not exempt from execution. (e) A statement that the real estate has not previously been used or accepted as bail in this state during the 12 months preceding the date of the bail bond. (f) A statement that the real estate is security for the appearance of the accused in accordance with the conditions of the bail bond. (4) The sworn schedule constitutes a material part of the bail bond. The affiant commits perjury if in the sworn schedule the affiant makes a false statement he or she does not believe to be true. The affiant shall be prosecuted and punished accordingly or may be punished for contempt. (5) A certified copy of the bail bond and schedule of real estate shall be filed immediately by the court in the office of the register of deeds of the county in which the real estate is situated. The state shall have a lien on the real estate from the time copies are filed in the office of the register of deeds. The register of deeds shall enter, index and record the bail bonds and schedules without requiring any advance fee. The fee shall be taxed as costs in the proceeding and paid out of the costs when collected. (6) When the conditions of the bail bond have been performed and the accused has been discharged from his or her obligations in the cause, the clerk of the court shall return to the accused or his or her sureties the deposit of any cash, stocks, or bonds, except as provided in subsection (7). If the bail bond was secured by real estate, the clerk of the court shall promptly notify in writing the register of deeds and the lien of the bail bond on the real estate shall be discharged. (7) If the court ordered a defendant who has made a cash deposit according to subsection (1) to pay a fine, costs, restitution, assessment, or other payment, the court shall order the fine, costs, restitution, assessment, or other payment collected out of the cash deposit. If a person is subject to any combination of fines, costs, restitution, assessments, or payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, or other payments shall be allocated as provided in section 22 of chapter XV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 775.22 of the Michigan Compiled Laws. (8) If the accused does not comply with the conditions of the bail bond, the court having jurisdiction shall enter an order declaring the bail to be forfeited. Notice of the order of forfeiture shall be mailed promptly by the clerk of the court to the accused and his or her sureties at their last known address. If the accused does not appear and surrender to the court having jurisdiction within 30 days from the date of the forfeiture, or within that period satisfy the court that appearance and surrender by the accused is impossible and without his or her fault, the court shall enter judgment for the state or local unit of government against the accused and his or her sureties for the amount of the bail and costs of the proceedings. (9) When judgment is entered in favor of the state or local unit of government on any bail bond the attorney for the local unit of government, the prosecuting attorney or the attorney general shall have execution issued on the judgment promptly and shall deliver the execution to the sheriff to be executed by levy on the cash, stocks or bonds deposited with the clerk of the court or the real estate described in the bail bond schedule. The cash shall be used to satisfy the judgment and costs and shall be paid into the treasury of the unit of government in which the court is located. The stocks, bonds, or real estate shall be sold in the same manner as in execution sales in civil actions. The proceeds of the sale shall be used to satisfy all court costs and prior encumbrances, if any, and a sufficient amount to satisfy the judgment shall be paid into the treasury of the unit of government in which the court is located. The balance shall be returned to the owner. The real estate may be redeemed in the same manner as real estate may be redeemed after judicial or execution sales in civil actions. (10) A stock, bond, or real estate shall not be used or accepted as bail bond security in this state more than once in any 12-month period.

History:1966, Act 257, Eff. Mar. 10, 1967 ;-- Am. 1993, Act 347, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.68 - Bail Taken by Peace Officer; Release of Offender; Receipt; Deposit With Clerk of Court.

Sec. 8. When bail has been set by a judicial officer for a particular offense or offender, any sheriff or other peace officer may take bail in accordance with the provisions of section 6 or 7 and release the offender to appear in accordance with the conditions of the bail bond, the notice to appear or the summons. The officer shall give a receipt to the offender for the bail so taken and within a reasonable time deposit such bail with the clerk of the court having jurisdiction of the offense. History:1966, Act 257, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.69 - Conditions of Bail Bonds Before Conviction.

Sec. 9. (1) If a person is admitted to bail before conviction the conditions of the bail bond shall be that he will: (a) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court. (b) Submit himself to the orders and process of the court. (c) Not depart this state without leave. (2) If the defendant is admitted to bail after conviction the conditions of the bail bond shall be that he will: (a) Duly prosecute his appeal. (b) Appear at such time and place as the court may direct. (c) Not depart this state without leave of the court. (d) If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was bailed. History:1966, Act 257, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.70 - Bail on New Trial; Increase or Reduction Pending on Trial.

Sec. 10. If the judgment of conviction is reversed and the cause remanded for a new trial the trial court may order that the bail stand pending such trial, or reduce or increase bail. History:1966, Act 257, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.71 - Notice of Address Change.

Sec. 11. A person who has been admitted to bail shall give written notice to the clerk of the court before which the proceeding is pending of any change in his address within 24 hours after the change. History:1966, Act 257, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.72 - Persons Prohibited From Furnishing Bail Security.

Sec. 12. No attorney-at-law practicing in this state and no official authorized to admit another to bail or to accept bail shall furnish any part of any security for bail in any criminal action or any proceeding nor shall any such person act as surety for any accused admitted to bail. History:1966, Act 257, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 257 of 1966 - Bail for Traffic Offenses or Misdemeanors (780.61 - 780.73)Section 780.73 - Credit for Incarceration on Bailable Offense; Limitation.

Sec. 13. Any person incarcerated on a bailable offense who does not supply bail and against whom a fine is levied on conviction of such offense shall be allowed a credit of $5.00 for each day so incarcerated prior to conviction except that in no case shall the amount so allowed or credited exceed the amount of the fine. History:1966, Act 257, Eff. Mar. 10, 1967

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 276 of 1957 - Return of Parole Violators (780.561 - 780.565)Section 780.561 - Return of Parole Violators; Deputization of Employees of Other State.

Sec. 1. The attorney general may deputize any person regularly employed by another state for such purposes to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole as imposed by this state. In any matter relating to the return of such a person, any agent so deputized shall have all the powers of a police officer of this state for the purpose of effecting the transfer and limited to the time required to effect it. History:1957, Act 276, Eff. Sept. 27, 1957

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 276 of 1957 - Return of Parole Violators (780.561 - 780.565)Section 780.562 - Parole Violators; Evidence of Deputization.

Sec. 2. Any deputization pursuant to this statute shall be in writing, duly authenticated by the secretary of state, and any person authorized to act as an agent of this state pursuant hereto shall carry formal evidence of his deputization and shall produce the same upon demand. History:1957, Act 276, Eff. Sept. 27, 1957

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 276 of 1957 - Return of Parole Violators (780.561 - 780.565)Section 780.563 - Parole Violators; Contracts for Expenses, Terms.

Sec. 3. The attorney general is hereby authorized, subject to the approval of the controller of the department of administration, to enter into contracts with similar officials of any other state or states for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of parole as imposed by this state. The contract shall covenant and agree as follows: "1. The party states hereby agree that any two or more of them may, in the discretion of their appropriate officials, cooperate in effecting the return of any parole violator. "2. In any instance where any officer or officers of one or more of the parties hereto shall effect the return of a parole violator from any jurisdiction to the custody of the state directing his return, the state on whose behalf the return is made shall bear the financial burden of such return and the extent of the financial liability of the cooperating states shall be determined as provided in paragraphs 3, 4 and 5 of this contract. "3. In every instance where a cooperative return of one or more parole violators is undertaken, the round trip distance which would have been traveled by the officers of each cooperating state in effecting the return of its own violators shall be computed and the sum of all such round trip distances shall also be computed. The share of the expense of a trip chargeable to any cooperating state shall be determined by ascertaining the proportion which its own round trip would have borne to the sum of all round trips which would have been necessary if all states had effected the return of their own violators by employing their own regular officers. Whenever the violator or violators of any cooperating state are not returned to the ultimate destination entirely by the regular officer or officers of another cooperating state or states, the state to which such violator or violators are to be returned shall be entitled to deduct the round trip distance between said ultimate destination and the point where it receives custody of its violator or violators from the round trip distance which its officer or officers would have traveled if such state had effected the entire return of such violator or violators. Standard highway or railway mileage shall be used in calculating distances pursuant to this paragraph. "4. The entire cost of a cooperative trip, but not including any charge on account of the salary or wages of any officer employed on said trip, shall form the base for determining the share of the expense to be borne by each cooperating state. The cost of any mileage shall be at the official rate for vehicles prevailing in the state by which such vehicles are owned or leased. "5.(a) Except where any injury or damage referred to herein results solely from the violent act or acts of its own violator or violators, no cooperating state shall be chargeable with any cost nor shall such state incur any liability by reason of injury to any officer regularly employed by another cooperating state nor shall any cooperating state be chargeable with or incur any liability by reason of damage to any vehicle or other equipment owned or leased by another cooperating state. (b) Workmen's compensation benefits and payments shall be determined and made in accordance with the laws of the state regularly employing the officer. "6. All payments due under this contract shall be made within thirty days of the conclusion of the cooperative trip by reason of which they have accrued unless the parties hereto shall by mutual agreement determine otherwise." History:1957, Act 276, Eff. Sept. 27, 1957

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 276 of 1957 - Return of Parole Violators (780.561 - 780.565)Section 780.564 - Binding Effect of Act.

Sec. 4. This act shall not be binding upon this state by any other state not having adopted such legislation. History:1957, Act 276, Eff. Sept. 27, 1957

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 276 of 1957 - Return of Parole Violators (780.561 - 780.565)Section 780.565 - Repeal.

Sec. 5. Act No. 177 of the Public Acts of 1956, being sections 780.551 to 780.553 of the Compiled Laws of 1948, is hereby repealed. History:1957, Act 276, Eff. Sept. 27, 1957

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 281 of 1968 - Uniform Rendition of Accused Persons Act (780.41 - 780.45)Section 780.41 - Uniform Rendition of Accused Persons Act; Short Title.

Sec. 1. This act may be cited as the "uniform rendition of accused persons act". History:1968, Act 281, Eff. Nov. 15, 1968

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 281 of 1968 - Uniform Rendition of Accused Persons Act (780.41 - 780.45)Section 780.42 - Arrest of Accused Person Illegally in State; Warrant, Procedure.

Sec. 2. (1) If a person who has been charged with crime in another state and released from custody prior to final judgment, including the final disposition of any appeal, is alleged to have violated the terms and conditions of his release, and is present in this state, a designated agent of the court, judge or magistrate which authorized the release may request the issuance of a warrant for the arrest of the person and an order authorizing his return to the demanding court, judge or magistrate. Before the warrant is issued, the designated agent shall file, with a judicial officer of this state having authority under the laws of this state to issue warrants for the arrest of persons charged with crime, the following documents: (a) An affidavit stating the name and whereabouts of the person whose removal is sought, the crime with which the person was charged, the time and place of the crime charged, and the status of the proceedings against him. (b) A certified copy of the order or other document specifying the terms and conditions under which the person was released from custody. (c) A certified copy of an order of the demanding court, judge or magistrate stating the manner in which the terms and the conditions of the release have been violated and designating the affiant its agent for seeking removal of the person. (2) Upon initially determining that the affiant is a designated agent of the demanding court, judge or magistrate, and that there is probable cause for believing that the person whose removal is sought has violated the terms or conditions of his release, the judicial officer shall issue a warrant to a law enforcement officer of this state for the person's arrest. (3)

The judicial officer shall notify the prosecuting attorney of his action and shall direct him to investigate the case to ascertain the validity of the affidavits and documents required by subsection (1) and the identity and authority of the affiant. History:1968, Act 281, Eff. Nov. 15, 1968

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 281 of 1968 - Uniform Rendition of Accused Persons Act (780.41 - 780.45)Section 780.43 - Hearing; Right to Counsel; Waiver of Hearing; Condition of Release.

Sec. 3. (1) The person whose removal is sought shall be brought before the judicial officer immediately upon arrest pursuant to the warrant; whereupon the judicial officer shall set a time and place for hearing, and shall advise the person of his right to have the assistance of counsel, to confront the witnesses against him, and to produce evidence in his own behalf at the hearing. (2) The person whose removal is sought may at this time in writing waive the hearing and agree to be returned to the demanding court, judge or magistrate. If a waiver is executed, the judicial officer shall issue an order pursuant to section 3. (3) The judicial officer may impose conditions of release authorized by the laws of this state which will reasonably assure the appearance at the hearing of the person whose removal is sought. History:1968, Act 281, Eff. Nov. 15, 1968

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 281 of 1968 - Uniform Rendition of Accused Persons Act (780.41 - 780.45)Section 780.44 - Hearing; Report of Investigation; Order Authorizing Return of Accused.

Sec. 4. The prosecuting attorney shall appear at the hearing and report to the judicial officer the results of his investigation. If the judicial officer finds that the affiant is a designated agent of the demanding court, judge or magistrate and that the person whose removal is sought was released from custody by the demanding court, judge or magistrate, and that the person has violated the terms or conditions of his release, the judicial officer shall issue an order authorizing the return of the person to the custody of the demanding court, judge or magistrate forthwith. History:1968, Act 281, Eff. Nov. 15, 1968

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 281 of 1968 - Uniform Rendition of Accused Persons Act (780.41 - 780.45)Section 780.45 - Construction of Act.

Sec. 5. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it. History:1968, Act 281, Eff. Nov. 15, 1968

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 289 of 1968 - Granting Immunity to Witnesses (780.701 - 780.705)Section 780.701 - Order Granting Immunity; Application by Prosecuting Attorney; Verified Statement; Determination to Grant Immunity.

Sec. 1. (1) The prosecuting attorney may apply to the following, as applicable, for an order granting immunity to any person designated by name and address in the application who might give testimony concerning the violation charged in the complaint and warrant or alleged in the petition: (a) The examining magistrate at a preliminary examination. (b) The trial judge at a trial for a felony or misdemeanor. (c) The judge at an adjudication for a juvenile alleged to be within the court's jurisdiction under section 2(a)(i) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, or a probable cause hearing or trial in a case designated as a case in which the juvenile is to be tried in the same manner as an adult under section 2d of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d. (2) The application shall be accompanied by the prosecuting attorney's verified statement setting forth the facts upon which the application is based. (3) If the judge determines that it is in the interest of justice that immunity be granted, the judge shall enter an order granting immunity to the witness if the witness appears before the court in the proceeding and testifies truthfully under oath concerning any matter or thing of which the witness knows concerning matters charged in the complaint and warrant or alleged in the petition, as set forth in the prosecuting attorney's application. History:1968, Act 289, Eff. Nov. 15, 1968 ;-- Am. 1999, Act 249, Imd. Eff. Dec. 28, 1999

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 289 of 1968 - Granting Immunity to Witnesses (780.701 - 780.705)Section 780.702 - Delivery of Order to Witness; Applicability of Order; Transcript of Answers; Use of Truthful Testimony or Information Against Witness in Criminal Case.

Sec. 2. (1) A true copy of the order granting immunity shall be delivered to the witness before he or she answers any questions subsequently asked at the proceeding. The order granting immunity applies until the judge informs the witness that the immunity no longer applies. (2) All questions of the witness and his or her answers shall be transcribed at the judge's direction. A true and certified copy of the transcript shall be delivered to the witness as soon as practicable after transcription. (3) Truthful testimony or other truthful information compelled under the order granting immunity and any information derived directly or indirectly from that truthful testimony or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to comply with the order. History:1968, Act 289, Eff. Nov. 15, 1968 ;-- Am. 1999, Act 249, Imd. Eff. Dec. 28, 1999

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 289 of 1968 - Granting Immunity to Witnesses (780.701 - 780.705)Section 780.702a - Order Granting Immunity; Application by Public Official or Agency Authorized to Compel Testimony or Produce Evidence; Verified Statement; Determination to Grant Immunity; Delivery of Order to Witness; Transcript of Answers; Use of Truthful Testimony, Evidence, or Other Information Against Witness in Criminal

Case; Application for Order Granting Immunity Under Other Statute.

Sec. 2a. (1) A public official or agency authorized by a statute of this state to issue a subpoena or otherwise compel the testimony of a witness or the production of evidence in an investigation or proceeding authorized by that statute, or authorized to seek a subpoena or compelled testimony or production of evidence from a court, may apply to the court required to issue the subpoena or compel the testimony or production of evidence or otherwise to the circuit court of the county in which the investigation or proceeding is conducted for an order granting immunity to a person who might give testimony or produce evidence concerning the investigation or subject of the proceeding. (2) The application shall designate the person by name and address. The public official or agency shall include a verified statement setting forth the facts upon which the application is based. (3) If the court determines that it is in the interests of justice to grant immunity, the court shall enter an order granting immunity to the witness if the witness testifies truthfully or produces evidence in the investigation or proceeding concerning the investigation or subject of the proceeding. (4) A true copy of the order granting immunity shall be delivered to the witness before he or she answers any questions subsequently asked at the investigation or proceeding or is required to produce any evidence. The order granting immunity applies until the court informs the witness that the immunity no longer applies. (5) All questions of the witness and his or her answers shall be transcribed. A true and certified copy of the transcript shall be delivered to the witness as soon as practicable after transcription. (6) Truthful testimony, evidence, or other truthful information compelled under the order granting immunity and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to comply with the order. (7) If a statute described in subsection (1) grants or permits immunity to a witness compelled to testify or produce evidence that is different in nature from the immunity authorized under this section, the public official or agency may apply for an order granting immunity under this section as an alternative to the immunity granted or permitted under that statute. History:Add. 1999, Act 249, Imd. Eff. Dec. 28, 1999

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 289 of 1968 - Granting Immunity to Witnesses (780.701 - 780.705)Section 780.703 - Failure or Refusal to Testify at Proceeding After Grant of Immunity; Contempt.

Sec. 3. A witness who fails or refuses to testify at a proceeding described in this act after service of a true copy of the order granting the witness immunity is guilty of contempt. History:1968, Act 289, Eff. Nov. 15, 1968 ;-- Am. 1999, Act 249, Imd. Eff. Dec. 28, 1999

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 289 of 1968 - Granting Immunity to Witnesses (780.701 - 780.705)Section 780.704 - False Testimony; Perjury, Penalty.

Sec. 4. A person who wilfully swears falsely under oath in regard to any matter or thing upon which he is being examined under a grant of immunity is subject to the penalties of perjury as prescribed by law. History:1968, Act 289, Eff. Nov. 15, 1968

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 289 of 1968 - Granting Immunity to Witnesses (780.701 - 780.705)Section 780.705 - Right to Counsel.

Sec. 5. A witness granted immunity as provided by this act has the right to representation by counsel at all times at his request. History:1968, Act 289, Eff. Nov. 15, 1968

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.851 - Short Title.

Sec. 1. This act shall be known and may be cited as the "address confidentiality program act". History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.853 - Definitions.

Sec. 3. As used in this act: (a) "Application assistant" means an employee or volunteer at an agency or organization that serves victims of domestic violence, stalking, human trafficking, or sexual assault who has received training and certification from the department of the attorney general to help individuals complete applications to become program participants. (b) "Confidential address" means the address of a program participant's residence, as specified on an application to be a program participant or on a notice of change of information as provided under section 5 that is classified confidential by the department of the attorney general. (c) "Designated address" means the mailing address at which the department of technology, management, and budget receives mail to forward to program participants. (d) "Domestic violence" means the occurrence of any of the following acts by a person that is not an act of self-defense: (i) Causing or attempting to cause physical or mental harm to a family or household member. (ii) Placing a family or household member in fear of physical or mental harm. (iii) Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress. (iv) Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (e) "Family or household member" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501. (f) "Governmental entity" means this state, a local unit of government, or any department, agency, board, commission, or other

instrumentality of this state or a local unit of government. (g) "Guardian of a ward" means a person who has qualified as a guardian of a legally incapacitated individual under a court appointment. (h) "Human trafficking" means a violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h. (i) "Law enforcement agency" means that term as defined in section 2 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.602. (j) "Local unit of government" means a city, village, township, or county in this state. (k) "Minor" means an individual under the age of 18 who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6. (l) "Municipally owned utility" means electric, gas, or water services provided by a municipality. (m) "Program" means the address confidentiality program created under this act. (n) "Program participant" means an individual who is certified by the department of the attorney general as a program participant under section 5. (o) "Sexual assault" means a violation, attempted violation, or solicitation or conspiracy to commit a violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g. (p) "Stalking" means that term as defined in section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i. (q) "Victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as the result of a commission of a crime. (r) "Victim advocate" means an employee of the department of the attorney general, the department of state, or the department of technology, management, and budget, or an employee of a county prosecutor's office, who has received training and certification from the department of the attorney general to help individuals complete applications to become program participants, and who is available to help individuals complete the applications and is responsible for assisting program participants in navigating through and accessing all aspects of the program. (s) "Ward" means that term as defined in section 1108 of the estates and protected individuals code, 1998 PA 386, MCL 700.1108. History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.855 - Address Confidentiality Program; Creation; Eligibility; Application; Duties of Attorney General; Certification of Program Participant; Renewal or Cancellation; Minor; Participation Card; Applicability to Custody or Parenting Order.

Sec. 5. (1) Subject to section 19(4), the address confidentiality program is created in the department of the attorney general. (2) Except for an individual described in subsection (13), the following individuals are eligible to apply to the program and may submit an application, with the assistance of an application assistant or a victim advocate, for certification as a program participant by the department of the attorney general: (a) If changing his or her residence, an individual who is 18 years of age or older or is an emancipated minor under 1968 PA 293, MCL 722.1 to 722.6. (b) If changing the residence of a minor, a legal parent or the guardian of the minor appointed by a court. (c) If the residence of a ward is changing, the guardian of that ward if the guardian is granted the power to apply by a court under section 5306 of the estates and protected individuals code, 1998 PA 386, MCL 700.5306. (3) The application under subsection (2) must be filed with the department of the attorney general in the manner and form prescribed by the department of the attorney general and must contain the following: (a) A notarized statement that meets 1 of the following requirements: (i) If the applicant is an individual described under subsection (2)(a), a statement by that individual that disclosure of the address provided under subdivision (d) will increase the risk that he or she will be threatened or physically harmed by another person or that the individual is a victim of domestic violence, stalking, human trafficking, or sexual assault. (ii) If the applicant is the legal parent of a minor or the guardian of a minor appointed by a court, a statement by that parent of a minor or guardian that disclosure of the address provided under subdivision (d) will increase the risk that the minor will be threatened or physically harmed by another person or that the parent or guardian, or the minor, is a victim of domestic violence, stalking, human trafficking, or sexual assault. (iii) If the applicant is the guardian of a ward as provided under subsection (2)(c), a statement by that guardian that the disclosure of the address provided under subdivision (d) will increase the risk that the ward will be threatened or physically harmed by another person or that the ward is a victim of domestic violence, stalking, human trafficking, or sexual assault. (b) A knowing and voluntary designation of the department of technology, management, and budget as the agent for the purposes of receiving mail and service of process. (c) The mailing address, telephone number, and electronic mail address, if applicable, at which the department of the attorney general, the department of state, or the department of technology, management, and budget, may contact the individual, minor, or ward. (d) The address of residence that the applicant requests not be disclosed. (e) The signature of the applicant, the name and signature of the application assistant or victim advocate who assisted the applicant, and the date the application was signed. (4) The application under subsection (2) may provide an option for an applicant to select the type of victimization the applicant believes warrants the need for participation in the program. The department of the attorney general may not consider information provided or withheld under this subsection in certifying a program participant. (5) The department of the attorney general shall do all of the following after an individual, the parent or guardian of a minor, or a guardian of a ward files a completed application: (a) Except as provided in subsection (6), certify the individual, minor, or ward as a program participant. (b) Issue the program participant a unique identification number and a participation card. (c) Classify each eligible address listed in the application as a confidential address. (d) Provide the program participant with information concerning the manner in which the program participant may use the department of technology, management, and budget as the agent of the program participant for the purposes of receiving mail and service of process. (e) If the program participant is eligible to vote, provide the program participant with information concerning the process to register to vote and to vote as a program participant under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. (f) Provide the program participant with information concerning the procedure from which the program participant will receive a corrected operator's or chauffeur's license under section 310f of the Michigan vehicle code, 1949 PA 300, MCL 257.310f, a corrected enhanced driver license or enhanced official state personal identification card under

section 4 of the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.304, or a corrected official state personal identification card under section 2a of 1972 PA 222, MCL 28.292a. (g) Provide the program participant with information regarding methods to protect a confidential address, including, but not limited to, information regarding the risks of disclosing the confidential address to other persons and the risks of using social media and other similar electronic technologies, including geotagging photographs; and other information that the attorney general determines would help the program participant protect his or her confidential address. (6) An individual, minor, or ward must not be certified as a program participant if the department of the attorney general knows the confidential address provided in the application as described in subsection (3)(d) is an address that has been provided to the secretary of state for that individual, minor, or ward. (7) A program participant shall update information provided in an application within 30 days after a change to that information has occurred by submitting a notice of change of information to the department of the attorney general on a form prescribed by the department of the attorney general. (8) Unless the certification is canceled under section 9, the certification of a program participant is valid for 4 years from the date listed on the application under subsection (3), on the renewal application under subsection (10), or on the certification continuance application under subsection (11). (9) The department of the attorney general may, with proper notice, cancel the certification of a program participant as provided under section 9. (10) A program participant who continues to be eligible to participate in the program may renew the certification of the program participant. The renewal application must be on a form prescribed by the department of the attorney general and must meet the requirements under subsections (2) and (3). A renewal of certification of the program participant must not alter the unique identification number issued under subsection (5)(b). (11) If a program participant certified as a minor becomes 18 years of age or older while his or her certification remains valid, the department of the attorney general shall mail a certification continuance application to that program participant. The certification continuance application must be on a form prescribed by the department of the attorney general, must meet the requirements under subsections (2) and (3), and must inform the program participant of his or her right to choose to continue or discontinue in the program. The program participant may continue certification as a program participant after becoming 19 years of age by completing the certification continuance application with the assistance of an application assistant or victim advocate and filing the application before the program participant becomes 19 years of age. (12) An application submitted under this act and the information of a program participant described under section 15(1) is confidential, is not a public record, is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and may only be disclosed as authorized under this act. (13) An offender who is required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, is not eligible to submit an application and must not be certified as a program participant. (14) The department of the attorney general shall create a participation card for the program. A participation card must contain the name and unique identification number of a program participant, and the designated address. (15) The certification of a minor as a program participant does not prohibit a parent or guardian from voluntarily disclosing the minor's confidential address. (16) The certification of a minor as a program participant does not amend or affect the enforceability of a custody or parenting time order issued by a court of competent jurisdiction, affect a parent's right to initiate a child custody action or use friend of the court services, or otherwise limit a court's authority in a child custody action. History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.857 - Use of Designated Address by Governmental Entity, Employer, School, or Institution of Higher Education; Mail and Service of Process Duties; Inapplicable to Municipally Owned Utility.

Sec. 7. (1) A program participant may request that a governmental entity use the designated address as the program participant's address. Except as otherwise provided in subsection (6) and in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, if a request is made under this subsection, a governmental entity shall use the designated address. The program participant may provide his or her participation card as proof of his or her certification as a program participant. (2) If a program participant's employer, school, or institution of higher education is not a governmental entity, the program participant may request that the employer, school, or institution of higher education use the designated address as the program participant's address. (3) The department of technology, management, and budget shall, on each day the department of technology, management, and budget is open for business, place all first-class, registered, or certified mail of a program participant that the department of technology, management, and budget receives into an envelope or package and mail that envelope or package to the program participant at the mailing address the program participant provided on the application under section 5(3)(c) for that purpose. The department of technology, management, and budget may contract with the United States Postal Service for special rates for the mail forwarded under this subsection. Service by mail under this subsection of court papers, other than service of process, is complete 3 mailing days after the department of technology, management, and budget forwards the mail to the program participant. (4) Upon receiving service of process on behalf of a program participant, the department of technology, management, and budget shall immediately forward the process by certified mail, return receipt requested, to the program participant at the mailing address the program participant provided on the application under section 5(3)(c) for that purpose. (5) If a person intends to serve process on an individual and makes an inquiry with the department of the attorney general or the department of technology, management, and budget to determine if the individual is a program participant, the department of the attorney general or the department of technology, management, and budget shall only confirm that the individual is or is not a program participant and, except as otherwise allowed under this subsection, must not disclose further information regarding the program participant. If process has been forwarded to a program participant under subsection (4), the department of technology, management, and budget shall disclose the date of mailing to the person attempting to

serve the program participant. (6) Subsection (1) does not apply to a municipally owned utility. The confidential address of a program participant that is maintained by a municipally owned utility must not be released, and is not a public record and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.859 - Cancellation of Program Participant Certification; Circumstances.

Sec. 9. (1) The department of the attorney general may cancel the certification of a program participant if the program participant is not reachable at the mailing address, telephone number, and any electronic mail address provided under section 5(3)(c) for 60 or more days. (2) The department of the attorney general shall cancel the certification of a program participant in any of the following circumstances: (a) The program participant's application contained 1 or more false statements. (b) The program participant or the legal parent of or a guardian appointed by a court for a minor that is a program participant or the guardian of a ward that is a program participant files a notarized request for cancellation on a form prescribed by the department of the attorney general. (c) The program participant fails to file a renewal application while the initial certification as a program participant is valid as provided in section 5(8). The department of the attorney general may promulgate a rule to provide for a grace period. (d) The program participant fails to file a continuance application required under section 5(11) before the program participant becomes 19 years of age. History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.861 - Request for Disclosure of Confidential Information for Legitimate Governmental Purpose; Notice of Request to Program Participant.

Sec. 11. (1) A department of this state, a law enforcement agency, or a local unit of government may request the department of the attorney general to provide the confidential address, telephone number, and electronic mail address of a program participant if the requesting department of this state, a law enforcement agency, or a local unit of government requires access to the confidential address, telephone number, or electronic mail address of the program participant for a legitimate governmental purpose. A request may only be submitted under this subsection if the department of this state, the law enforcement agency, or the local unit of government was unsuccessful in contacting the program participant using the designated address. Upon receiving a request under this subsection, the department of the attorney general shall confirm whether an individual, minor, or ward is a program participant but may not disclose further information except as provided under subsections (3) and (4). (2) Upon the filing of a request under this section and if the program participant is not identified in the request as a suspect in a criminal investigation, the department of the attorney general shall promptly provide the program participant with notice of the request. (3) Subject to subsection (4), the department of the attorney general may grant the request submitted under subsection (1) if the department of the attorney general determines that disclosure of the confidential address, telephone number, or electronic mail address of the program participant to the requesting department of this state, law enforcement agency, or local unit of government is necessary for a legitimate governmental purpose. (4) If a request submitted under subsection (1) is for the confidential address, telephone number, or electronic mail address of a minor, the department of the attorney general must consider if disclosure of the information requested is harmful to the program participant. (5) Except as otherwise provided under section 21(2), a person who receives a confidential address, telephone number, or electronic mail address of a program participant under this section shall not disclose that information to another person. History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.863 - Certification Training Program for Application Assistants and Victim Advocates.

Sec. 13. (1) The department of the attorney general shall develop and offer a training program for application assistants and victim advocates to obtain certification under this act. (2) The department of the attorney general shall certify a person applying for certification as an application assistant or as a victim advocate under this act if that person has completed the training program under subsection (1). The department of the attorney general shall make available on its website the names and contact information of the application assistants and victim advocates. (3) An application assistant or victim advocate who provides assistance in accordance with this act does not violate section 916 of the revised judicature act of 1961, 1961 PA 236, MCL 600.916. History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.865 - Computerized Database of Program Participants; Limited Access by Michigan Intelligence Operations Center.

Sec. 15. (1) The department of the attorney general must create and maintain a computerized database that contains the name, unique identification number, confidential address, mailing address, telephone number, and any electronic mail address of each program participant. The database must also include information described in section 5(4) that is provided on an application. The department of the attorney general, the department of technology, management, and budget, and the department of state may have access to the database as required to implement this act. (2) The department of the attorney general must ensure the database under

subsection (1) immediately provides the department of technology, management, and budget and the department of state, upon the certification of a program participant, the information listed in subsection (1), and upon the cancellation of a certification of a program participant under section 9, that status. (3) The Michigan intelligence operations center in the department of state police shall only access the database created under subsection (1) in exigent circumstances and provide a program participant's information to a law enforcement agency if the center receives all of the following information from the law enforcement agency requesting the information: (a) The originating agency identifier. (b) A description of the exigent circumstances that require the disclosure of information from the database. (c) The law enforcement agency's incident report number associated with the exigent circumstances described under subdivision (b). (d) Whether the program participant is a suspect in a criminal investigation related to the exigent circumstances described under subdivision (b). (4) The department of state police shall promptly provide the department of the attorney general with notice if a program participant's information is provided to a law enforcement agency under subsection (3). If the program participant is not identified as a suspect in a criminal investigation, the department of the attorney general shall promptly forward the notice to the program participant. History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.867 - Promulgation of Rules.

Sec. 17. The department of the attorney general may, in consultation with the Michigan domestic and sexual violence prevention and treatment board, the department of technology, management, and budget, and the department of state, promulgate rules to implement this act in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.869 - Confidential Address Fund.

Sec. 19. (1) The confidential address fund is created in the state treasury. The fund must be administered by the attorney general. (2) The state treasurer may receive money and assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state shall credit to the fund interest and earnings from fund investments. (3) Money in the fund at the close of the fiscal year must remain in the fund and must not lapse to the general fund. (4) The department of the attorney general shall develop and implement the program not more than 2 years after an appropriation is made to the fund to develop and implement the program. (5) The department of the attorney general shall expend money from the fund, upon appropriation, for the purpose of administering the program. History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.871 - False Statement or Unauthorized Disclosure; Violation; Penalties.

Sec. 21. (1) A person shall not knowingly make a false statement in an application submitted under section 5. (2) Except as otherwise provided by law, a person that is authorized under this act to access a confidential address, telephone number, or electronic mail address of a program participant or that is provided access to a confidential address, telephone number, or electronic mail address of a program participant under section 11 or 15(3) shall not knowingly disclose that confidential address, telephone number, or electronic mail address to any other person unless the disclosure is authorized under this act. (3) A person that violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 301 of 2020 - Address Confidentiality Program Act (780.851 - 780.873)Section 780.873 - Address Confidentiality Program Advisory Council.

Sec. 23. (1) The department of the attorney general shall establish an address confidentiality program advisory council composed of the following members: (a) The attorney general, or his or her designee. (b) The director of the department of technology, management, and budget, or his or her designee. (c) The secretary of state, or his or her designee. (d) The executive director of the Michigan Coalition to End Domestic and Sexual Violence, or his or her designee. (e) The executive director of the Michigan domestic and sexual violence prevention and treatment board, or his or her designee. (f) A representative of the state court administrative office. (g) A representative of a unit of local government. (2) Not later than 4 years after the effective date of this act, the first meeting of the advisory council must be called by the member described under subsection (1)(a). (3) Except as provided in subsection (6), information collected by the advisory council under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (4) The advisory council shall not deliberate toward or render a decision on public policy, and a meeting of the advisory council is not a meeting of a public body under the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. (5) Members of the advisory council shall serve without compensation. However, members of the advisory council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the advisory council. (6) The advisory council shall study the operations of and evaluate the program, and prepare and submit a report to the legislature of the findings. The advisory council shall not include in the report the name, confidential address, telephone number, or electronic mail address of a program participant or any other information that could reasonably be expected to identify a program participant. The report submitted under this subsection must be made available to the public in compliance with the

freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. History:2020, Act 301, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 309 of 2006 - Self-Defense Act (780.971 - 780.974)Section 780.971 - Short Title.

Sec. 1. This act shall be known and may be cited as the "self-defense act". History:2006, Act 309, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 309 of 2006 - Self-Defense Act (780.971 - 780.974)Section 780.972 - Use of Deadly Force by Individual Not Engaged in Commission of Crime; Conditions.

Sec. 2. (1) An individual who has not or is not engaged in the commission of a crime at the time he or she uses deadly force may use deadly force against another individual anywhere he or she has the legal right to be with no duty to retreat if either of the following applies: (a) The individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual. (b) The individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or of another individual. (2) An individual who has not or is not engaged in the commission of a crime at the time he or she uses force other than deadly force may use force other than deadly force against another individual anywhere he or she has the legal right to be with no duty to retreat if he or she honestly and reasonably believes that the use of that force is necessary to defend himself or herself or another individual from the imminent unlawful use of force by another individual. History:2006, Act 309, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 309 of 2006 - Self-Defense Act (780.971 - 780.974)Section 780.973 - Duty to Retreat; Effect of Act on Common Law.

Sec. 3. Except as provided in section 2, this act does not modify the common law of this state in existence on October 1, 2006 regarding the duty to retreat before using deadly force or force other than deadly force. History:2006, Act 309, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 309 of 2006 - Self-Defense Act (780.971 - 780.974)Section 780.974 - Right to Use Deadly Force; Effect of Act on Common Law.

Sec. 4. This act does not diminish an individual's right to use deadly force or force other than deadly force in self-defense or defense of another individual as provided by the common law of this state in existence on October 1, 2006. History:2006, Act 309, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 310 of 2006 - Deadly Force (780.961 - 780.961)Section 780.961 - Use of Deadly Force or Force Other Than Deadly Force; Establishing Evidence That Individual's Actions Not Justified.

Sec. 1. (1) An individual who uses deadly force or force other than deadly force in compliance with section 2 of the self-defense act and who has not or is not engaged in the commission of a crime at the time he or she uses that deadly force or force other than deadly force commits no crime in using that deadly force or force other than deadly force. (2) If a prosecutor believes that an individual used deadly force or force other than deadly force that is unjustified under section 2 of the self-defense act, the prosecutor may charge the individual with a crime arising from that use of deadly force or force other than deadly force and shall present evidence to the judge or magistrate at the time of warrant issuance, at the time of any preliminary examination, and at the time of any trial establishing that the individual's actions were not justified under section 2 of the self-defense act. History:2006, Act 310, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 311 of 2006 - Presumption Regarding Self-Defense (780.951 - 780.951)Section 780.951 - Individual Using Deadly Force or Force Other Than Deadly Force; Presumption; Definitions.

Sec. 1. (1) Except as provided in subsection (2), it is a rebuttable presumption in a civil or criminal case that an individual who uses deadly force or force other than deadly force under section 2 of the self-defense act has an honest and reasonable belief that imminent death of, sexual assault of, or great bodily harm to himself or herself or another individual will occur if both of the following apply: (a) The individual against whom deadly force or force other than deadly force is used is in the process of breaking and entering a dwelling or business premises or committing home invasion or has broken and entered a dwelling or business premises or committed home invasion and is still present in the dwelling or business premises, or is unlawfully attempting to remove another individual from a dwelling, business premises, or occupied vehicle against his or her will. (b) The individual using deadly force or force other than deadly force honestly and reasonably believes that the individual is engaging in conduct described in subdivision (a). (2) The presumption set forth in subsection (1) does not apply if any of the following circumstances exist: (a) The individual against whom deadly force or force other than deadly force is used, including an owner, lessee, or titleholder, has the legal right to be in the dwelling, business premises, or vehicle and there is not an injunction for protection from domestic violence or a written pretrial supervision order, a probation order, or a parole order of no contact against that person. (b) The individual removed or being removed from the dwelling, business premises, or occupied vehicle is a child or grandchild of, or is otherwise in the lawful custody of or under the lawful guardianship of, the individual against whom deadly force or force other than deadly force is used. (c)

The individual who uses deadly force or force other than deadly force is engaged in the commission of a crime or is using the dwelling, business premises, or occupied vehicle to further the commission of a crime. (d) The individual against whom deadly force or force other than deadly force is used is a peace officer who has entered or is attempting to enter a dwelling, business premises, or vehicle in the performance of his or her official duties in accordance with applicable law. (e) The individual against whom deadly force or force other than deadly force is used is the spouse or former spouse of the individual using deadly force or force other than deadly force, an individual with whom the individual using deadly force or other than deadly force has or had a dating relationship, an individual with whom the individual using deadly force or other than deadly force has had a child in common, or a resident or former resident of his or her household, and the individual using deadly force or other than deadly force has a prior history of domestic violence as the aggressor. (3) As used in this section: (a) "Domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501. (b) "Business premises" means a building or other structure used for the transaction of business, including an appurtenant structure attached to that building or other structure. (c) "Dwelling" means a structure or shelter that is used permanently or temporarily as a place of abode, including an appurtenant structure attached to that structure or shelter. (d) "Law enforcement officer of a Michigan Indian tribal police force" means a regularly employed member of a police force of a Michigan Indian tribe who is appointed pursuant to former 25 CFR 12.100 to 12.103. (e) "Michigan Indian tribe" means a federally recognized Indian tribe that has trust lands located within this state. (f) "Peace officer" means any of the following: (i) A regularly employed member of a law enforcement agency authorized and established pursuant to law, including common law, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state. Peace officer does not include a person serving solely because he or she occupies any other office or position. (ii) A law enforcement officer of a Michigan Indian tribal police force. (iii) The sergeant at arms or any assistant sergeant at arms of either house of the legislature who is commissioned as a police officer by that respective house of the legislature as provided by the legislative sergeant at arms police powers act, 2001 PA 185, MCL 4.381 to 4.382. (iv) A law enforcement officer of a multicounty metropolitan district. (v) A county prosecuting attorney's investigator sworn and fully empowered by the sheriff of that county. (vi) Until December 31, 2007, a law enforcement officer of a school district in this state that has a membership of at least 20,000 pupils and that includes in its territory a city with a population of at least 180,000 as of the most recent federal decennial census. (vii) A fire arson investigator from a fire department within a city with a population of not less than 750,000 who is sworn and fully empowered by the city chief of police. (viii) A security employee employed by the state pursuant to section 6c of 1935 PA 59, MCL 28.6c. (ix) A motor carrier officer appointed pursuant to section 6d of 1935 PA 59, MCL 28.6d. (x) A police officer or public safety officer of a community college, college, or university who is authorized by the governing board of that community college, college, or university to enforce state law and the rules and ordinances of that community college, college, or university. (g) "Vehicle" means a conveyance of any kind, whether or not motorized, that is designed to transport people or property. History:2006, Act 311, Eff. Oct. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 44 of 1961 - Release of Misdemeanor Prisoners (780.581 - 780.588)Section 780.581 - Taking Person Arrested Without Warrant for Misdemeanor or Violation of Ordinance Before Magistrate; Bond; Receipt; Holding Certain Arrested Persons in Holding Cell, Holding Center, Lockup, or County Jail; “Political Subdivision” Defined.

Sec. 1. (1) If a person is arrested without a warrant for a misdemeanor or a violation of a city, village, or township ordinance, and the misdemeanor or violation is punishable by imprisonment for not more than 1 year, or by a fine, or both, the officer making the arrest shall take, without unnecessary delay, the person arrested before the most convenient magistrate of the county in which the offense was committed to answer to the complaint. (2) Except as otherwise provided in section 2a, if a magistrate is not available or immediate trial cannot be had, the person arrested may deposit with the arresting officer or the direct supervisor of the arresting officer or department, or with the sheriff or a deputy in charge of the county jail if the person arrested is lodged in the county jail, an interim bond to guarantee his or her appearance. The bond shall be a sum of money, as determined by the officer who accepts the bond, not to exceed the amount of the maximum possible fine but not less than 20% of the amount of the minimum possible fine that may be imposed for the offense for which the person was arrested. The person shall be given a receipt as provided in section 3. (3) If, in the opinion of the arresting officer or department, the arrested person is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, is wanted by police authorities to answer to another charge, is unable to establish or demonstrate his or her identity, or it is otherwise unsafe to release him or her, the arrested person shall be held at the place specified in subsection (4) until he or she is in a proper condition to be released, or until the next session of court. (4) For purposes of subsection (3), if the person is arrested in a political subdivision that has a holding cell, holding center, or lockup, the person shall be held in that holding cell, holding center, or lockup. However, if that holding facility is at capacity then the person may be held in a holding cell, holding center, or lockup willing to accept the prisoner. If the person is arrested in a political subdivision that does not have a holding cell, holding center, or lockup, the person shall be held in a holding cell, holding center, or lockup willing to accept the prisoner or in the county jail. As used in this subsection, "political subdivision" means a city, village, or township. History:1961, Act 44, Imd. Eff. May 20, 1961 ;-- Am. 1970, Act 157, Eff. Apr. 1, 1971 ;-- Am. 1983, Act 61, Eff. Mar. 29, 1984 ;-- Am. 1985, Act 149, Imd. Eff. Nov. 12, 1985 ;-- Am. 1990, Act 308, Eff. Mar. 28, 1991

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 44 of 1961 - Release of Misdemeanor Prisoners (780.581 - 780.588)Section 780.582 - Arrest With Warrant for Misdemeanor or Violation of Ordinance; Penalty; Interim

Bond.

Sec. 2. Except as otherwise provided in section 2a, if a person is arrested with a warrant for a misdemeanor or a violation of a city, village, or township ordinance, and the misdemeanor or violation is punishable by imprisonment for not more than 1 year or by a fine, or both, the provisions of section 1 shall apply, except that the interim bond shall be directed to the magistrate who has signed the warrant, or to any judge authorized to act in his or her stead. History:1961, Act 44, Imd. Eff. May 20, 1961 ;-- Am. 1970, Act 157, Eff. Apr. 1, 1971 ;-- Am. 1990, Act 308, Eff. Mar. 28, 1991

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 44 of 1961 - Release of Misdemeanor Prisoners (780.581 - 780.588)Section 780.582a - Holding Period; Protective or Release Conditions.

Sec. 2a. (1) A person shall not be released on an interim bond as provided in section 1 or on his or her own recognizance as provided in section 3a, but shall be held until he or she can be arraigned or have interim bond set by a judge or district court magistrate if either of the following applies: (a) The person is arrested without a warrant under section 15a of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15a, or a local ordinance substantially corresponding to that section. (b) The person is arrested with a warrant for a violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or a local ordinance substantially corresponding to section 81 of that act and the person is a spouse or former spouse of the victim of the violation, has or has had a dating relationship with the victim of the violation, has had a child in common with the victim of the violation, or is a person who resides or has resided in the same household as the victim of the violation. As used in this subdivision, "dating relationship" means that term as defined in section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950. (2) If a judge or district court magistrate sets interim bond under this section, the judge or magistrate shall consider and may impose the condition that the person released shall not have or attempt to have contact of any kind with the victim. (3) If a judge or district court magistrate releases under this section a person subject to protective conditions, the judge or district court magistrate shall inform the person on the record, either orally or by a writing that is personally delivered to the person, of the specific conditions imposed and that if the person violates a condition of release, he or she will be subject to arrest without a warrant and may have his or her bond forfeited or revoked and new conditions of release imposed, in addition to any other penalties that may be imposed if he or she is found in contempt of court. (4) An order or amended order issued under subsection (3) shall contain all of the following: (a) A statement of the person's full name. (b) A statement of the person's height, weight, race, sex, date of birth, hair color, eye color, and any other identifying information the judge or district court magistrate considers appropriate. (c) A statement of the date the conditions become effective. (d) A statement of the date on which the order will expire. (e) A statement of the conditions imposed, including, but not limited to, the condition prescribed in subsection (3). (5) The judge or district court magistrate shall immediately direct a law enforcement agency within the jurisdiction of the court, in writing, to enter an order or amended order issued under subsection (3) into the law enforcement information network as provided by the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216. If the order or amended order is rescinded, the judge or district court magistrate shall immediately order the law enforcement agency to remove the order or amended order from the law enforcement information network. (6) A law enforcement agency within the jurisdiction of the court shall immediately enter an order or amended order into the law enforcement information network as provided by the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216, or shall remove the order or amended order from the law enforcement information network upon expiration of the order or as directed by the court under subsection (5). (7) This section does not limit the authority of judges or district court magistrates to impose protective or other release conditions under other applicable statutes or court rules. History:Add. 1990, Act 308, Eff. Mar. 28, 1991 ;-- Am. 2001, Act 198, Eff. Apr. 1, 2002

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 44 of 1961 - Release of Misdemeanor Prisoners (780.581 - 780.588)Section 780.583 - Deposit of Interim Bond; Form of Receipt; Forfeiture; Waiver; Order; Warrant.

Sec. 3. (1) If an arrested person deposits an interim bond pursuant to section 1, the officer accepting the bond shall give a receipt to the person for the money deposited with him or her on a form as follows:DateReceived fromthe sum ofDollars as cash bail to assure the appearance ofbeforeDistrict Court Judge (or MunicipalJudge) for, aton theday of, 19 ,to answer to a charge of .If the accused fails to appear at the time and place specified above and to submit to the jurisdiction of the court and stand to and abide by any order of the court, the sum specified above shall be forfeited to the state or the arresting political subdivision. By depositing this money and accepting this receipt the accused waives any claim to the money following forfeiture.OfficerDept.(2) If the accused fails to appear as required in the interim bond receipt, the court shall order the bond forfeited as in cases of default in bail. In addition, the court may issue a warrant upon a signed complaint for the arrest of the accused or a bench warrant for the further appearance of the accused. History:1961, Act 44, Imd. Eff. May 20, 1961 ;-- Am. 1970, Act 157, Eff. Apr. 1, 1971 ;-- Am. 1990, Act 308, Eff. Mar. 28, 1991

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 44 of 1961 - Release of Misdemeanor Prisoners (780.581 - 780.588)Section 780.583a - Release on Own Recognizance; Interim Bond Receipt.

Sec. 3a. Except as otherwise provided in section 2a, if an arrest is made on a misdemeanor warrant from another county, the arresting officer may release the arrested person on his or her own recognizance. An interim bond receipt as provided in section 3 shall be executed. On the face of the receipt shall be written "released on own recognizance". History:Add. 1970, Act 157, Eff. Apr.

1, 1971 ;-- Am. 1990, Act 308, Eff. Mar. 28, 1991

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 44 of 1961 - Release of Misdemeanor Prisoners (780.581 - 780.588)Section 780.584 - Officer Taking Deposit; Report; Embezzlement.

Sec. 4. Every officer taking a deposit under this act within 48 hours thereafter or at the next session of court shall deposit the same with the magistrate named in the receipt form, together with the facts relating to such arrest, and failure to make such report and deposit such money shall be deemed embezzlement of public money. History:1961, Act 44, Imd. Eff. May 20, 1961

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 44 of 1961 - Release of Misdemeanor Prisoners (780.581 - 780.588)Section 780.585 - Magistrate; Change of Bond Amounts.

Sec. 5. In cases arising under section 2 of this act, the magistrate issuing the warrant may endorse on the back thereof a greater or a lesser amount for an interim bond. History:1961, Act 44, Imd. Eff. May 20, 1961 ;-- Am. 1970, Act 157, Eff. Apr. 1, 1971

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 44 of 1961 - Release of Misdemeanor Prisoners (780.581 - 780.588)Section 780.586 - Interim Bond; Purpose; Change of Amount on Arraignment.

Sec. 6. Cash bonds accepted under this act shall be known as interim bonds, and shall be for the purpose of securing the defendant's arraignment in court, at which time said court may continue said bond for further proceedings, or may require a property bond or a cash bond in a greater or lesser amount. History:1961, Act 44, Imd. Eff. May 20, 1961 ;-- Am. 1970, Act 157, Eff. Apr. 1, 1971

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 44 of 1961 - Release of Misdemeanor Prisoners (780.581 - 780.588)Section 780.587 - Traffic Offenses Not Affected.

Sec. 7. The provisions of this act shall not affect section 728 of Act No. 300 of the Public Acts of 1949, as amended, being section 257.728 of the Compiled Laws of 1948. History:1961, Act 44, Imd. Eff. May 20, 1961 ;-- Am. 1970, Act 157, Eff. Apr. 1, 1971

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 44 of 1961 - Release of Misdemeanor Prisoners (780.581 - 780.588)Section 780.588 - Repeal.

Sec. 8. Section 13 of chapter 4 of Act No. 175 of the Public Acts of 1927, as amended, being section 764.13 of the Compiled Laws of 1948, is hereby repealed. History:1961, Act 44, Imd. Eff. May 20, 1961

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 620 of 1978 - Appellate Defender Act (780.711 - 780.719)Section 780.711 - Short Title.

Sec. 1. This act shall be known and may be cited as the "appellate defender act". History:1978, Act 620, Imd. Eff. Jan. 6, 1979

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 620 of 1978 - Appellate Defender Act (780.711 - 780.719)Section 780.711a - Definitions.

Sec. 1a. As used in this act: (a) "Adult" means either of the following: (i) An individual who is eligible to appeal a criminal conviction or exercise any other postconviction remedy. (ii) An individual who is eligible to appeal an order issued under section 2d or 4 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d and 712A.4. (b) "Indigent" means that term as defined in section 3 of the Michigan indigent defense commission act, 2013 PA 93, MCL 780.983. (c) "Indigent defense system" or "system" means either of the following: (i) The local unit of government that funds a trial court. (ii) If a trial court is funded by more than 1 local unit of government, those local units of government, collectively. (d) "Local contribution" means an indigent defense system's average annual expenditure for attorney fees and expenses during the first 3 full fiscal years in which the system has complied with the standard procedure established under section 8a(2), excluding expenditures reimbursed under section 8a(4). If the Consumer Price Index has increased since November 1 of the prior state fiscal year, the local contribution must be adjusted by that percentage or 3%, whichever is less. (e) "Youth" means an individual who is eligible to appeal an order issued under section 2(a), (d), or (h) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2. History:Add. 2023, Act 299, Eff. Oct. 1, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 620 of 1978 - Appellate Defender Act (780.711 - 780.719)Section 780.712 - Appellate Defender Commission; Creation; Appointment, Qualifications, and Terms of Members; Compensation and Expenses; Development of System of Appellate Defense Services; Development and Adoption of Minimum Standards; Roster of Attorneys; Appointment; Continuing Legal Education Training Program.

Sec. 2. (1) An appellate defender commission is created within the office of the state court administrator. The appellate defender commission consists of 9 members appointed by the governor for terms of 4 years. The members of the commission must be determined as follows: (a) Two members must be recommended by the supreme court of this state. (b) One member must be recommended by the court of appeals of this state. (c) One member must be recommended by the Michigan Judges Association. (d) Two members must be recommended by the State Bar of Michigan. (e) One member must be recommended by the Michigan Indian Judicial Association. (f) Two members who are not attorneys must be selected from the general public by the governor to represent the interests of individuals who have been impacted by the youth or adult justice system. (g) A member appointed to the commission

under subdivisions (a) to (f) shall not be, at the time of appointment, a sitting judge, a prosecuting attorney, or a law enforcement officer. (2) Initially 4 members of the commission shall be appointed for terms of 4 years and 1 member each for terms of 1, 2, and 3 years respectively. (3) Members of the commission shall not receive a salary in that capacity but must be reimbursed for their reasonable actual and necessary expenses by the state treasurer upon the warrant of the state treasurer. (4) The commission shall be responsible for the development of both of the following: (a) A system of appellate defense services for indigent adults. (b) A system of appellate defense services for indigent youth. (5) Both of the systems described in subsection (4) must include services provided by both of the following: (a) The office of the state appellate defender created in section 3. (b) Locally appointed private counsel. (6) The commission shall be responsible for the development of minimum standards to which all indigent appellate defense services for adults and youth shall conform. Whenever the commission deems it advisable, the commission shall submit proposed standards to the supreme court. Upon approval of the proposed standards by the supreme court, the commission shall adopt the standards. (7) The commission shall compile and keep current both of the following: (a) A statewide roster of attorneys eligible for, and willing to accept, appointment to serve as appellate defense counsel for indigent adults. (b) A statewide roster of attorneys eligible for, and willing to accept, appointment to serve as appellate defense counsel for indigent youth. (8) The appointment of appellate defense services for indigent adults and youth must be made from the applicable roster described in subsection (7), or referred to the office of the state appellate defender. (9) The commission shall provide a continuing legal education training program for its staff and the private attorneys who appear on the rosters described in subsection (7). History:1978, Act 620, Imd. Eff. Jan. 6, 1979 ;-- Am. 2023, Act 299, Eff. Oct. 1, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 620 of 1978 - Appellate Defender Act (780.711 - 780.719)Section 780.713 - Appellate Defender; Appointment; Dismissal; Duties.

Sec. 3. (1) An appellate defender shall be appointed and serve at the pleasure of the appellate defender commission. An appellate defender shall not be dismissed except for cause determined after a hearing. Dismissal shall require a majority vote of the commission. (2) The appellate defender shall appoint and supervise the work of a deputy appellate defender and assistant appellate defenders and supporting personnel as authorized by the commission. History:1978, Act 620, Imd. Eff. Jan. 6, 1979

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 620 of 1978 - Appellate Defender Act (780.711 - 780.719)Section 780.714 - Appellate Defender, Deputy Appellate Defender, and Assistant Appellate Defender; Qualifications, Duties, and Restrictions; Court Employees.

Sec. 4. (1) An individual shall not serve as an appellate defender, deputy appellate defender, or assistant appellate defender unless the individual is an attorney licensed to practice law in this state. (2) The appellate defender, the deputy appellate defender, and each assistant appellate defender shall do all of the following: (a) Take and subscribe to the oath required by the constitution before taking office. (b) Perform duties as may be provided by law. (c) Represent the following individuals: (i) An indigent adult only subsequent to a conviction or entry of a guilty plea or plea of nolo contendere at the trial court level. (ii) An indigent youth only subsequent to an appealable order. (3) The appellate defender and the deputy appellate defender shall not engage in the practice of law or as an attorney or counselor in a court of this state except in the exercise of the duties prescribed by this act. (4) For purposes of this act, the appellate defender, the deputy appellate defender, each assistant appellate defender, and support personnel are considered court employees and are not classified civil service employees. History:1978, Act 620, Imd. Eff. Jan. 6, 1979 ;-- Am. 2023, Act 299, Eff. Oct. 1, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 620 of 1978 - Appellate Defender Act (780.711 - 780.719)Section 780.715 - Salaries and Expenses; Post Audits; Space and Equipment.

Sec. 5. (1) The salaries of the appellate defender, deputy appellate defender, assistant appellate defenders, and supporting personnel shall be established by the commission. (2) The appellate defender, deputy appellate defender, assistant appellate defenders, and supporting personnel shall be reimbursed for their reasonable actual and necessary expenses by the state treasurer upon the warrant of the state treasurer. (3) Salaries and expenses attributable to the office of appellate defender shall be paid out of funds available for those purposes in accordance with the accounting laws of this state. The auditor general, under authority of section 53 of article 4 of the state constitution of 1963, shall perform post audits utilizing the same policies and criteria that are used to audit executive branch agencies. (4) Within appropriations provided by law, the department of management and budget shall provide the office of appellate defender with suitable space and equipment in the city of Detroit and at other locations the commission considers necessary. History:1978, Act 620, Imd. Eff. Jan. 6, 1979

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 620 of 1978 - Appellate Defender Act (780.711 - 780.719)Section 780.716 - Appellate Defender; Duties Generally.

Sec. 6. The appellate defender shall do all of the following: (a) Conduct an appeal of a felony conviction or conduct other postconviction remedies on behalf of an indigent adult for whom the appellate defender is assigned as attorney. (b) Conduct an appeal of an order or conduct other appropriate postdisposition remedies on behalf of an indigent youth for whom the appellate defender is assigned as attorney. (c) Provide investigatory and other services necessary for a complete appellate review or appropriate postconviction or postdisposition remedy, as applicable. (d) Accept only that number of assignments and maintain a

caseload which will ensure quality appellate defense services for indigent adults and youth consistent with the funds appropriated by the state. However, the number of cases assigned to the appellate defender office must not be less than 25% of the total appellate defense cases for indigent adults and youth pending before the appellate courts of this state. (e) Maintain a repository of briefs prepared by the appellate defender and make those briefs available to private attorneys providing appellate defense services for indigent adults and youth. (f) Perform other duties required by law as directed by the commission. History:1978, Act 620, Imd. Eff. Jan. 6, 1979 ;-- Am. 2023, Act 299, Eff. Oct. 1, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 620 of 1978 - Appellate Defender Act (780.711 - 780.719)Section 780.717 - Special Assistant Appellate Defenders; Appointment; Duties; Payment on Contract Basis; Practice of Law Not Restricted.

Sec. 7. (1) The appellate defender may appoint special assistant appellate defenders to do any of the following: (a) Represent indigent adults or otherwise assist in the representation of indigent adults at any stage of appellate or postconviction proceedings, upon rules adopted by the commission. (b) Represent indigent youth or otherwise assist in the representation of indigent youth at any stage of appellate proceedings, upon rules adopted by the commission. (2) A special assistant appellate defender shall be paid on a contract basis approved by the commission within funds available to the commission. (3) A special assistant appellate defender is not subject to the restrictions on the practice of law applicable to the appellate defender, deputy appellate defender, and assistant appellate defender under section 4. History:1978, Act 620, Imd. Eff. Jan. 6, 1979 ;-- Am. 2023, Act 299, Eff. Oct. 1, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 620 of 1978 - Appellate Defender Act (780.711 - 780.719)Section 780.718 - Office of Appellate Defender; Funding.

Sec. 8. The office of the appellate defender shall be funded in the following manner: (a) The legislature may annually appropriate funds necessary to insure the continued operation of the appellate defender commission and the office of the appellate defender. (b) The appellate defender commission may receive grants from the federal government, from private or public foundations, or from any person whether individual or corporate. (c) The cost of any transcript shall be borne by the county. History:1978, Act 620, Imd. Eff. Jan. 6, 1979

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 620 of 1978 - Appellate Defender Act (780.711 - 780.719)Section 780.718a - Indigent Defense System; Fees and Expenses; Standard Procedures; Reimbursement.

Sec. 8a. (1) An indigent defense system is responsible for the payment of reasonable fees and expenses for the services provided by locally appointed private counsel under section 2. (2) The commission shall establish a standard procedure for both of the following: (a) The payment of locally appointed private counsel by indigent defense systems as described in subsection (1). (b) The reimbursement of indigent defense systems as described in subsection (4). (3) The standard procedure established under subsection (2)(a) must include rates and policies that are consistent with the standards established under section 11(2)(b) of the Michigan indigent defense commission act, 2013 PA 93, MCL 780.991. (4) Subject to appropriation, if an indigent defense system pays locally appointed private counsel under subsection (2) pursuant to the rates and policies established under subsection (3), the state shall reimburse the system for 1/2 of the expenditures of the system. After a system has complied with subsection (2) for 3 full fiscal years, the state shall reimburse the system for all expenditures exceeding the system's local contribution. It is the intent of the legislature to fully fund this reimbursement. History:Add. 2023, Act 299, Eff. Oct. 1, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 620 of 1978 - Appellate Defender Act (780.711 - 780.719)Section 780.719 - Record; Report.

Sec. 9. The appellate defender shall keep a record of services rendered and expenses incurred and shall annually file a report of those services, expenses, and warrants with the commission and the legislature. History:1978, Act 620, Imd. Eff. Jan. 6, 1979

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.151 - Short Title.

Sec. 1. This act shall be known and may be cited as the "revised uniform reciprocal enforcement of support act". History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.152 - Purposes of Act; Construction.

Sec. 2. (1) The purposes of this act are to improve, extend, and make uniform by reciprocal legislation the enforcement of duties of support. (2) This act shall be construed to effectuate its general purpose to make uniform the law of those states which enact comparable legislation. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.153 - Meanings of Words and Phrases.

Sec. 3. For the purposes of this act, unless the context requires otherwise, the words and phrases defined in sections 3a and 3b have

the meanings ascribed to them in those sections. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1959, Act 191, Eff. Mar. 19, 1960 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.153a - Definitions; C to O.

Sec. 3a. (1) "Court" means the appropriate circuit court of this state and, when the context requires, means the appropriate court of any other state as defined in a substantially similar reciprocal law. (2) "Duty of support" means any duty of support owed to an obligee whether imposed or imposable by law or by order, decree, or judgment of any court, whether temporary or final or whether incidental to an action for divorce, separation, separate maintenance, or otherwise and includes the duty to pay arrearages of support past due and unpaid. "Duty of support" also includes the duty to reimburse a state or political subdivision for support furnished to an obligee. (3) "Foreign support order" means a support order issued by a state other than Michigan. (4) "Governor" means any person performing the functions of governor or the executive authority of any state covered by this or a substantially reciprocal law. (5) "Initiating court" means the court in which a proceeding is commenced. (6) "Initiating state" means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced. (7) "Interstate central registry" means the entity in a state that is established pursuant to federal regulation and that is responsible for receiving, reviewing, forwarding, and responding to inquiries about interstate child support actions. (8) "Law" means both common and statutory law. (9) "Obligee" means a person, including a state or political subdivision, to whom a duty of support is owed or a person, including a state or political subdivision, who has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance. (10) "Obligor" means any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced. (11) "Office of the friend of the court" means the agency created in section 3 of Act No. 294 of the Public Acts of 1982, being section 552.503 of the Michigan Compiled Laws. History:Add. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.153b - Definitions; P to S.

Sec. 3b. (1) "Prosecuting attorney" means the public official in the appropriate jurisdiction who has the duty to enforce criminal laws relating to the failure to provide for the support of a person. (2) "Register" means to file in the registry of foreign support orders. (3) "Registering court" means a court of this state in which a support order of a rendering state is registered. (4) "Rendering state" means a state in which a court has issued a support order for which registration is sought or granted in a court of another state. (5) "Responding court" means the court in which a responsive proceeding is commenced. (6) "Responding state" means a state in which a responsive proceeding pursuant to the proceeding in the initiating state is commenced. (7) "State" includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a foreign jurisdiction in which this or a substantially similar reciprocal law is in effect. (8) "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236. (9) "Support order" means a judgment, decree, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered. History:Add. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 1999, Act 155, Imd. Eff. Nov. 3, 1999

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.154 - Remedies Additional.

Sec. 4. The remedies herein provided are in addition to and not in substitution for any other remedies. History:1952, Act 8, Eff. Sept. 18, 1952

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.155 - Duties of Support Generally.

Sec. 5. Duties of support arising under the law of this state, when applicable under section 8, bind the obligor present in this state regardless of the presence or residence of the obligee. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.156 - Powers of Governor.

Sec. 6. The governor of this state may: (a) Demand of the governor of another state the surrender of a person found in that state who is charged in this state with the crime of failing to provide for the support of any person. (b) Surrender on demand by the governor of another state a person found in this state who is charged in that state with the crime of failing to provide for the support of any person. Provisions for extradition of criminals not inconsistent with this act apply to the demand even if the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and has not fled from the demanding state. The demand, the oath, and any proceedings for extradition pursuant to this section need not state nor show that the person whose surrender is demanded has fled from justice or, at the time of the commission of the crime, was in the demanding state.

History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.156a - Conditions to Making Demand Upon Governor; Delaying or Declining Honoring of Demand.

Sec. 6a. (1) Before making the demand upon the governor of another state for the surrender of a person charged criminally in this state with failing to provide for the support of a person, the governor of this state may require any prosecuting attorney of this state to satisfy him or her that at least 60 days prior thereto the obligee initiated proceedings for support under this act or that any proceeding would be of no avail. (2) If, under a substantially similar act, the governor of another state makes a demand upon the governor of this state for the surrender of a person charged criminally in that state with failure to provide for the support of a person, the governor of this state may require any prosecuting attorney to investigate the demand and to report to him or her whether proceedings for support have been initiated or would be effective. If it appears to the governor that a proceeding would be effective but has not been initiated, he or she may delay honoring the demand for a reasonable time to permit the initiation of a proceeding. (3) If proceedings have been initiated and the person demanded has prevailed in those proceedings, the governor may decline to honor the demand. If the obligee prevailed and the person demanded is subject to a support order, the governor may decline to honor the demand if the person demanded is complying with the support order. History:Add. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.157 - Obligor Relieved of Extradition; Requirements.

Sec. 7. Any obligor contemplated by sections 6 and 6a, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or nonsupport entered in the courts of this state during the period of such compliance. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.158 - Applicable Duties of Support; Presumption.

Sec. 8. Duties of support applicable under this act are those imposed or imposable under the laws of any state where the obligor was present for the period during which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1960, Act 55, Eff. Aug. 17, 1960 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.159 - Reimbursement of State or Political Subdivision.

Sec. 9. If a state or a political subdivision furnishes support to an individual obligee, it has the same right to initiate a proceeding under this act as the individual obligee for the purpose of securing reimbursement for support furnished and of obtaining continuing support. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.159a - Enforcement of Duties of Support; Defense of Immunity Not Available.

Sec. 9a. All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under this act including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor. History:Add. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.160 - Jurisdiction; Venue.

Sec. 10. (1) Jurisdiction of any proceeding in this state under this act is vested in the circuit court. (2) The proper venue if this state is acting as an initiating state is in the county in which the petitioner resides or in which a valid prior and existing support order has been issued. The proper venue if this state is acting as a responding state and a valid support order has been issued in this state is in the county in which the support order was issued. The proper venue if this state is acting as a responding state and a valid support order has not been issued in this state is in the county in which the obligor resides or is found. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1957, Act 147, Eff. Sept. 27, 1957 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.160a - Representation of Obligee by Prosecuting Attorney; Agreement to Transfer Prosecutor's Responsibilities; Conduct of Proceeding on Behalf of State.

Sec. 10a. (1) If this state is acting as an initiating state, the prosecuting attorney, upon the request of the state department of human services, shall represent the obligee in any proceeding under this act. (2) The prosecuting attorney and the department of human services may enter into an agreement to transfer the prosecutor's responsibilities under this act to 1 of the following: (a) The friend of the court, with the approval of the chief judge of the circuit court. (b) An attorney employed or contracted by the county under

section 1 of 1941 PA 15, MCL 49.71. (c) An attorney employed by, or under contract with, the department of human services. (3) A proceeding under this section is conducted on behalf of the state and not as the attorney for any other party. History:Add. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 2014, Act 371, Eff. Mar. 17, 2015

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.161 - Petition; Verification; Contents; Filing; Accepting or Forwarding Petition.

Sec. 11. (1) The petition shall be verified and shall state the name and, so far as known to the obligee, the address and circumstances of the obligor and the persons for whom support is sought and all other pertinent information. The obligee may include in or attach to the petition any information which may help in locating or identifying the obligor, including a photograph of the obligor, a description of any distinguishing marks on the obligor's person, other names and aliases by which the obligor has been or is known, the name of the obligor's employer, the obligor's fingerprints, or the obligor's social security number. (2) The petition may be filed in the appropriate court of any state in which the obligee resides. The court shall not decline or refuse to accept the petition, or if necessary, forward the petition pursuant to section 13a, on the ground that it should be filed with some other court of this or any other state because there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties or because another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.161a - Petition on Behalf of Minor Obligee; Execution and Filing.

Sec. 11a. A petition on behalf of a minor obligee may be executed and filed without appointment of the petitioner as guardian ad litem or next friend. History:Add. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.162 - Certification of Petition; Sending Forms Package and Copy of Act to Interstate Central Registry; Certification Requirements.

Sec. 12. If the initiating court finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and that a court of the responding state may obtain jurisdiction of the obligor or the obligor's property, the initiating court shall so certify and cause a completed forms package as required by federal regulation and 1 copy of this act, to be sent to the responding state's interstate central registry. Certification shall be in accordance with the requirements of the initiating state. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1959, Act 191, Eff. Mar. 19, 1960 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.162a - Belief That Obligor May Flee Jurisdiction; Procedure.

Sec. 12a. If the court of this state believes that the obligor may flee the jurisdiction, it may: (a) As an initiating court, request in its certificate that the responding court obtain the body of the obligor by appropriate process. (b) As a responding court, obtain the body of the obligor by appropriate process. The court may subsequently release the obligor upon the obligor's own recognizance or upon the obligor's giving a bond in an amount set by the court to assure the obligor's appearance at the hearing. History:Add. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.162b - Duties of Office of Child Support; Use of State Locator Service.

Sec. 12b. (1) The office of child support of the state department of human services is designated as the state information agency and the interstate central registry under this act, and it shall do all of the following: (a) Distribute copies of any amendments to the act and a statement of their effective date to all other state information agencies. (b) Maintain a list of each interstate central registry in the United States and its address, and provide the list to every prosecutor's office, every attorney employed or contracted under section 10a(2), and every office of the friend of the court in this state. (c) Maintain a supply of duplicated copies of this act, as amended, for the use of court officers in preparing cases to be forwarded to responding states. (d) Act generally as a clearing center for information and maintain general liaison with the council of state governments, law enforcement agencies, the legislature, other governmental or private agencies concerned with this act, and the public. (e) Forward to the court in this state that has proper venue, as determined under section 10, the petitions, certificates, and copies of the act it receives from courts or information agencies of other states. (2) If the state information agency does not know the location of the obligor or the obligor's property, the agency shall use its state locator service to obtain this information. History:Add. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1957, Act 147, Eff. Sept. 27, 1957 ;-- Am. 1959, Act 191, Eff. Mar. 19, 1960 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990 ;-- Am. 2014, Act 371, Eff. Mar. 17, 2015

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement

of Support Act (780.151 - 780.183)Section 780.163 - Court Acting as Responding Court; Docketing Case; Notification; Jurisdiction by Court Over Obligor or Obligor's Property; Utilization of Child Support Formula.

Sec. 13. (1) When the court of this state, acting as a responding court, receives from the interstate central registry of this state copies of the petition, certificate, and act, the clerk of the court shall docket the case and notify the prosecuting attorney of the county, an attorney employed or contracted under section 10a(2), or the friend of the court, as applicable, who shall be charged with the duty of carrying on the proceedings. (2) The prosecuting attorney, an attorney employed or contracted under section 10a(2), or the friend of the court shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or the obligor's property. He or she shall prosecute the case diligently. (3) A party petitioning for child support under this act shall utilize as a guideline the child support formula developed under section 19 of the friend of the court act, 1982 PA 294, MCL 552.519. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990 ;-- Am. 2014, Act 371, Eff. Mar. 17, 2015

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.163a - Inability to Obtain Jurisdiction; Duties of Prosecuting Attorney, Attorney Employed or Contracted, or Friend of the Court; Forwarding Documents.

Sec. 13a. If, because of inaccuracies in the petition or otherwise, the court cannot obtain jurisdiction, the prosecuting attorney, an attorney employed or contracted under section 10a(2), or the friend of the court shall inform the court of what he or she has done to locate the obligor or the property of the obligor and request the court to continue the case pending receipt of more accurate information or an amended petition from the court of the initiating state. If the prosecuting attorney, an attorney employed or contracted under section 10a(2), or the friend of the court discovers that the proper venue is in another county of this state or that the obligor or the property of the obligor may be found in another state, he or she shall so inform the court. The clerk of the court in the responding state shall forward the documents received from the initiating state to the court of proper venue in this state, or, upon approval of the initiating state, to the interstate central registry of the state in which the obligor or the property of the obligor can be located with a request that the documents be forwarded to the proper court. All powers and duties provided by this act apply to the recipient of the documents forwarded under this section. If the clerk of a court of the responding state forwards documents to another court, he or she shall immediately notify the court of the initiating state. If a prosecuting attorney, an attorney employed or contracted under section 10a(2), or the friend of the court does not have any information as to the location of the obligor or the property of the obligor, he or she shall inform the court of the initiating state of that fact. History:Add. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1957, Act 147, Eff. Sept. 27, 1957 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990 ;-- Am. 2014, Act 371, Eff. Mar. 17, 2015

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.163b - Manner of Conducting Proceedings.

Sec. 13b. The court, except as provided otherwise in this act, shall conduct proceedings under this act in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed. History:Add. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.163c - Evidence as to Duty of Support.

Sec. 13c. If the obligee is not present at the hearing and the obligor offers evidence constituting a defense which the court does not consider frivolous, upon the request of either party, the court shall continue the hearing to permit evidence relative to the duty of support. The evidence may be adduced by either party by deposition, interrogatories, or affidavits. History:Add. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.164 - Support Order; Payments; Amount; Deviation From Formula.

Sec. 14. (1) If the court of this state when acting as a responding court finds a duty of support, the court may order the obligor to furnish support and subject the property of the obligor to the order. The support order shall require that payments be made to the office of the friend of the court or the state disbursement unit, as appropriate. (2) Except as otherwise provided in this section, the court shall order support in an amount determined by application of the child support formula developed by the state friend of the court bureau. The court may enter an order that deviates from the formula if the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following: (a) The support amount determined by application of the child support formula. (b) How the support order deviates from the child support formula. (c) The value of property or other support awarded in lieu of the payment of child support, if applicable. (d) The reasons why application of the child support formula would be unjust or inappropriate in the case. (3) Subsection (2) does not prohibit the court from entering a support order that is agreed to by the parties and that deviates from the child support formula, if the requirements of subsection (2) are met. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 1989, Act 279, Imd. Eff. Dec. 26, 1989 ;-- Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990 ;-- Am. 1999, Act 155, Imd. Eff. Nov. 3,

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.165 - Sending Copy of Support Order to Initiating Court.

Sec. 15. The court of this state when acting as a responding court shall cause a copy of all support orders to be sent to the initiating court. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.166 - Terms and Conditions Assuring Compliance; Enforcement of Support Order.

Sec. 16. (1) In addition to the foregoing powers, the court of this state when acting as a responding court may subject the obligor to any terms and conditions proper to assure compliance with its orders. (2) A support order entered by the court of this state when acting as a responding court shall be enforceable as provided in the support and parenting time enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1955, Act 161, Imd. Eff. June 7, 1955 ;-- Am. 1966, Act 232, Eff. Jan. 1, 1967 ;-- Am. 1985, Act 45, Imd. Eff. June 14, 1985 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 1996, Act 4, Eff. June 1, 1996

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.166a - Adjudicating Issue of Paternity.

Sec. 16a. The court of this state when acting as a responding court may adjudicate the issue of paternity if both of the following apply: (a) Paternity has not been legally acknowledged, previously adjudicated, or established by marriage. (b) The obligor asserts as a defense that he is not the father of the child for whom support is sought. History:Add. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.167 - Duties of Court Carried Out Through Office of Friend of Court.

Sec. 17. The court of this state, when acting as a responding court, has the following duties which may be carried out through the office of the friend of the court: (a) To transmit to the initiating court any payment made by the obligor pursuant to any order of the court or otherwise. (b) To furnish to the initiating court upon request a certified statement of all payments made by the obligor. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.168 - Receipt and Disbursement of Payments; Valid Prior and Existing Support Order; Carrying Out Duties.

Sec. 18. (1) Except as provided in subsection (2), the court of this state, when acting as an initiating court, shall receive and disburse immediately all payments made by the obligor or sent by the responding court. (2) If a valid prior and existing support order has been issued from a court of this state other than the initiating court, the initiating court shall transfer the order to furnish support to the court that issued the valid prior and existing court order and shall inform the court of the responding state of its action. The court that issued the valid prior and existing court order shall receive and disburse immediately all payments made by the obligor or sent by the responding court. (3) The duties described in subsections (1) and (2) may be carried out through the office of the friend of the court, the clerk of the court, or the state disbursement unit, as appropriate. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 1999, Act 155, Imd. Eff. Nov. 3, 1999

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.169 - Husband and Wife; Privilege Against Disclosure Inapplicable; Competent Witnesses; Compelling Testimony.

Sec. 19. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.169a - Pending or Prior Action or Proceeding; Hearing; Issuance of Support Order Pendente Lite; Bond; Conforming Support Order to Amount Allowed in Other Action or Proceeding; Staying Enforcement Prohibited.

Sec. 19a. A responding court shall not stay the proceeding or refuse a hearing under this act because of any pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody in this or any other state. The court shall hold a hearing and may issue a support order pendente lite and it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other pending action or proceeding is concluded before the hearing in the instant proceeding and the judgment in the other action or proceeding provides for the support demanded in the petition being heard, the

court must conform its support order to the amount allowed in the other action or proceeding and shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding. History:Add. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.170 - Fees and Costs.

Sec. 20. An initiating court shall not require payment of either a filing fee or other costs from the obligee but may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of a filing fee or other costs from the obligee, but it may direct that all fees and costs requested by the initiating court and incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service, or other service supplied to the obligor, be paid in whole or in part by the obligor or by the county. These costs or fees do not have priority over amounts due to the obligee. History:1952, Act 8, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1957, Act 147, Eff. Sept. 27, 1957 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.171 - Nullification of Support Orders; Crediting Amounts Paid.

Sec. 21. A support order made by a court of this state pursuant to this act does not nullify and is not nullified by a support order made by a court of this state pursuant to any other law or by a support order made by a court of any other state pursuant to a substantially similar act or any other law, regardless of priority of issuance, unless otherwise specifically provided by the court. Amounts paid for a particular period pursuant to any support order made by the court of another state shall be credited against the amounts accruing or accrued for the same period under any support order made by the court of this state. History:Add. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1957, Act 147, Eff. Sept. 27, 1957 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.172 - Jurisdiction Not Conferred by Participation in Proceeding.

Sec. 22. Participation in any proceeding under this act does not confer jurisdiction upon any court over any of the parties to the proceeding in any other proceeding. History:Add. 1953, Act 202, Eff. Oct. 2, 1953 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.174 - Foreign State as Reciprocating State; Declaration; Revocation.

Sec. 24. Where the director of social services is satisfied that reciprocal provisions will be made by any foreign state for the enforcement in that foreign state of support orders made within this state, the director of social services, with the approval of the attorney general, may declare the foreign state to be a reciprocating state for the purpose of this act. Any such order may be revoked by the director of social services, and the state with respect to which the order was made shall then cease to be a reciprocating state for the purposes of this act. History:Add. 1959, Act 191, Eff. Mar. 19, 1960 ;-- Am. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.175 - Appeal.

Sec. 25. If the attorney general or the director of social services is of the opinion that a support order is erroneous and presents a question of law warranting an appeal in the public interest, the attorney general may, or the director of social services may request the attorney general to, do either of the following: (a) Perfect an appeal to the proper appellate court if the support order was issued by a court of this state. (b) If the support order was issued in another state, cause the appeal to be taken in the other state. History:Add. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.176 - Additional Remedies.

Sec. 26. If the duty of support is based on a foreign support order, the obligee has additional remedies as provided in sections 27 to 31. History:Add. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.177 - Registration of Foreign Support Order.

Sec. 27. The obligee may register the foreign support order in a court of this state in the manner, with the effect, and for the purposes provided in this act. History:Add. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.178 - Registry of Foreign Support Orders.

Sec. 28. The clerk of the court shall maintain a registry of foreign support orders in which he or she shall file foreign support orders. History:Add. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.179 - Registration of Valid Existing Support Order or Foreign Support Order by Friend of Court; Confirmation of Registered Order.

Sec. 29. (1) If this state is acting as a rendering state, the friend of the court upon the request of the court or the state department of social services shall proceed to register a valid existing support order of this state in the state where the obligor or the property of the obligor can be located. (2) Notwithstanding that this state is not the rendering state, the friend of the court upon the request of a resident obligee of a valid existing foreign support order shall proceed to register the foreign support order in the state where the obligor or the property of the obligor can be located. (3) If this state is acting as a registering state, the friend of the court upon the request of the court or the state department of social services shall proceed to confirm a registered order. History:Add. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.180 - Registration of Foreign Support Order by Obligee; Transmittal and Filing of Documents; Filing as Registration; Docketing Case; Notification of Friend of Court; Mailing or Serving Notice of Registration; Copy of Registered Support Order and Post Office Address of Obligee; Petition to Vacate Registration or Seek Other Relief; Confirmation of Registered Support Order; Sending Copy of Petition to Friend of Court; Hearing; Defenses; Staying Enforcement of Order; Proof; Security.

Sec. 30. (1) An obligee seeking to register a foreign support order in a court of this state shall transmit to the clerk of the court through the interstate central registry of this state 3 copies of the order, 1 of which shall be certified, with all modifications of the order, 1 copy of the reciprocal enforcement of support act of the state in which the order was made, and a statement verified and signed by the obligee, showing the post-office address of the obligee, the last known place of residence and post-office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents the clerk of the court, without payment of a filing fee or other cost to the obligee, shall file them in the registry of foreign support orders. The filing constitutes registration under this act. (2) Promptly upon registration of the foreign support order, the clerk of the court shall docket the case and shall notify the friend of the court of the registration of the foreign support order. The friend of the court shall mail by certified or registered mail, return receipt requested, to the obligor at the address given, or serve upon the obligor under the Michigan court rules, a notice of the registration with a copy of the registered support order and the post office address of the obligee. (3) Within 28 days after service, the obligor may petition the court to vacate the registration or to seek other relief. If the obligor does not petition the court within 28 days after service to vacate the registration or to seek other relief, the registered support order is confirmed. If the obligor does petition the court to vacate the registration or seek other relief, the obligor shall send a copy of the petition to the friend of the court. (4) If the obligor petitions the court to vacate the registration or for other relief, a hearing shall be scheduled. At the hearing, the obligor may present only matters that would be available to the obligor as defenses in an action to enforce a foreign money judgment. If the obligor shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support ordered as required by the rendering state. If the obligor shows to the court any ground upon which enforcement of a support order of this state may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support ordered that is required for a support order of this state. History:Add. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.181 - Effect and Enforcement of Confirmed Registered Foreign Support Order.

Sec. 31. (1) If a registered foreign support order has been confirmed, it shall be treated in the same manner as a support order issued by a court of this state. A registered foreign support order has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, modifying, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner. (2) The friend of the court shall enforce a confirmed order. History:Add. 1985, Act 172, Eff. Mar. 1, 1986

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.181a - Foreign Support Order; Transmittal of Support Payments to Friend of Court or State Disbursement Unit; Duties of Friend of Court or Sdu; Filing Copy of Foreign Support Order.

Sec. 31a. (1) If there is no Michigan support order but there is a foreign support order, upon request of the obligee or the family independence agency if support has been assigned to it, the friend of the court in the county where the obligee resides shall inform the source of support payments to transmit the payments to the friend of the court or the state disbursement unit, as appropriate. (2) The friend of the court or SDU shall receive, record, disburse, and monitor payments made pursuant to the foreign support order. (3) A copy of the foreign support order shall be filed with the clerk of the court. (4) The filing of a support order pursuant to this section is not a registration as described in section 30. History:Add. 1990, Act 241, Imd. Eff. Oct. 10, 1990 ;-- Am. 1999, Act 155, Imd. Eff.

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.182 - Adjudicating Issue of Support Only; Jurisdiction.

Sec. 32. (1) A proceeding under this act shall adjudicate only the issue of support and shall not adjudicate an issue of custody or parenting time. (2) Nothing in this act shall prevent a court which has prior continuing jurisdiction over the parties in matters of support, custody, and parenting time from exercising its jurisdiction over those matters. History:Add. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 1996, Act 4, Eff. June 1, 1996

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 8 of 1952 - Revised Uniform Reciprocal Enforcement of Support Act (780.151 - 780.183)Section 780.183 - Representation of Obligee by Attorney General or Private Legal Counsel.

Sec. 33. (1) If this state is the initiating, responding, rendering, or registering state in proceedings under this act, and the prosecuting attorney, an attorney employed or contracted under section 10a(2), or the friend of the court neglects or refuses to represent the obligee, the attorney general may undertake the representation. (2) The obligee may be represented in any proceedings under this act by private legal counsel at the obligee's own expense. History:Add. 1985, Act 172, Eff. Mar. 1, 1986 ;-- Am. 2014, Act 371, Eff. Mar. 17, 2015

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 85 of 1935 - Coercion of Married Woman by Husband (780.401 - 780.401)Section 780.401 - Presumption of Coercion by Husband Prohibited.

Sec. 1. In the prosecution of any complaint or indictment charging a criminal offense, no presumption shall be indulged that a married woman committing an offense does so under coercion because she commits it in the presence of her husband. History:1935, Act 85, Eff. Sept. 21, 1935 ;-- CL 1948, 780.401 ;-- Am. 1990, Act 220, Imd. Eff. Oct. 8, 1990

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 85 of 2017 - Law Enforcement Body-Worn Camera Privacy Act (780.311 - 780.318)Section 780.311 - Short Title.

Sec. 1. This act shall be known and may be cited as the "law enforcement body-worn camera privacy act". History:2017, Act 85, Eff. Jan. 8, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 85 of 2017 - Law Enforcement Body-Worn Camera Privacy Act (780.311 - 780.318)Section 780.312 - Definitions.

Sec. 2. As used in this act: (a) "Body-worn camera" means a device that is worn by a law enforcement officer that electronically records audio and video of his or her activities. (b) "Evidentiary audio and video recording" means an audio and video recording of an incident or encounter recorded by a body-worn camera, including a crime, arrest, citation, search, use of force incident, or confrontational encounter with a citizen, that may be materially useful for investigative or prosecutorial purposes, including for a criminal and internal investigation. (c) "Private place" means a place where an individual may reasonably expect to be safe from casual or hostile intrusion or surveillance but does not include a place to which the public or a substantial group of the public has access. History:2017, Act 85, Eff. Jan. 8, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 85 of 2017 - Law Enforcement Body-Worn Camera Privacy Act (780.311 - 780.318)Section 780.313 - Audio or Video Recording Recorded by Body-Worn Camera; Disclosure; Protections; Exemption From Freedom of Information Act.

Sec. 3. (1) The disclosure of any audio or video recording recorded by a body-worn camera is subject to the protections provided for crime victims in sections 8, 19, 19a, 21, 34, 38, 48, 62, 68, and 80 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.758, 780.769, 780.769a, 780.771, 780.784, 780.788, 780.798, 780.812, 780.818, and 780.830. (2) Except as otherwise provided in section 4 and subject to section 5, a recording recorded by a law enforcement officer with a body-worn camera that is recorded in a private place is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. History:2017, Act 85, Eff. Jan. 8, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 85 of 2017 - Law Enforcement Body-Worn Camera Privacy Act (780.311 - 780.318)Section 780.314 - Audio and Video Recording Recorded by Law Enforcement Officer With Body-Worn Camera; Individuals Requesting Copy.

Sec. 4. Except for an audio and video recording exempted from disclosure under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243, and section 3(1) or 5, any of the following individuals may request a copy of an audio and video recording recorded by a law enforcement officer with a body-worn camera in a private place: (a) An individual who is the subject of the audio and video recording. (b) An individual whose property has been seized or damaged in relation to a crime to which the audio and video recording is related. (c) A parent of an individual who is less than 18 years of age described in subdivision (a) or (b). (d) A legal guardian of an individual described in subdivision (a) or (b). (e) An attorney who represents an individual described in

subdivision (a) or (b). History:2017, Act 85, Eff. Jan. 8, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 85 of 2017 - Law Enforcement Body-Worn Camera Privacy Act (780.311 - 780.318)Section 780.315 - Audio or Video Recording From Body-Worn Camera; Retention by Law Enforcement Agency; Disclosure as Public Record; Limitation.

Sec. 5. (1) An audio or video recording from a body-worn camera that is retained by a law enforcement agency in connection with an ongoing criminal investigation or an ongoing internal investigation is not a public record and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, but only to the extent that disclosure as a public record would do any of the following: (a) Interfere with law enforcement proceedings. (b) Deprive a person of the right to a fair trial or impartial adjudication. (c) Constitute an unwarranted invasion of personal privacy. (d) Disclose the identity of a confidential source or, if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source. (e) Disclose law enforcement investigative techniques or procedures. (f) Endanger the life or physical safety of law enforcement personnel. (g) Disclose information regarding a crime victim in violation of sections 8, 19, 19a, 21, 34, 38, 48, 62, 68, and 80 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.758, 780.769, 780.769a, 780.771, 780.784, 780.788, 780.798, 780.812, 780.818, and 780.830. (2) An audio or video recording from a body-worn camera that is retained by a law enforcement agency relating to a civil action in which the requesting party and the public body are parties is not a public record and is exempt from disclosure under section 13(1)(v) of the freedom of information act, 1976 PA 442, MCL 15.243. History:2017, Act 85, Eff. Jan. 8, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 85 of 2017 - Law Enforcement Body-Worn Camera Privacy Act (780.311 - 780.318)Section 780.316 - Audio and Video Recording Recorded by Body-Worn Camera; Retention by Law Enforcement Agency; Duration; Presumption.

Sec. 6. (1) Except as provided in subsections (2) and (3), a law enforcement agency shall retain an evidentiary audio and video recording recorded by a body-worn camera for not less than 30 days from the date the recording is made. (2) A law enforcement agency shall retain audio and video recordings that are the subject of an ongoing criminal or internal investigation, or an ongoing criminal prosecution or civil action, until the completion of the ongoing investigation or legal proceeding. (3) A law enforcement agency shall retain audio and video recorded by a body-worn camera for not less than 3 years after the date the recording is made if the recording is relevant to a formal complaint against a law enforcement officer or agency. (4) If a complaint against a law enforcement officer or law enforcement agency is made after the expiration of the retention period described in subsection (1), (2), or (3) or a law enforcement agency is unable to produce an audio and video recording related to the complaint in any criminal prosecution or civil action as a result of a technical failure or human error, this act does not create a presumption that the audio and video recording would corroborate either the prosecution's or the defendant's version of events in a criminal prosecution or the plaintiff's or the defendant's version in a civil action. History:2017, Act 85, Eff. Jan. 8, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 85 of 2017 - Law Enforcement Body-Worn Camera Privacy Act (780.311 - 780.318)Section 780.317 - Fee.

Sec. 7. A law enforcement agency may charge a fee for a copy of an audio and video recording recorded by a law enforcement officer with a body-worn camera. A fee charged under this section shall be calculated under and in compliance with section 4 of the freedom of information act, 1976 PA 442, MCL 15.234. History:2017, Act 85, Eff. Jan. 8, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 85 of 2017 - Law Enforcement Body-Worn Camera Privacy Act (780.311 - 780.318)Section 780.318 - Use, Maintenance, and Disclosure of Audio and Video Recordings Recorded by Body-Worn Cameras; Written Policy.

Sec. 8. A law enforcement agency that utilizes body-worn cameras shall develop a written policy regarding the use of the body-worn cameras by its law enforcement officers and the maintenance and disclosure of audio and video recordings recorded by body-worn cameras that complies with the requirements of this act. History:2017, Act 85, Eff. Jan. 8, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.751 - Short Title.

Sec. 1. This act shall be known and may be cited as the "William Van Regenmorter crime victim's rights act". History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.752 - Definitions; Designation of Person to Act in Place of Victim; Individual Charged With Offense Arising Out of Same Transaction; Eligibility to Exercise Privileges and Rights Established for Victims.

Sec. 2. (1) Except as otherwise defined in this article, as used in this article: (a) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act, 1998 PA 518, MCL 45.622. (b) "Crime" means a violation of a penal law of this state

for which the offender, upon conviction, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony. (c) "Crime victim services commission" means that term as described in section 2 of 1976 PA 223, MCL 18.352. (d) "Defendant" means a person charged with, convicted of, or found not guilty by reason of insanity of committing a crime against a victim. (e) "Facility", as used in sections 6, 13a, 19a, and 20 only, and not with reference to a juvenile facility, means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b. (f) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of sentence by the court. (g) "Juvenile" means a person within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606. (h) "Juvenile facility" means a county facility, institution operated as an agency of the county or the family division of circuit court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which a juvenile has been committed or in which a juvenile is detained. (i) "Hospital" means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b. (j) "Person" means an individual, organization, partnership, corporation, or governmental entity. (k) "Prisoner" means a person who has been convicted and sentenced to imprisonment or placement in a juvenile facility for having committed a crime or an act that would be a crime if committed by an adult against a victim. (l) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, or a special prosecuting attorney. (m) "Victim" means any of the following: (i) An individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime, except as provided in subparagraph (ii), (iii), (iv), or (v). (ii) The following individuals other than the defendant if the victim is deceased, except as provided in subparagraph (v): (A) The spouse of the deceased victim. (B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply. (C) A parent of the deceased victim if sub-subparagraphs (A) and (B) do not apply. (D) The guardian or custodian of a child of the deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply. (E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply. (F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply. (iii) A parent, guardian, or custodian of the victim, if the victim is less than 18 years of age, who is neither the defendant nor incarcerated, if the parent, guardian, or custodian so chooses. (iv) A parent, guardian, or custodian of a victim who is mentally or emotionally unable to participate in the legal process if he or she is neither the defendant nor incarcerated. (v) For the purpose of submitting or making an impact statement only, if the victim as defined in subparagraph (i) is deceased, is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process, or consents to the designation as a victim of the following individuals other than the defendant: (A) The spouse of the victim. (B) A child of the victim if the child is 18 years of age or older. (C) A parent of the victim. (D) The guardian or custodian of a child of the victim if the child is less than 18 years of age. (E) A sibling of the victim. (F) A grandparent of the victim. (G) A guardian or custodian of the victim if the victim is less than 18 years of age at the time of the commission of the crime and that guardian or custodian is not incarcerated. (2) If a victim as defined in subsection (1)(m)(i) is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, grandparent, or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in his or her place. During the physical or emotional disability, notices to be provided under this article to the victim must continue to be sent only to the victim. (3) An individual who is charged with a crime arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article. (4) An individual who is incarcerated is not eligible to exercise the privileges and rights established for victims under this article except that he or she may submit a written statement to the court for consideration at sentencing. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1998, Act 523, Imd. Eff. Jan. 12, 1999 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2009, Act 28, Eff. July 1, 2009 ;-- Am. 2014, Act 133, Eff. July 1, 2014 ;-- Am. 2018, Act 370, Eff. Mar. 17, 2019Compiler's Notes:Enacting section 1 of Act 28 of 2009 provides:"Enacting section 1. This amendatory act takes effect July 1, 2009, and applies only to crimes committed on and after that date."

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.752a - Duty to Provide Notice to Victim; Furnishing Information or Records; Exception for Address Confidentiality Program.

Sec. 2a. (1) The duty under this article and under section 24 of article I of the state constitution of 1963 of a court, the department of corrections, the department of health and human services, a county sheriff, or a prosecuting attorney to provide a notice to a victim also applies if the case against the defendant is resolved by assignment of the defendant to trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal. In performing a duty under this article or under section 24 of article I of the state constitution of 1963, the court, department of corrections, department of health and human services, county sheriff, or prosecuting attorney may furnish information or records to the victim that would otherwise be closed to public inspection, including information or records described in section 14 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.14. (2) In performing a duty to provide notice by mail under this article or under section 24 of article I of the state constitution of 1963, the court, department of corrections, department of health and human services, county sheriff, or prosecuting attorney shall mail the notice to the address provided by the victim, except as otherwise provided under section 11 of the address confidentiality program act. If the victim is a program participant as that term is defined in section 3 of the address

confidentiality program act, the victim may provide the address designated by the department of the attorney general. History:Add. 2006, Act 461, Eff. Jan. 1, 2007 ;-- Am. 2020, Act 276, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.753 - Information to Be Given Victim.

Sec. 3. Within 24 hours after the initial contact between the victim of a reported crime and the law enforcement agency having the responsibility for investigating that crime, that agency shall give to the victim the following information in writing: (a) The availability of emergency and medical services, if applicable. (b) The availability of victim's compensation benefits and the address of the crime victims compensation board. (c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights. (d) The following statements: "If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them." "If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency's telephone number] for the status of the case.". History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.754 - Return of Property to Victim; Retention of Evidence.

Sec. 4. (1) The law enforcement agency having responsibility for investigating a reported crime shall promptly return to the victim property belonging to that victim which is taken in the course of the investigation, except as provided in subsections (2) to (4). (2) The agency shall not return property which is contraband. (3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved. (4) The agency shall retain as evidence any weapon used in the commission of the crime and any other evidence if the prosecuting attorney certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by the agency. History:1985, Act 87, Eff. Oct. 9, 1985

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.754a - Victim of Identity Theft; Filing Police Report; Jurisdiction; "Identity Theft" Defined.

Sec. 4a. (1) To facilitate compliance with 15 USC 1681g, a bona fide victim of identity theft is entitled to file a police report with a law enforcement agency in a jurisdiction where the alleged violation of identity theft may be prosecuted as provided under section 10c of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.10c, and to obtain a copy of that report from that law enforcement agency. (2) As used in this section, "identity theft" means that term as defined in section 3 of the identity theft protection act. History:Add. 2004, Act 456, Eff. Mar. 1, 2005

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.755 - Victim to Be Given Notice of Availability of Pretrial Release, Telephone Number of Sheriff or Juvenile Facility, and Notice of Right to Contact Sheriff or Juvenile Facility; Revocation of Bond or Personal Recognizance.

Sec. 5. (1) Not later than 24 hours after the arraignment of the defendant for a crime, the law enforcement agency having responsibility for investigating the crime shall give to the victim notice of the availability of pretrial release for the defendant, the telephone number of the sheriff or juvenile facility, and notice that the victim may contact the sheriff or juvenile facility to determine whether the defendant has been released from custody. The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the defendant, or both, if the victim requests or has requested that information. If the defendant is released from custody by the sheriff or juvenile facility, the sheriff or juvenile facility shall notify the law enforcement agency having responsibility for investigating the crime. (2) Based upon any credible evidence of acts or threats of physical violence or intimidation by the defendant or at the defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the bond or personal recognizance of a defendant be revoked. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.756 - Notice to Be Given Victim; Consultation With Prosecuting Attorney; Persons to Be Informed of Victim's Current Address and Telephone Number.

Sec. 6. (1) Not later than 7 days after the defendant's arraignment for a crime, but not less than 24 hours before a preliminary examination, the prosecuting attorney shall give to each victim a written notice in plain English of each of the following: (a) A brief statement of the procedural steps in the processing of a criminal case. (b) A specific list of the rights and procedures under this article. (c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article. (d) Details and eligibility requirements for compensation from the crime victim services commission under 1976

PA 223, MCL 18.351 to 18.368. (e) Suggested procedures if the victim is subjected to threats or intimidation. (f) The person to contact for further information. (2) If the victim requests, the prosecuting attorney shall give the victim notice of any scheduled court proceedings and any changes in that schedule. (3) Before finalizing any negotiation that may result in a dismissal, plea or sentence bargain, or pretrial diversion, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the victim's views about the disposition of the prosecution for the crime, including the victim's views about dismissal, plea or sentence negotiations, and pretrial diversion programs. (4) A victim who receives a notice under subsection (1) and who chooses to receive any notice or exercise any right under this article shall keep the following persons informed of the victim's current address or address designated by the department of the attorney general if he or she is a program participant as that term is defined in section 3 of the address confidentiality program act and telephone number: (a) The prosecuting attorney, until final disposition or completion of the appellate process, whichever occurs later. (b) The department of corrections or the sheriff, as the prosecuting attorney directs, if the defendant is imprisoned. (c) The department of health and human services or county juvenile agency, as the prosecuting attorney directs, if the defendant is held in a juvenile facility. (d) The hospital or facility, as the prosecuting attorney directs, if the defendant is hospitalized in or admitted to a hospital or a facility. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1998, Act 523, Imd. Eff. Jan. 12, 1999 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2020, Act 276, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.757 - Waiting Area for Victim or Other Safeguards.

Sec. 7. The court shall provide a waiting area for the victim separate from the defendant, defendant's relatives, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim's contact with defendant, defendant's relatives, and defense witnesses during court proceedings. History:1985, Act 87, Eff. Oct. 9, 1985

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.758 - Motion Not to Compel Testimony of Victim or Other Witness; Hearing; Address and Phone Number of Victim Not to Be in Court File or Documents; Exemption From Disclosure; Exception.

Sec. 8. (1) Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the defendant or at defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the victim or any other witness not be compelled to testify at pretrial proceedings or at trial for purposes of identifying the victim as to the victim's address, place of employment, or other personal identification without the victim's consent. A hearing on the motion must be in camera. (2) The work address and address of the victim must not be in the court file or ordinary court documents unless contained in a transcript of the trial or it is used to identify the place of the crime. The work telephone number and telephone number of the victim must not be in the court file or ordinary court documents except as contained in a transcript of the trial. (3) Under section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, information and visual representations of a victim are subject to the following: (a) The home address, home telephone number, work address, and work telephone number of the victim are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, unless the address is used to identify the place of the crime. (b) A picture, photograph, drawing, or other visual representation, including any film, videotape, or digitally stored image of the victim, are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and, if the picture, photograph, drawing, or other visual representation is from a court proceeding that is made available to the public through streaming on the internet or other means, the picture, photograph, drawing, or visual representation may be blurred. (c) The following information concerning a victim of child abuse, criminal sexual conduct, assault with intent to commit criminal sexual conduct, or a similar crime who was less than 18 years of age when the crime was committed is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246: (i) The victim's name and address. (ii) The name and address of an immediate family member or relative of the victim, who has the same surname as the victim, other than the name and address of the accused. (iii) Any other information that would tend to reveal the identity of the victim, including a reference to the victim's familial or other relationship to the accused. (4) Subsection (3) does not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2012, Act 457, Imd. Eff. Dec. 27, 2012 ;-- Am. 2023, Act 179, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.759 - Speedy Trial; Requirements; Hearing; Notice; Time of Trial.

Sec. 9. (1) As provided in subsection (2), a speedy trial may be scheduled for any case in which the victim is declared by the prosecuting attorney to be any of the following: (a) A victim of child abuse, including sexual abuse or any other assaultive crime. (b) A victim of criminal sexual conduct in the first, second, or third degree or of an assault with intent to commit criminal sexual conduct involving penetration or to commit criminal sexual conduct in the second degree. (c) Sixty-five years of age or older. (d) An

individual with a disability that inhibits the individual's ability to attend court or participate in the proceedings. (2) The chief judge, upon motion of the prosecuting attorney for a speedy trial for a case described in subsection (1), shall set a hearing date within 14 days of the date of the filing of the motion. Notice shall be made pursuant to the Michigan court rules. If the motion is granted, the trial shall not be scheduled earlier than 21 days from the date of the hearing. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.760 - Conference With Victim by Prosecuting Attorney.

Sec. 10. Upon request of the victim, the prosecuting attorney shall confer with the victim prior to the selection of the jury and prior to the trial of the defendant. History:1985, Act 87, Eff. Oct. 9, 1985

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.761 - Presence of Victim at Trial; Sequestering Victim.

Sec. 11. The victim has the right to be present throughout the entire trial of the defendant, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court may, for good cause shown, order the victim to be sequestered until the victim first testifies. The victim shall not be sequestered after he or she first testifies. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.762 - Discharge or Discipline of Victim or Victim Representative by Employer or Employer's Agent as Misdemeanor; Penalty; “Victim Representative” Defined.

Sec. 12. (1) An employer or the employer's agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a victim because that victim is subpoenaed or requested by the prosecuting attorney to attend court for the purpose of giving testimony, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both, and may be punished for contempt of court. (2) An employer or an employer's agent who disciplines or discharges a victim representative from employment, causes a victim representative to be disciplined or discharged from employment, or threatens to discipline or discharge a victim representative from employment because that victim representative attends or desires to attend court to be present during the testimony of the victim, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both, and may be punished for contempt of court. (3) As used in this section, "victim representative" means any of the following: (a) A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age. (b) A parent, guardian, or custodian of a victim of an assaultive crime if the victim of the assaultive crime is less than 18 years of age. (c) A person who has been designated under section 2(2) to act in place of a victim of an assaultive crime during the duration of the victim's physical or emotional disability. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.763 - Notice to Be Given Victim by Prosecuting Attorney; Means; Contents of Impact Statement.

Sec. 13. (1) The prosecuting attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following: (a) The defendant's conviction. (b) The crimes for which the defendant was convicted. (c) The victim's right to make a written or oral impact statement for use in the preparation of a presentence investigation report concerning the defendant. (d) The address and telephone number of the probation office which is to prepare the presentence investigation report. (e) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant unless exempted from disclosure by the court. (f) The victim's right to make an impact statement at sentencing. (g) The time and place of the sentencing proceeding. (2) The notice given by the prosecuting attorney to the victim must be given by any means reasonably calculated to give prompt actual notice. (3) A notice given under subsection (1) shall inform the victim that his or her impact statement may include but shall not be limited to the following: (a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim. (b) An explanation of the extent of any economic loss or property damage suffered by the victim. (c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage. (d) The victim's recommendation for an appropriate sentence. History:1985, Act 87, Eff. Oct. 9, 1985

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.763a - Providing Victim With Form to Receive Certain Notices.

Sec. 13a. (1) When a defendant is sentenced to probation, sentenced to a term of imprisonment, ordered to be placed in a juvenile

facility, or hospitalized in or admitted to a hospital or a facility, the prosecuting attorney shall provide the victim with a form the victim may submit to receive the notices provided for under section 18b, 19, 19a, 20, or 20a. The form must include the address of the court, the department of corrections, the sheriff, the department of health and human services, the county juvenile agency, or the hospital or facility, as applicable, to which the form may be sent and a statement that the victim may use the address designated by the department of the attorney general to receive notices if the victim is a program participant as that term is defined in section 3 of the address confidentiality program act. (2) If the defendant is sentenced to probation, the department of corrections or the sheriff, as applicable, shall notify the victim if the probation is revoked and the defendant is sentenced to the department of corrections or to jail for more than 90 days. The notice must include a form the victim may submit to the department of corrections or the sheriff to receive notices under section 19, 20, or 20a. (3) If the department of corrections determines that a defendant who was, in the defendant's judgment of sentence, not prohibited from being or permitted to be placed in the special alternative incarceration unit established under section 3 of the special alternative incarceration act, 1988 PA 287, MCL 798.13, meets the eligibility requirements of section 34a(2) and (3) of the corrections code of 1953, 1953 PA 232, MCL 791.234a, the department of corrections shall notify the victim, if the victim has submitted a written request for notification under section 19, of the proposed placement of the defendant in the special alternative incarceration unit not later than 30 days before placement is intended to occur. In making the decision on whether or not to object to the placement of the defendant in a special alternative incarceration unit as required by section 34a(4) of the corrections code of 1953, 1953 PA 232, MCL 791.234a, the sentencing judge or the judge's successor shall review an impact statement submitted by the victim under section 14. History:Add. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1998, Act 523, Imd. Eff. Jan. 12, 1999 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 461, Eff. Jan. 1, 2007 ;-- Am. 2020, Act 276, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.764 - Impact Statement Generally.

Sec. 14. The victim has the right to submit or make a written or oral impact statement to the probation officer for use by that officer in preparing a presentence investigation report concerning the defendant pursuant to section 14 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.14. A victim's written statement shall upon the victim's request, be included in the presentence investigation report. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.765 - Oral Impact Statement at Sentencing; Physical Presence of Defendant; Remote Option; 2018 Pa 153 May Be Cited as "Rebekah Bletsch Law".

Sec. 15. (1) The victim has the right to appear and make an oral impact statement at the sentencing of the defendant. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on the victim's behalf. The other person need not be an attorney. The victim may elect to remotely provide the oral impact statement under this section. (2) Unless the court has determined, in its discretion, that the defendant is behaving in a disruptive manner or presents a threat to the safety of any individuals present in the courtroom, the defendant must be physically present in the courtroom at the time a victim makes an oral impact statement under subsection (1). In making its determination under this subsection, the court may consider any relevant statement provided by the victim regarding the defendant being physically present during that victim's oral impact statement. This subsection applies to cases in which the sentencing of the defendant occurs after May 22, 2018. (3) 2018 PA 153, which amended this section and sections 43 and 75, may be cited as the "Rebekah Bletsch law". History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2018, Act 153, Imd. Eff. May 23, 2018 ;-- Am. 2023, Act 178, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.766 - "Victim" Defined; Restitution; Order; Condition of Probation, Parole, or Sentence; Revocation of Probation or Parole; Petition to Modify Payment Method; Lien; Enforcement; Failure to Pay Restitution; Payment by Parent of Juvenile; Definitions; Review; Report or Petition; Compliance; Copy of Order to Department of Corrections; Disposition of Unclaimed Restitution; Amendment of Order; Effect of Bankruptcy; Victim as Minor.

Sec. 16. (1) As used in this section only, "victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime. As used in subsections (2), (3), (6), (8), (9), and (13) only, victim includes a sole proprietorship, partnership, corporation, association, governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of a crime. (2) Except as provided in subsection (8), when sentencing a defendant convicted of a crime, the court shall order, in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law, that the defendant make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate. For an offense that is resolved by assignment of the defendant to youthful trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal, the court shall order the restitution required under this section. (3) If a crime results in damage to or loss or destruction of property of a victim of the crime or results in the seizure or impoundment of property of a victim of the crime, the order of restitution shall require that the defendant do 1 or more

of the following, as applicable: (a) Return the property to the owner of the property or to a person designated by the owner. (b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraph (i) or (ii), less the value, determined as of the date the property is returned, of that property or any part of the property that is returned: (i) The fair market value of the property on the date of the damage, loss, or destruction. However, if the fair market value of the property cannot be determined or is impractical to ascertain, then the replacement value of the property shall be utilized in lieu of the fair market value. (ii) The fair market value of the property on the date of sentencing. However, if the fair market value of the property cannot be determined or is impractical to ascertain, then the replacement value of the property shall be utilized in lieu of the fair market value. (c) Pay the costs of the seizure or impoundment, or both. (4) If a crime results in physical or psychological injury to a victim, the order of restitution shall require that the defendant do 1 or more of the following, as applicable: (a) Pay an amount equal to the reasonably determined cost of medical and related professional services and devices actually incurred and reasonably expected to be incurred relating to physical and psychological care. (b) Pay an amount equal to the reasonably determined cost of physical and occupational therapy and rehabilitation actually incurred and reasonably expected to be incurred. (c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the crime. (d) Pay an amount equal to the reasonably determined cost of psychological and medical treatment for members of the victim's family actually incurred and reasonably expected to be incurred as a result of the crime. (e) Pay an amount equal to the reasonably determined costs of homemaking and child care expenses actually incurred and reasonably expected to be incurred as a result of the crime or, if homemaking or child care is provided without compensation by a relative, friend, or any other person, an amount equal to the costs that would reasonably be incurred as a result of the crime for that homemaking and child care, based on the rates in the area for comparable services. (f) Pay an amount equal to the cost of actual funeral and related services. (g) If the deceased victim could be claimed as a dependent by his or her parent or guardian on the parent's or guardian's federal, state, or local income tax returns, pay an amount equal to the loss of the tax deduction or tax credit. The amount of reimbursement shall be estimated for each year the victim could reasonably be claimed as a dependent. (h) Pay an amount equal to income actually lost by the spouse, parent, sibling, child, or grandparent of the victim because the family member left his or her employment, temporarily or permanently, to care for the victim because of the injury. (5) If a crime resulting in bodily injury also results in the death of a victim or serious impairment of a body function of a victim, the court may order up to 3 times the amount of restitution otherwise allowed under this section. As used in this subsection, "serious impairment of a body function of a victim" includes, but is not limited to, 1 or more of the following: (a) Loss of a limb or use of a limb. (b) Loss of a hand or foot or use of a hand or foot. (c) Loss of an eye or use of an eye or ear. (d) Loss or substantial impairment of a bodily function. (e) Serious visible disfigurement. (f) A comatose state that lasts for more than 3 days. (g) Measurable brain damage or mental impairment. (h) A skull fracture or other serious bone fracture. (i) Subdural hemorrhage or subdural hematoma. (j) Loss of a body organ. (6) If the victim or victim's estate consents, the order of restitution may require that the defendant make restitution in services in lieu of money. (7) If the victim is deceased or dies, the court shall order that the restitution or remaining restitution be made to those entitled to inherit from the victim's estate. (8) The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the crime. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or victim's estate under the order be made before any restitution to any other person or entity under that order is made. The court shall not order restitution to be paid to a victim or victim's estate if the victim or victim's estate has received or is to receive compensation for that loss, and the court shall state on the record with specificity the reasons for its action. (9) Any amount paid to a victim or victim's estate under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim or the victim's estate in any federal or state civil proceeding and shall reduce the amount payable to a victim or a victim's estate by an award from the crime victim services commission made after an order of restitution under this section. (10) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the defendant make restitution under this section within a specified period or in specified installments. (11) If the defendant is placed on probation or paroled or the court imposes a conditional sentence as provided in section 3 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.3, any restitution ordered under this section shall be a condition of that probation, parole, or sentence. The court may revoke probation or impose imprisonment under the conditional sentence and the parole board may revoke parole if the defendant fails to comply with the order and if the defendant has not made a good faith effort to comply with the order. In determining whether to revoke probation or parole or impose imprisonment, the court or parole board shall consider the defendant's employment status, earning ability, and financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay. (12) Subject to subsection (18), a defendant who is required to pay restitution and who is not in willful default of the payment of the restitution may at any time petition the sentencing judge or his or her successor to modify the method of payment. If the court determines that payment under the order will impose a manifest hardship on the defendant or his or her immediate family, and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim, the court may modify the method of payment. (13) An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the defendant for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a

victim, a victim's estate, or any other person or entity named in the order to receive the restitution in the same manner as a judgment in a civil action or a lien. (14) Notwithstanding any other provision of this section, a defendant shall not be imprisoned, jailed, or incarcerated for a violation of probation or parole or otherwise for failure to pay restitution as ordered under this section unless the court or parole board determines that the defendant has the resources to pay the ordered restitution and has not made a good faith effort to do so. (15) If the court determines that a juvenile is or will be unable to pay all of the restitution ordered, after notice to the juvenile's parent or parents and an opportunity for the parent or parents to be heard the court may order the parent or parents having supervisory responsibility for the juvenile at the time of the acts upon which an order of restitution is based to pay any portion of the restitution ordered that is outstanding. An order under this subsection does not relieve the juvenile of his or her obligation to pay restitution as ordered, but the amount owed by the juvenile shall be offset by any amount paid by his or her parent. As used in this subsection: (a) "Juvenile" means a person within the court's jurisdiction under section 2d or 4 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d and 712A.4. (b) "Parent" does not include a foster parent. (16) If the court orders a parent to pay restitution under subsection (15), the court shall take into account the parent's financial resources and the burden that the payment of restitution will impose, with due regard to any other moral or legal financial obligations the parent may have. If a parent is required to pay restitution under subsection (15), the court shall provide for payment to be made in specified installments and within a specified period of time. (17) A parent who has been ordered to pay restitution under subsection (15) may petition the court for a modification of the amount of restitution owed by the parent or for a cancellation of any unpaid portion of the parent's obligation. The court shall cancel all or part of the parent's obligation due if the court determines that payment of the amount due will impose a manifest hardship on the parent and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim. (18) In each case in which payment of restitution is ordered as a condition of probation, the court shall order any employed defendant to make regularly scheduled restitution payments. If the defendant misses 2 or more regularly scheduled payments, the court shall order the defendant to execute a wage assignment to pay the restitution. The probation officer assigned to the case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the probation officer assigned to the case shall review the case at the end of the specific period of time to determine if the restitution has been paid in full. The final review shall be conducted not less than 60 days before the probationary period expires. If the probation officer determines at any review that restitution is not being paid as ordered, the probation officer shall file a written report of the violation with the court on a form prescribed by the state court administrative office or shall petition the court for a probation violation. The report or petition shall include a statement of the amount of the arrearage and any reasons for the arrearage known by the probation officer. The probation officer shall immediately provide a copy of the report or petition to the prosecuting attorney. If a petition or motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered by the court, the court shall promptly take action necessary to compel compliance. (19) If a defendant who is ordered to pay restitution under this section is remanded to the jurisdiction of the department of corrections, the court shall provide a copy of the order of restitution to the department of corrections when the defendant is remanded to the department's jurisdiction. (20) The court shall not impose a fee on a victim, victim's estate, or prosecuting attorney for enforcing an order of restitution. (21) If a person or entity entitled to restitution under this section cannot be located, refuses to claim the restitution within 2 years after the date on which he or she could have claimed the restitution, or refuses to accept the restitution, the restitution to which that person or entity is entitled shall be deposited in the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904, or its successor fund. However, a person or entity entitled to that restitution may claim that restitution any time by applying to the court that originally ordered and collected it. The court shall notify the crime victim services commission of the application and the commission shall approve a reduction in the court's revenue transmittal to the crime victim's rights fund equal to the restitution owed to the person or entity. The court shall use the reduction to reimburse that restitution to the person or entity. (22) The court may amend an order of restitution entered under this section on a motion by the prosecuting attorney, the victim, or the defendant based upon new information related to the injury, damages, or loss for which the restitution was ordered. (23) A court that receives notice that a defendant who has an obligation to pay restitution under this section has declared bankruptcy shall forward a copy of that notice to the prosecuting attorney. The prosecuting attorney shall forward the notice to the victim at the victim's last known address. (24) If the victim is a minor, the order of restitution shall require the defendant to pay to a parent of the victim an amount that is determined to be reasonable for any of the following that are actually incurred or reasonably expected to be incurred by the parent as a result of the crime: (a) Homemaking and child care expenses. (b) Income loss not ordered to be paid under subsection (4)(h). (c) Mileage. (d) Lodging or housing. (e) Meals. (f) Any other cost incurred in exercising the rights of the victim or a parent under this act. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1986, Act 234, Imd. Eff. Oct. 6, 1986 ;-- Am. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1996, Act 121, Eff. May 1, 1996 ;-- Am. 1996, Act 562, Eff. June 1, 1997 ;-- Am. 1998, Act 232, Imd. Eff. July 3, 1998 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2009, Act 28, Eff. July 1, 2009 ;-- Am. 2013, Act 139, Imd. Eff. Oct. 22, 2013Compiler's Notes:Enacting section 1 of Act 28 of 2009 provides:"Enacting section 1. This amendatory act takes effect July 1, 2009, and applies only to crimes committed on and after that date."For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.

Other Than Victim Payments; Allocation of Payments; Priority; "Victim Payment" Defined.

Sec. 16a. (1) If a person is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments ordered to be paid in that proceeding shall be allocated as provided in this section. If a person is subject to fines, costs, restitution, assessments, probation or parole supervision fees, or other payments in more than 1 proceeding in a court and if a person making a payment on the fines, costs, restitution, assessments, probation or parole supervision fees, or other payments does not indicate the proceeding for which the payment is made, the court shall first apply the money paid to a proceeding in which there is unpaid restitution to be allocated as provided in this section. (2) Except as otherwise provided in this subsection, if a person is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of each payment collected by the court from that person shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If a person making a payment indicates that the payment is to be applied to victim payments, or if the payment is received as a result of a wage assignment under section 16 or from the department of corrections or sheriff under section 17a, the payment shall first be applied to victim payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied to payment of those victim payments. (3) In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority: (a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j. (b) Payment of other costs. (c) Payment of fines. (d) Payment of probation or parole supervision fees. (e) Payment of assessments and other payments, including reimbursement to third parties who reimbursed a victim for his or her loss. (4) In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority: (a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j. (b) Payment of fines and other costs. (c) Payment of assessments and other payments. (5) As used in this section, "victim payment" means restitution ordered to be paid to the victim or the victim's estate, but not to a person who reimbursed the victim for his or her loss; or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905. History:Add. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2003, Act 98, Eff. Oct. 1, 2003 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 461, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.766b - Conviction of Offense Described in MCL 750.462a to 750.462h; Restitution.

Sec. 16b. When sentencing a defendant convicted of an offense described in chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h, the court shall order restitution for the full amount of loss suffered by the victim. In addition to restitution ordered under section 16, the court may order the defendant to pay all of the following: (a) Lost income, calculated by whichever of the following methods results in the largest amount: (i) The gross amount received by the defendant from or the value to the defendant of the victim's labor or services. (ii) The value of the victim's labor or services as calculated under the minimum wage law of 1964, 1964 PA 154, MCL 408.381 to 408.398, or the federal minimum wage, whichever results in the largest value. (iii) Income loss as determined under section 16(4)(c). (b) The cost of transportation, temporary housing, and child care expenses incurred by the victim because of the offense. (c) Attorney fees and other costs and expenses incurred by the victim because of the offense, including, but not limited to, costs and expenses relating to assisting the investigation of the offense and for attendance at related court proceedings as follows: (i) Wages lost. (ii) Child care. (iii) Transportation. (iv) Parking. (d) Any other loss suffered by the victim as a proximate result of the offense. History:Add. 2010, Act 364, Eff. Apr. 1, 2011 ;-- Am. 2014, Act 340, Eff. Jan. 14, 2015

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.767 - Amount of Restitution; Order; Consideration; Order to Obtain Information; Disclosures; Resolving Dispute as to Amount and Type of Restitution.

Sec. 17. (1) In determining the amount of restitution to order under section 16, the court shall consider the amount of the loss sustained by any victim as a result of the offense. (2) The court may order the probation officer to obtain information pertaining to the amounts of loss described in subsection (1). The probation officer shall include the information collected in the presentence investigation report or in a separate report, as the court directs. (3) The court shall disclose to both the defendant and the prosecuting attorney all portions of the presentence or other report pertaining to the matters described in subsection (1). (4) Any dispute as to the proper amount or type of restitution shall be resolved by the court by a preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the prosecuting attorney. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1996, Act 562, Eff. June 1, 1997

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.767a - Deductions and Payments.

Sec. 17a. (1) If a defendant who has been sentenced to the department of corrections is ordered to pay restitution under section 16, and if the defendant receives more than $50.00 in a month, the department of corrections shall deduct 50% of the amount over $50.00 received by the defendant for payment of the restitution. The department of corrections shall promptly send the deducted money to the court or to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds $100.00, or when the defendant is paroled, transferred to community programs, or discharged on the maximum sentence. (2) If a defendant who has been sentenced to jail is ordered to pay restitution under section 16, and if the defendant receives more than $50.00 in a month, the sheriff may deduct 50% of the amount over $50.00 received by the defendant for payment of the restitution, and 5% of the amount over $50.00 received by the defendant to be retained by the sheriff as an administrative fee. The sheriff shall promptly send the money deducted for restitution to the court or to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds $100.00, or when the defendant is released to probation or discharged on the maximum sentence. (3) The department of corrections or sheriff, as applicable, shall notify the defendant and the court in writing of all deductions and payments made under this section. The requirements of this section remain in effect until all of the restitution has been paid. The department of corrections or sheriff shall not enter into any agreement with a defendant that modifies the requirements of this section. An agreement in violation of this subsection is void. History:Add. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 461, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.768 - Sale of Recollections of Thoughts and Feelings of Convicted Person; Proceeds to Be Held in Escrow; Disposition of Proceeds.

Sec. 18. (1) A person convicted of a crime shall not derive any profit from the sale of any of the following until the victim receives any restitution or compensation ordered for him or her against the defendant, expenses of incarceration are paid under subsection (3), and any balance in the escrow account created under subsection (2) is paid under subsection (4): (a) The person's recollections of or thoughts or feelings about the offense committed by the person. (b) Memorabilia related to the offense committed by the person. (c) The person's property if its value has been enhanced or increased by the person's notoriety. (2) Upon the conviction of a defendant for a crime involving a victim, and after notice to all interested parties, an attorney for the county in which the conviction occurred or the attorney general may petition the court in which the conviction occurred to order that the defendant forfeit all or any part of proceeds received or to be received by the defendant or the defendant's representatives or assignees from any of the following: (a) Contracts relating to the depiction of the crime or the defendant's recollections, thoughts, or feelings about the crime, in books, magazines, media entertainment, or live entertainment. (b) The sale of memorabilia relating to the crime. (c) The sale of property of the defendant, the value of which has been enhanced or increased by the defendant's notoriety arising from the crime. (3) Proceeds ordered forfeited under subsection (2) shall be held in an escrow account for a period of not more than 5 years. (4) During the existence of an escrow account created under subsection (3), proceeds in the account shall be distributed in the following priority to satisfy the following: (a) An order of restitution entered under section 16. (b) Any civil judgment in favor of the victim against the defendant. (c) Any reimbursement ordered under the prisoner reimbursement to the county act, 1984 PA 118, MCL 801.81 to 801.93, or the state correctional facility reimbursement act, 1935 PA 253, MCL 800.401 to 800.406. (d) Fines, costs, and other assessments ordered against the defendant. (5) A balance remaining in an escrow account created under subsection (3) at the end of the escrow period shall be paid to the crime victim's rights fund created in section 4 of 1989 PA 196, MCL 780.904. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1996, Act 562, Eff. June 1, 1997 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.768a - Notice to Victim; Explanation of Appeal Process; Rights of Victim if Conviction Reversed.

Sec. 18a. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following: (a) That the defendant filed an appeal of his or her conviction or sentence or that the prosecuting attorney filed an appeal. (b) Whether the defendant has been ordered released on bail or other recognizance pending the disposition of the appeal. If the prosecuting attorney is notified that the defendant has been ordered released on bail or other recognizance pending disposition of the appeal, the prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order. (c) The time and place of any appellate court oral arguments and any changes in the time or place of those arguments. (d) The result of the appeal. If the conviction is ordered reversed, the sentence is vacated, the case is remanded for a new trial, or the prosecuting attorney's appeal is denied, and if the prosecuting attorney has filed the appropriate notice with the appellate court, the appellate court shall expedite delivery of the relevant document to the prosecuting attorney's office by any means reasonably calculated to give the prosecuting attorney prompt notice. The prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order. (2) If the prosecuting attorney is not successful in notifying the victim of an event described in subsection (1) within the period set forth in that subsection, the prosecuting attorney shall notify the victim of that event as soon as possible by any means reasonably calculated to give the victim prompt actual notice. (3) The prosecuting attorney shall provide the victim with a brief explanation in plain

English of the appeal process, including the possible dispositions. (4) If the case is returned to the trial court for further proceedings or a new trial, the victim has the same rights as previously requested during the proceedings that led to the appeal. History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.768b - Early Termination of Probation; Notice to Victim.

Sec. 18b. If a defendant is sentenced to probation with a condition for the protection of the victim and if requested by the victim, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered. History:Add. 2006, Act 461, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.769 - Request for Notice by Victim; Exemption of Victim's Address and Telephone Number From Disclosure.

Sec. 19. (1) Upon the written request of any individual who was a victim of the defendant's course of conduct that gave rise to the conviction, the sheriff or the department of corrections shall mail to that victim the following, as applicable, about a prisoner who has been sentenced to imprisonment under the jurisdiction of the sheriff or the department for that crime: (a) Within 30 days after the request, notice of the sheriff's calculation of the prisoner's earliest release date or the department's calculation of the prisoner's earliest parole eligibility date, with all potential good time or disciplinary credits considered, if the sentence of imprisonment exceeds 90 days. (b) Notice of the prisoner's transfer or pending transfer to a minimum security facility and the facility's address. (c) Notice of the prisoner's release or pending release in a community residential program or under furlough; any other transfer to community status; any transfer from 1 community residential program or electronic monitoring program to another; or any transfer from a community residential program or electronic monitoring program to a state correctional facility. (d) Notice that the person accused, convicted, or imprisoned for committing a crime against the victim has escaped from custody, as provided in section 20. (e) Notice of both of the following: (i) The victim's right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole during the time the prisoner's release on parole or commutation of sentencing is being considered, as provided in section 21. (ii) The victim's right to address the parole board and to present exhibits or other photographic or documentary information to the parole board including at a commutation hearing. (f) Notice of the decision of the parole board, or any other panel having authority over the prisoner's release on parole, after a parole review, as provided in section 21. (g) Notice of the release of a prisoner 90 days before the date of the prisoner's discharge from prison, unless the notice has been otherwise provided under this article. (h) Notice that the prisoner has applied for a reprieve, commutation, or pardon and the parole board has decided to consider the application. (i) Notice of a public hearing under section 44 of the corrections code of 1953, 1953 PA 232, MCL 791.244, regarding a reprieve, commutation, or pardon of the prisoner's sentence by the governor. (j) Notice that a reprieve, commutation, or pardon has been granted or denied upon conclusion of a public hearing. (k) Notice that a prisoner has had his or her name legally changed while on parole or within 2 years after release from parole. (l) Notice that a prisoner has been convicted of a new crime. (m) Notice that a prisoner has been returned from parole status to a correctional facility due to an alleged violation of the conditions of his or her parole. (n) Notice that the prisoner, including a parolee, has died. However, the notification requirements of this subdivision apply to the death of a parolee only if the department is aware that the parolee has died. (2) A victim's address and telephone number maintained by a sheriff or the department of corrections upon a request for notice under this section are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be released. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1996, Act 105, Eff. Apr. 1, 1996 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2012, Act 564, Eff. Mar. 28, 2013Compiler's Notes:For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.769a - Defendant Found Not Guilty by Reason of Insanity; Notice to Victim From Director of Hospital or Facility.

Sec. 19a. (1) On a victim's written request, the director of a hospital or facility where a defendant found not guilty by reason of insanity has been hospitalized or admitted by court order shall notify the victim of the following: (a) A pending transfer of the defendant to a less secure hospital or facility. (b) A pending transfer of the defendant to alternative care or treatment, community placement, or aftercare reintegration. (c) A pending leave, absence, furlough, or other release from confinement for the defendant, whether temporary or permanent. (2) A notice required by subsection (1) shall be given by any means reasonably calculated to give the victim prompt actual notice. (3) A victim's address and telephone number maintained by a hospital or facility under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. History:Add. 2005, Act 184, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.770 - Notice of Escape.

Sec. 20. (1) The person designated in subsections (2) to (4) shall give a victim who requests notice and the prosecuting attorney who is prosecuting or has prosecuted the crime for which a defendant is detained, under sentence, hospitalized, or admitted to a facility immediate notice of the escape of the defendant accused, convicted, imprisoned, hospitalized, or admitted to a facility for committing a crime against the victim. The notice shall be given by any means reasonably calculated to give prompt actual notice. (2) If notice is required under this section and the defendant escapes from custody before sentence is executed or before the defendant is delivered to the department of corrections, hospitalized, or admitted to a facility, the chief law enforcement officer of the agency in charge of the person's detention shall give notice to the prosecuting attorney that the defendant has escaped, who shall then give notice to the victim who requested that notice. The notice shall be provided to the victim within 24 hours after the defendant is reported to have escaped. (3) If the defendant is confined under a sentence, the notice required under this section shall be given by the chief administrator of the place in which the prisoner is confined. (4) If the defendant is hospitalized under an order of hospitalization or admitted to a facility under an order of admission, the notice required under this section shall be given by the director of the hospital in which the defendant is hospitalized or by the director of the facility to which the defendant is admitted. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2012, Act 564, Eff. Mar. 28, 2013

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.770a - Notice to Victim by Family Independence Agency or County Juvenile Agency; Escape by Juvenile.

Sec. 20a. (1) Upon a victim's written request, the family independence agency or county juvenile agency, as applicable, shall make a good faith effort to notify the victim before either of the following occurs: (a) A juvenile is dismissed from court jurisdiction or discharged from commitment to the family independence agency or county juvenile agency. (b) A juvenile is transferred from a secure juvenile facility to a nonsecure juvenile facility. (2) If the family independence agency or county juvenile agency is not successful in notifying the victim before an event described in subsection (1) occurs, it shall notify the victim as soon as possible after that event occurs by any means reasonably calculated to give prompt actual notice. (3) Upon the victim's written request, the family independence agency or county juvenile agency, as applicable, shall give to the victim notice of a juvenile's escape. A victim who requests notice of an escape shall be given immediate notice of the escape by any means reasonably calculated to give prompt actual notice. If the escape occurs before the juvenile is delivered to the family independence agency or county juvenile agency, the agency in charge of the juvenile's detention shall give notice of the escape to the family independence agency or county juvenile agency, which shall then give notice of the escape to the victim who requested notice. History:Add. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1998, Act 523, Imd. Eff. Jan. 12, 1999

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.770b - Notice of Review Hearing.

Sec. 20b. Upon the victim's request, the prosecuting attorney shall give the victim notice of a review hearing conducted pursuant to section 1b of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.1b of the Michigan Compiled Laws. The victim has the right to make a statement at the hearing, submit a written statement for use at the hearing, or both. History:Add. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.771 - Rights of Victim; Notice of Pending Review and Victim's Rights; Representation of Counsel; Notice of Board or Panel Decision; Exemption From Disclosure.

Sec. 21. (1) A victim has the right to do both of the following: (a) To address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole during the time the prisoner's release on parole or commutation of sentencing is being considered. (b) To address the parole board and to present exhibits or other photographic or documentary information to the parole board including at a commutation hearing. (2) Not less than 30 days before a review of the prisoner's release, a victim who has requested notice under section 19(1)(f) shall be given written notice by the department of corrections informing the victim of the pending review and of victims' rights under this section. The victim, at his or her own expense, may be represented by counsel at the review. (3) A victim shall receive notice of the decision of the board or panel and, if applicable, notice of the date of the prisoner's release on parole. Notice shall be mailed within a reasonable time after the board or panel reaches its decision but not later than 14 days after the board or panel has reached its decision. The notice shall include a statement of the victim's right to appeal a parole decision, as allowed under section 34 of the corrections code of 1953, 1953 PA 232, MCL 791.234. (4) A record of an oral statement or a written statement made under subsection (1) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be released. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2012, Act 564, Eff. Mar. 28, 2013Compiler's Notes:For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.772 - Notice of Final Disposition of Case.

Sec. 22. Upon the request of a victim, the prosecuting attorney shall, within 30 days of the final disposition of the case, notify the victim in writing of the final disposition of the case. History:1985, Act 87, Eff. Oct. 9, 1985

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.772a - Notice to Victim of Defendant's Application to Have Conviction for Assaultive Crime Set Aside; “Assaultive Crime” Defined.

Sec. 22a. If a defendant applies to have a conviction for an assaultive crime set aside under Act No. 213 of the Public Acts of 1965, being sections 780.621 to 780.624 of the Michigan Compiled Laws, and if the name of the victim is known by the prosecuting attorney, the prosecuting attorney shall give to the victim of the assaultive crime written notice of the application and forward a copy of the application to the victim. The notice shall be by first-class mail to the victim's last known address. The victim has the right to appear at any proceeding under Act No. 213 of the Public Acts of 1965 concerning that conviction and make a written or oral statement. As used in this section, "assaultive crime" means that term as defined in section 9a of chapter X of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 770.9a of the Michigan Compiled Laws. History:Add. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.773 - Cause of Action Not Created.

Sec. 23. Nothing in this article shall be construed as creating a cause of action for money damages against the state, a county, a municipality or any of their agencies, or instrumentalities, or employees. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.774 - Failure to Provide Right, Privilege, or Notice to Victim.

Sec. 24. The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the defendant to seek to have the conviction or sentence set aside. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 1 - (780.751...780.775)Section 780.775 - Effective Date of Article; Applicability.

Sec. 25. (1) This article shall take effect October 9, 1985. (2) This article shall apply only to crimes committed on or after October 9, 1985. History:1985, Act 87, Eff. Oct. 9, 1985 ;-- Am. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.781 - Definitions; Designation of Person to Act in Place of Victim; Individual Charged With Offense Arising Out of Same Transaction; Eligibility to Exercise Privileges and Rights Established for Victims.

Sec. 31. (1) Except as otherwise defined in this article, as used in this article: (a) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act, 1998 PA 518, MCL 45.622. (b) "Court" means the family division of circuit court. (c) "Crime victim services commission" means that term as described in section 2 of 1976 PA 223, MCL 18.352. (d) "Designated case" means a case designated as a case in which the juvenile is to be tried in the same manner as an adult under section 2d of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d. (e) "Juvenile" means an individual alleged or found to be within the court's jurisdiction under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, for an offense, including, but not limited to, an individual in a designated case. (f) "Juvenile facility" means a county facility, an institution operated as an agency of the county or the court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which a juvenile has been committed or in which a juvenile is detained. (g) "Offense" means 1 or more of the following: (i) A violation of a penal law of this state for which a juvenile offender, if convicted as an adult, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony. (ii) A violation of section 81 (assault and battery, including domestic violence), 81a (assault; infliction of serious injury, including aggravated domestic violence), 115 (breaking and entering or illegal entry), 136b(7) (child abuse in the fourth degree), 145 (contributing to the neglect or delinquency of a minor), 145d (using the internet or a computer to make a prohibited communication), 233 (intentionally aiming a firearm without malice), 234 (discharge of a firearm intentionally aimed at a person), 235 (discharge of an intentionally aimed firearm resulting in injury), 335a (indecent exposure), or 411h (stalking) of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145, 750.145d, 750.233, 750.234, 750.235, 750.335a, and 750.411h. (iii) A violation of section 601b(2) (injuring a worker in a work zone) or 617a (leaving the scene of a personal injury accident) of the Michigan vehicle code, 1949 PA 300, MCL 257.601b and 257.617a, or a violation of section 625 (operating a vehicle while under the influence of or impaired by intoxicating liquor or a controlled substance, or with unlawful blood alcohol

content) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to another individual. (iv) Selling or furnishing alcoholic liquor to an individual less than 21 years of age in violation of section 33 of the former 1933 (Ex Sess) PA 8, or section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, if the violation results in physical injury or death to any individual. (v) A violation of section 80176(1) or (3) (operating a vessel while under the influence of or impaired by intoxicating liquor or a controlled substance, or with unlawful blood alcohol content) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to any individual. (vi) A violation of a local ordinance substantially corresponding to a law enumerated in subparagraphs (i) to (v). (vii) A violation described in subparagraphs (i) to (vi) that is subsequently reduced to a violation not included in subparagraphs (i) to (vi). (h) "Person" means an individual, organization, partnership, corporation, or governmental entity. (i) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based. (j) "Victim" means any of the following: (i) A person who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of an offense, except as provided in subparagraph (ii), (iii), (iv), or (v). (ii) The following individuals other than the juvenile if the victim is deceased, except as provided in subparagraph (v): (A) The spouse of the deceased victim. (B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply. (C) A parent of a deceased victim if sub-subparagraphs (A) and (B) do not apply. (D) The guardian or custodian of a child of a deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply. (E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply. (F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply. (iii) A parent, guardian, or custodian of a victim who is less than 18 years of age and who is neither the juvenile nor incarcerated, if the parent, guardian, or custodian so chooses. (iv) A parent, guardian, or custodian of a victim who is mentally or emotionally unable to participate in the legal process if he or she is neither the juvenile nor incarcerated. (v) For the purpose of submitting or making an impact statement only, if the victim as defined in subparagraph (i) is deceased, is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process, or consents to the designation as a victim of the following individuals other than the juvenile: (A) The spouse of the victim. (B) A child of the victim if the child is 18 years of age or older. (C) A parent of the victim. (D) The guardian or custodian of a child of the victim if the child is less than 18 years of age. (E) A sibling of the victim. (F) A grandparent of the victim. (G) A guardian or custodian of the victim if the victim is less than 18 years of age at the time of the commission of the crime and that guardian or custodian is not incarcerated. (2) If a victim as defined in subsection (1)(j)(i) is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, grandparent, or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in his or her place. During the physical or emotional disability, notices to be provided under this article to the victim must continue to be sent only to the victim. (3) An individual who is charged with an offense arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1996, Act 82, Imd. Eff. Feb. 27, 1996 ;-- Am. 1998, Act 523, Imd. Eff. Jan. 12, 1999 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 461, Eff. Jan. 1, 2007 ;-- Am. 2009, Act 28, Eff. July 1, 2009 ;-- Am. 2014, Act 134, Eff. July 1, 2014 ;-- Am. 2018, Act 370, Eff. Mar. 17, 2019Compiler's Notes:Enacting section 1 of Act 28 of 2009 provides:"Enacting section 1. This amendatory act takes effect July 1, 2009, and applies only to crimes committed on and after that date."

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.781a - Duty to Provide Notice to Victim; Furnishing Information or Records; Exception for Address Confidentiality Program.

Sec. 31a. (1) The duty under this article and under section 24 of article I of the state constitution of 1963 of a court, the department of corrections, the department of health and human services, a county sheriff, or a prosecuting attorney to provide a notice to a victim also applies if the case against the defendant is resolved by assignment of the defendant to trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal. In performing a duty under this article or under section 24 of article I of the state constitution of 1963, the court, department of corrections, department of health and human services, county sheriff, or prosecuting attorney may furnish information or records to the victim that would otherwise be closed to public inspection, including information or records described in section 14 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.14. (2) In performing a duty to provide notice by mail under this article or under section 24 of article I of the state constitution of 1963, the court, department of corrections, department of health and human services, county sheriff, or prosecuting attorney shall mail the notice to the address provided by the victim, except as otherwise provided under section 11 of the address confidentiality program act. If the victim is a program participant as that term is defined in section 3 of the address confidentiality program act, the victim may provide the address designated by the department of the attorney general. History:Add. 2006, Act 461, Eff. Jan. 1, 2007 ;-- Am. 2020, Act 278, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.782 - Information to Be Given Victim.

Sec. 32. Within 24 hours after the initial contact between the victim of a reported offense and the law enforcement agency having the responsibility for investigating that offense, that agency shall give to the victim the following information in writing: (a) The availability of emergency and medical services, if applicable. (b) The availability of victim's compensation benefits and the address of the crime victims compensation board. (c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights. (d) The following statements: "If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them." "If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency's telephone number] for the status of the case.". History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.783 - Return of Property to Victim.

Sec. 33. (1) The law enforcement agency having responsibility for investigating a reported offense shall promptly return to the victim property belonging to that victim that is taken in the course of the investigation, except as provided in subsections (2) to (4). (2) The agency shall not return property that is contraband. (3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved. (4) The agency shall retain as evidence any weapon used in the commission of the offense and any other evidence if the prosecuting attorney certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by the agency. History:Add. 1988, Act 22, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.783a - Statement on Complaint or Petition.

Sec. 33a. The investigating agency or prosecuting attorney that files a complaint or submits a petition seeking to invoke the court's jurisdiction for a juvenile offense described in section 31(1)(d)(iii), (iv), or (v), or a local ordinance substantially corresponding to a juvenile offense described in section 31(1)(d)(iii), (iv), or (v), shall place a statement on the complaint or petition that the offense resulted in damage to another individual's property or physical injury or death to another individual. History:Add. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.783b - Victim of Identity Theft; Filing Police Report; Jurisdiction; "Identity Theft" Defined.

Sec. 33b. (1) To facilitate compliance with 15 USC 1681g, a bona fide victim of identity theft is entitled to file a police report with a law enforcement agency in a jurisdiction where the alleged violation of identity theft may be prosecuted as provided under section 10c of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.10c, and to obtain a copy of that report from that law enforcement agency. (2) As used in this section, "identity theft" means that term as defined in section 3 of the identity theft protection act. History:Add. 2004, Act 456, Eff. Mar. 1, 2005

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.784 - Separate Statement.

Sec. 34. The investigating agency that files a complaint or submits a petition seeking to invoke the court's jurisdiction for a juvenile offense shall file with the complaint or petition a separate statement listing any known victims of the juvenile offense and their addresses and phone numbers. This separate statement shall not be a matter of public record. History:Add. 1988, Act 22, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.785 - Victim to Be Given Telephone Number of Juvenile Facility and Notice of Release; Motion to Detain Juvenile in Facility.

Sec. 35. (1) If the juvenile has been placed in a juvenile facility, not later than 48 hours after the preliminary hearing of that juvenile for a juvenile offense, the prosecuting attorney or, pursuant to an agreement under section 48a, the court shall give to the victim the telephone number of the juvenile facility and notice that the victim may contact the juvenile facility to determine whether the juvenile has been released from custody. The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the juvenile, or both, if the victim requests or has requested that information. If the juvenile is released from custody by the sheriff or juvenile facility, the sheriff or juvenile facility shall notify the law enforcement agency having responsibility for investigating the crime. (2) Based upon any credible evidence of acts or threats of physical violence or intimidation by the juvenile or at the juvenile's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the juvenile be detained in a juvenile facility. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.786 - Court Jurisdiction; Notices to Victim; Consultation With Prosecuting Attorney; Persons to Be Informed of Victim's Current Address and Telephone Number.

Sec. 36. (1) The court shall accept a petition submitted by a prosecuting attorney that seeks to invoke the court's jurisdiction for a juvenile offense, unless the court finds on the record that the petitioner's allegations are insufficient to support a claim of jurisdiction under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2. (2) Within 72 hours after the prosecuting attorney files or submits a petition seeking to invoke the court's jurisdiction for an offense, the prosecuting attorney, or the court pursuant to an agreement under section 48a, shall give to each victim a written notice in plain English of each of the following: (a) A brief statement of the procedural steps in processing a juvenile case, including the fact that a juvenile may be tried in the same manner as an adult in a designated case or waived to the court of general criminal jurisdiction. (b) A specific list of the rights and procedures under this article. (c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article. (d) Details and eligibility requirements for compensation from the crime victim services commission under 1976 PA 223, MCL 18.351 to 18.368. (e) Suggested procedures if the victim is subjected to threats or intimidation. (f) The person to contact for further information. (3) If the victim requests, the prosecuting attorney, or the court pursuant to an agreement under section 48a, shall give the victim notice of any scheduled court proceedings and any changes in that schedule. (4) If the juvenile has not already entered a plea of admission or no contest to the original charge at the preliminary hearing, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the victim's views about the disposition of the offense, including the victim's views about dismissal, waiver, and pretrial diversion programs, before finalizing any agreement to reduce the original charge. (5) A victim who receives a notice under subsection (2) and chooses to receive any notice or exercise any right under this article shall keep the following persons informed of the victim's current address or address designated by the department of the attorney general if he or she is a program participant as that term is defined in section 3 of the address confidentiality program act and telephone number: (a) The prosecuting attorney, or the court if an agreement under section 48a exists. (b) If the juvenile is made a public ward, the department of health and human services or county juvenile agency, as applicable. (c) If the juvenile is imprisoned, the department of corrections or the sheriff as directed by the prosecuting attorney. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1998, Act 523, Imd. Eff. Jan. 12, 1999 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2020, Act 278, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.786a - Speedy Trial.

Sec. 36a. (1) As provided in subsection (2), a speedy trial may be scheduled for any case in which the victim is declared by the prosecuting attorney to be any of the following: (a) A victim of child abuse, including sexual abuse or any other assaultive crime. (b) A victim of criminal sexual conduct in the first, second, or third degree or of an assault with intent to commit criminal sexual conduct involving penetration or to commit criminal sexual conduct in the second degree. (c) Sixty-five years of age or older. (d) An individual with a disability that inhibits the individual's ability to attend court or participate in the proceedings. (2) The court, upon motion of the prosecuting attorney for a speedy trial for a case described in subsection (1), shall set a hearing date within 14 days after the motion is filed. Notice shall be made pursuant to the Michigan court rules. If the motion is granted, the trial shall not be scheduled earlier than 21 days from the date of the hearing. History:Add. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.786b - Removal of Case From Adjudicative Process; Notice Required; Hearing; Consultation of Victim With Prosecuting Attorney.

Sec. 36b. (1) Except for a dismissal based upon a judicial finding on the record that the petition and the facts supporting it are insufficient to support a claim of jurisdiction under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, a case involving the alleged commission of an offense, as defined in section 31, by a juvenile shall not be diverted, placed on the consent calendar, or made subject to any other prepetition or preadjudication procedure that removes the case from the adjudicative process unless the court gives written notice to the prosecuting attorney of the court's intent to remove the case from the adjudicative process and allows the prosecuting attorney the opportunity to address the court on that issue before the case is removed from the adjudicative process. Before any formal or informal action is taken, the prosecutor shall give the victim notice of the time and place of the hearing on the proposed removal of the case from the adjudicative process. The victim has the right to attend the hearing and to address the court at the hearing. As part of any other order removing any case from the adjudicative process, the court shall order the juvenile or the juvenile's parents to provide full restitution as provided in section 44. (2) Before finalizing any informal disposition, preadjudication, or expedited procedure, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about that manner of disposing of the case. History:Add. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.787 - Separate Waiting Area; Other Safeguards.

Sec. 37. The court shall provide a waiting area for the victim separate from the juvenile, the juvenile's relatives, and the juvenile's

witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim's contact with the juvenile, the juvenile's relatives, and the juvenile's witnesses during court proceedings. History:Add. 1988, Act 22, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.788 - Testimony Not to Be Compelled; Hearing; Exemption From Disclosure; Exception.

Sec. 38. (1) Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the juvenile or at the juvenile's direction against the victim or the victim's immediate family, the prosecuting attorney may move or, in the absence of a prosecuting attorney, the victim may request that the victim or any other witness not be compelled to testify at any court hearing for purposes of identifying the victim as to the victim's address, place of employment, or other personal identification without the victim's consent. A hearing on the motion must be in camera. (2) Under section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, the following information and visual representations of a victim are subject to the following: (a) The home address, home telephone number, work address, and work telephone number of the victim are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (b) A picture, photograph, drawing, or other visual representation, including any film, videotape, or digitally stored image of the victim, are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and, if the picture, photograph, drawing, or other visual representation is from a court proceeding that is made available to the public through streaming on the internet or other means, the picture, photograph, drawing, or visual representation may be blurred. (c) The following information concerning a victim of child abuse, criminal sexual conduct, assault with intent to commit criminal sexual conduct, or a similar crime who was less than 18 years of age when the crime was committed is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246: (i) The victim's name and address. (ii) The name and address of an immediate family member or relative of the victim, who has the same surname as the victim, other than the name and address of the accused. (iii) Any other information that would tend to reveal the identity of the victim, including a reference to the victim's familial or other relationship to the accused. (3) Subsection (2) does not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2012, Act 457, Imd. Eff. Dec. 27, 2012 ;-- Am. 2023, Act 179, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.789 - Presence of Victim at Hearing; Sequestering of Victim.

Sec. 39. The victim has the right to be present throughout the entire contested adjudicative hearing or waiver hearing of the juvenile, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court, for good cause shown, may order the victim to be sequestered until the victim first testifies. The victim shall not be sequestered after he or she first testifies. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.790 - Discharge or Discipline of Victim or Victim Representative by Employer or Employer's Agent; Misdemeanor; Contempt; “Victim Representative” Defined.

Sec. 40. (1) An employer or the employer's agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a victim because that victim is subpoenaed or requested by the prosecuting attorney to attend court for the purpose of giving testimony, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both, and may be punished for contempt of court. (2) An employer or an employer's agent who disciplines or discharges a victim representative from employment, causes a victim representative to be disciplined or discharged from employment or threatens to discipline or discharge a victim representative from employment because that victim representative attends or desires to attend court to be present during the testimony of the victim, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both, and may be punished for contempt of court. (3) As used in this section, "victim representative" means any of the following: (a) A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age. (b) A parent, guardian, or custodian of a victim of an offense that if committed by an adult would be an assaultive crime if the victim of the offense is less than 18 years of age. (c) A person who has been designated under section 31(2) to act in place of a victim of an offense that if committed by an adult would be an assaultive crime during the duration of the victim's physical or emotional disability. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.791 - Additional Notices to Victim.

Sec. 41. (1) The prosecuting attorney, or, pursuant to an agreement under section 48a, the court, upon and in accordance with the request of the victim, shall give the victim notice of all of the following: (a) The offenses for which the juvenile was adjudicated or

convicted. (b) The victim's right to make an impact statement at the disposition hearing or sentencing. (c) The time and place of the disposition or sentencing proceeding. (2) If a report is to be prepared for the juvenile's disposition or for a sentencing in a proceeding that is a designated case, the person preparing the report shall give notice to the victim of all of the following: (a) The victim's right to make an impact statement for use in preparing the report. (b) The address and telephone number of the person who is to prepare the report. (c) The fact that the report and any statement of the victim included in the report will be made available to the juvenile unless exempted from disclosure by the court. (3) A notice under subsection (1) or (2) shall inform the victim that his or her impact statement may be oral or written and may include, but shall not be limited to, any of the following: (a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim. (b) An explanation of the extent of any economic loss or property damage suffered by the victim. (c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage. (d) The victim's recommendation for an appropriate disposition or sentence. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.791a - Providing Victim With Form to Receive Certain Notices.

Sec. 41a. If a juvenile is ordered to be placed in a juvenile facility or sentenced to probation or to a term of imprisonment, the prosecuting attorney, or the court pursuant to an agreement under section 48a, shall provide the victim with a form the victim may submit to receive the notices from the court, prosecuting attorney, department of health and human services, or county juvenile agency, as applicable, provided for under section 45a or 48. The form must include the address of the court, prosecuting attorney, department of health and human services, county juvenile agency, department of corrections, or the sheriff, as applicable, to which the form may be sent and a statement that the victim may use the address designated by the department of the attorney general to receive notices if the victim is a program participant as that term is defined in section 3 of the address confidentiality program act. History:Add. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1998, Act 523, Imd. Eff. Jan. 12, 1999 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2006, Act 461, Eff. Jan. 1, 2007 ;-- Am. 2020, Act 278, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.792 - Report; Impact Statement.

Sec. 42. (1) If a report is to be prepared for the juvenile's disposition or for a sentencing in a proceeding that is a designated case, the victim has the right to submit a written or oral impact statement to the person preparing the report for that person's use in preparing the report. (2) If no presentence report is prepared, the court shall notify the prosecuting attorney of the date and time of sentencing at least 10 days prior to the disposition or sentencing. (3) Upon the victim's request, a victim's written statement under this section shall be included in the report. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.793 - Appearance and Statement of Victim; Notice of Disposition; Physical Presence of Juvenile; Remote Option; 2018 Pa 153 May Be Cited as "Rebekah Bletsch Law".

Sec. 43. (1) The victim has the right to appear and make an oral impact statement at the juvenile's disposition or sentencing. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on the victim's behalf. The other person need not be an attorney. The victim may elect to remotely provide the oral impact statement under this section. (2) On request, the prosecuting attorney, or, in accordance with an agreement under section 48a, the court, shall notify the victim of the disposition of the juvenile's offense not more than 30 days after the disposition is made. (3) Unless the court has determined, in its discretion, that the juvenile is behaving in a disruptive manner or presents a threat to the safety of any individuals present in the courtroom, the juvenile must be physically present in the courtroom at the time a victim makes an oral impact statement under subsection (1). In making its determination under this subsection, the court may consider any relevant statement provided by the victim regarding the juvenile being physically present during that victim's oral impact statement. This subsection applies to cases in which the sentencing of the juvenile occurs after May 22, 2018. (4) 2018 PA 153, which amended this section and sections 15 and 75, may be cited as the "Rebekah Bletsch law". History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2018, Act 153, Imd. Eff. May 23, 2018 ;-- Am. 2023, Act 178, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.794 - Definitions; Order of Restitution to Be Made by Juvenile.

Sec. 44. (1) As used in this section only: (a) "Offense" means a violation of a penal law of this state or a violation of an ordinance of a local unit of government of this state punishable by imprisonment or by a fine that is not a civil fine. (b) "Victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of an offense. As used in subsections (2), (3), (6), (8), (9), and (13) only, victim includes a sole proprietorship, partnership, corporation, association,

governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of an offense. (2) Except as provided in subsection (8), at the dispositional hearing or sentencing for an offense, the court shall order, in addition to or in lieu of any other disposition or penalty authorized by law, that the juvenile make full restitution to any victim of the juvenile's course of conduct that gives rise to the disposition or conviction or to the victim's estate. For an offense that is resolved informally by means of a consent calendar diversion or by another informal method that does not result in a dispositional hearing, by assignment to youthful trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal, the court shall order the restitution required under this section. (3) If an offense results in damage to or loss or destruction of property of a victim of the offense or results in the seizure or impoundment of property of a victim of the offense, the order of restitution shall require that the juvenile do 1 or more of the following, as applicable: (a) Return the property to the owner of the property or to a person designated by the owner. (b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraph (i) or (ii), less the value, determined as of the date the property is returned, of that property or any part of the property that is returned: (i) The fair market value of the property on the date of the damage, loss, or destruction. However, if the fair market value of the property cannot be determined or is impractical to ascertain, then the replacement value of the property shall be utilized in lieu of the fair market value. (ii) The fair market value of the property on the date of disposition. However, if the fair market value of the property cannot be determined or is impractical to ascertain, then the replacement value of the property shall be utilized in lieu of the fair market value. (c) Pay the costs of the seizure or impoundment, or both. (4) If an offense results in physical or psychological injury to a victim, the order of restitution shall require that the juvenile do 1 or more of the following, as applicable: (a) Pay an amount equal to the reasonably determined cost of medical and related professional services and devices actually incurred and reasonably expected to be incurred relating to physical and psychological care. (b) Pay an amount equal to the reasonably determined cost of physical and occupational therapy and rehabilitation actually incurred and reasonably expected to be incurred. (c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the offense. (d) Pay an amount equal to the reasonably determined cost of psychological and medical treatment for members of the victim's family actually incurred or reasonably expected to be incurred as a result of the offense. (e) Pay an amount equal to the reasonably determined costs of homemaking and child care expenses actually incurred or reasonably expected to be incurred as a result of the offense or, if homemaking or child care is provided without compensation by a relative, friend, or any other person, an amount equal to the costs that would reasonably be incurred as a result of the offense for that homemaking and child care, based on the rates in the area for comparable services. (f) Pay an amount equal to the cost of actual funeral and related services. (g) If the deceased victim could be claimed as a dependent by his or her parent or guardian on the parent's or guardian's federal, state, or local income tax returns, pay an amount equal to the loss of the tax deduction or tax credit. The amount of reimbursement shall be estimated for each year the victim could reasonably be claimed as a dependent. (h) Pay an amount equal to income actually lost by the spouse, parent, sibling, child, or grandparent of the victim because the family member left his or her employment, temporarily or permanently, to care for the victim because of the injury. (5) If an offense resulting in bodily injury also results in the death of a victim or serious impairment of a body function of a victim, the court may order up to 3 times the amount of restitution otherwise allowed under this section. As used in this subsection, "serious impairment of a body function of a victim" includes, but is not limited to, 1 or more of the following: (a) Loss of a limb or use of a limb. (b) Loss of a hand or foot or use of a hand or foot. (c) Loss of an eye or use of an eye or ear. (d) Loss or substantial impairment of a bodily function. (e) Serious visible disfigurement. (f) A comatose state that lasts for more than 3 days. (g) Measurable brain damage or mental impairment. (h) A skull fracture or other serious bone fracture. (i) Subdural hemorrhage or subdural hematoma. (j) Loss of a body organ. (6) If the victim or victim's estate consents, the order of restitution may require that the juvenile make restitution in services in lieu of money. (7) If the victim is deceased or dies, the court shall order that the restitution or remaining restitution be made to those entitled to inherit from the victim's estate. (8) The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the offense. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or victim's estate under the order be made before any restitution to any other person or entity under that order is made. The court shall not order restitution to be paid to a victim or victim's estate if the victim or victim's estate has received or is to receive compensation for that loss, and the court shall state on the record with specificity the reasons for its action. (9) Any amount paid to a victim or victim's estate under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim or the victim's estate in any federal or state civil proceeding and shall reduce the amount payable to a victim or a victim's estate by an award from the crime victim services commission made after an order of restitution under this section. (10) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the juvenile make restitution under this section within a specified period or in specified installments. (11) If the juvenile is placed on probation, any restitution ordered under this section shall be a condition of that probation. The court may revoke probation if the juvenile fails to comply with the order and if the juvenile has not made a good faith effort to comply with the order. In determining whether to revoke probation, the court shall consider the juvenile's employment status, earning ability, and financial resources, the willfulness of the juvenile's failure to pay, and any other special circumstances that may have a bearing on the juvenile's ability to pay. (12) Subject to subsection (18), a juvenile who is required to pay restitution and who is not in willful default of the payment of the restitution may at any time

petition the court to modify the method of payment. If the court determines that payment under the order will impose a manifest hardship on the juvenile or his or her immediate family, and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim, the court may modify the method of payment. (13) An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the individual ordered to pay restitution for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim's estate, or any other person or entity named in the order to receive the restitution in the same manner as a judgment in a civil action or a lien. (14) Notwithstanding any other provision of this section, a juvenile shall not be detained or imprisoned for a violation of probation or parole or otherwise for failure to pay restitution as ordered under this section unless the court determines that the juvenile has the resources to pay the ordered restitution and has not made a good faith effort to do so. (15) If the court determines that the juvenile is or will be unable to pay all of the restitution ordered, after notice to the juvenile's parent or parents and an opportunity for the parent or parents to be heard, the court may order the parent or parents having supervisory responsibility for the juvenile at the time of the acts upon which an order of restitution is based to pay any portion of the restitution ordered that is outstanding. An order under this subsection does not relieve the juvenile of his or her obligation to pay restitution as ordered, but the amount owed by the juvenile shall be offset by any amount paid by his or her parent. As used in this subsection, "parent" does not include a foster parent. (16) If the court orders a parent to pay restitution under subsection (15), the court shall take into account the parent's financial resources and the burden that the payment of restitution will impose, with due regard to any other moral or legal financial obligations the parent may have. If a parent is required to pay restitution under subsection (15), the court shall provide for payment to be made in specified installments and within a specified period of time. (17) A parent who has been ordered to pay restitution under subsection (15) may petition the court for a modification of the amount of restitution owed by the parent or for a cancellation of any unpaid portion of the parent's obligation. The court shall cancel all or part of the parent's obligation due if the court determines that payment of the amount due will impose a manifest hardship on the parent and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim. (18) In each case in which payment of restitution is ordered as a condition of probation, the court shall order any employed juvenile to make regularly scheduled restitution payments. If the juvenile misses 2 or more regularly scheduled payments, the court shall order the juvenile to execute a wage assignment to pay the restitution. The juvenile caseworker or probation officer assigned to the case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the juvenile caseworker or probation officer assigned to the case shall review the case at the end of the specific period of time to determine if the restitution has been paid in full. The final review shall be conducted not less than 60 days before the probationary period expires. If the juvenile caseworker or probation officer determines at any review the restitution is not being paid as ordered, the juvenile caseworker or probation officer shall file a written report of the violation with the court on a form prescribed by the state court administrative office or shall petition the court for a probation violation. The report or petition shall include a statement of the amount of the arrearage, and any reasons for the arrearage known by the juvenile caseworker or probation officer. The juvenile caseworker or probation officer shall immediately provide a copy of the report or petition to the prosecuting attorney. If a petition or motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered by the court, the court shall promptly take action necessary to compel compliance. (19) If the court determines that an individual who is ordered to pay restitution under this section is remanded to the jurisdiction of the department of corrections, the court shall provide a copy of the order of restitution to the department of corrections when the court determines that the individual is remanded to the department's jurisdiction. (20) The court shall not impose a fee on a victim, victim's estate, or prosecuting attorney for enforcing an order of restitution. (21) If a person or entity entitled to restitution under this section cannot be located, refuses to claim the restitution within 2 years after the date on which he or she could have claimed the restitution, or refuses to accept the restitution, the restitution to which that person or entity is entitled shall be deposited in the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904, or its successor fund. However, a person or entity entitled to that restitution may claim that restitution any time by applying to the court that originally ordered and collected it. The court shall notify the crime victim services commission of the application and the commission shall approve a reduction in the court's revenue transmittal to the crime victim's rights fund equal to the restitution owed to the person or entity. The court shall use the reduction to reimburse that restitution to the person or entity. (22) The court may amend an order of restitution entered under this section on a motion by the prosecuting attorney, the victim, or the defendant based upon new information related to the injury, damages, or loss for which the restitution was ordered. (23) A court that receives notice that a defendant who has an obligation to pay restitution under this section has declared bankruptcy shall forward a copy of that notice to the prosecuting attorney. The prosecuting attorney shall forward the notice to the victim at the victim's last known address. (24) If the victim is a minor, the order of restitution shall require the defendant to pay to a parent of the victim an amount that is determined to be reasonable for any of the following that are actually incurred or reasonably expected to be incurred by the parent as a result of the crime: (a) Homemaking and child care expenses. (b) Income loss not ordered to be paid under subsection (4)(h). (c) Mileage. (d) Lodging or housing. (e) Meals. (f) Any other cost incurred in exercising the rights of the victim or a parent under this act. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1996, Act 121, Eff. May 1, 1996 ;-- Am. 1996, Act 562, Eff. June 1, 1997 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2009, Act 28, Eff. July 1, 2009 ;-- Am. 2013, Act 139, Imd. Eff. Oct. 22, 2013Compiler's Notes:Enacting section 1 of Act 28 of 2009 provides:"Enacting section 1. This amendatory act takes effect July 1, 2009, and applies only to crimes committed on and after that date."

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.794a - Allocation of Payment From Juveniles.

Sec. 44a. (1) If a juvenile is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that juvenile for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments ordered to be paid in that proceeding shall be allocated as provided in this section. If a person is subject to fines, costs, restitution, assessments, probation or parole supervision fees, or other payments in more than 1 proceeding in a court and if a person making a payment on the fines, costs, restitution, assessments, probation or parole supervision fees, or other payments does not indicate the proceeding for which the payment is made, the court shall first apply the money paid to a proceeding in which there is unpaid restitution to be allocated as provided in this section. (2) Except as otherwise provided in this subsection, if a juvenile is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of each payment collected by the court from that juvenile shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If a person making a payment indicates that the payment is to be applied to victim payments, or if the payment is received as a result of a wage assignment under section 44 or from the department of corrections, sheriff, department of human services, or county juvenile agency under section 46b, the payment shall first be applied to victim payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied to payment of those victim payments. (3) In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority: (a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j. (b) Payment of other costs. (c) Payment of fines. (d) Payment of probation or parole supervision fees. (e) Payment of assessments and other payments, including reimbursement to third parties who reimbursed a victim for his or her loss. (4) In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority: (a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j. (b) Payment of fines and other costs. (c) Payment of assessments and other payments. (5) As used in this section, "victim payment" means restitution ordered to be paid to the victim or the victim's estate, but not to a person who reimbursed the victim for his or her loss; or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905. History:Add. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2003, Act 98, Eff. Oct. 1, 2003 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 461, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.795 - Factors in Determining Order of Restitution by Juvenile.

Sec. 45. (1) In determining the amount of restitution to order under section 44, the court shall consider the amount of the loss sustained by any victim as a result of the offense. In determining whether to order the juvenile's supervisory parent to pay restitution under section 44(15), the court shall consider the financial resources of the juvenile's supervisory parent and the other factors specified in section 44(16). (2) The court may order the person preparing a report for the purpose of disposition to obtain information pertaining to the factors set forth in subsection (1). That person shall include the information collected in the disposition report or in a separate report, as the court directs. (3) The court shall disclose to the juvenile, the juvenile's supervisory parent, and the prosecuting attorney all portions of the disposition or other report pertaining to the matters described in subsection (1). (4) Any dispute as to the proper amount or type of restitution shall be resolved by the court by a preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the prosecuting attorney. The burden of demonstrating the financial resources of the juvenile's supervisory parent and the other factors specified in section 44(16) shall be on the supervisory parent. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1996, Act 562, Eff. June 1, 1997

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.795a - Early Termination of Probation of Juvenile; Notice to Victim.

Sec. 45a. If a juvenile is sentenced to probation with a condition for the protection of the victim and if requested by the victim, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered. History:Add. 2006, Act 461, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.796 - Additional Notice to Victim; Rights of Victim in Further Proceedings or New Trial.

Sec. 46. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following: (a) That the juvenile filed an appeal of his or her adjudication, conviction, disposition, or sentence or the prosecuting attorney filed an appeal. (b) Whether the juvenile has been ordered released on bail or other recognizance pending the disposition of the appeal. If the prosecuting attorney is notified that the juvenile has been ordered released on bail or other recognizance pending disposition of the appeal, the prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order. (c) The time and place of any appellate court oral arguments and any changes in the time or place of those arguments. (d) The result of the appeal. If the disposition or conviction is ordered reversed, the sentence is vacated, the case is remanded for a new trial, or the prosecuting attorney's appeal is denied, and if the prosecuting attorney has filed the appropriate notice with the appellate court, the appellate court shall expedite delivery of the relevant document to the prosecuting attorney's office by any means reasonably calculated to give the prosecuting attorney prompt notice. The prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order. (2) If the prosecuting attorney is not successful in notifying the victim of an event described in subsection (1) within the period set forth in that subsection, the prosecuting attorney shall notify the victim of that event as soon as possible by any means reasonably calculated to give the victim prompt actual notice. (3) The prosecuting attorney shall provide the victim with a brief explanation in plain English of the appeal process, including the possible dispositions. (4) If the case is returned to the court for further proceedings or a new trial, the victim has the same rights as previously requested during the proceedings that led to the appeal. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.796a - Notice to Victim of Juvenile's Application to Have Conviction or Adjudication for Certain Offenses Set Aside; “Assaultive Crime” and “Serious Misdemeanor” Defined.

Sec. 46a. (1) If a juvenile applies to have a conviction for an assaultive crime or serious misdemeanor or an adjudication for an offense that if committed by an adult would be an assaultive crime or a serious misdemeanor set aside under section 18e of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18e, and the prosecuting attorney knows the victim's name, the prosecuting attorney shall give the victim of the offense written notice of the application and forward a copy of the application to the victim. The notice shall be by first-class mail to the victim's last known address. The victim has the right to appear at any proceeding under section 18e of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18e, concerning that adjudication and make a written or oral statement. (2) As used in this section: (a) "Assaultive crime" means that term as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a. (b) "Serious misdemeanor" means that term as defined in section 61. History:Add. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.796b - Deductions and Payments.

Sec. 46b. (1) If a juvenile who has been sentenced to the department of corrections is ordered to pay restitution under section 44, and if the juvenile receives more than $50.00 in a month, the department of corrections shall deduct 50% of the amount over $50.00 received by the juvenile for payment of the restitution. The department of corrections shall promptly send the deducted money to the court or to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds $100.00, or when the juvenile is paroled, transferred to community programs, or discharged on the maximum sentence. (2) If a juvenile who has been sentenced to jail is ordered to pay restitution under section 44, and if the juvenile receives more than $50.00 in a month, the sheriff may deduct 50% of the amount over $50.00 received by the juvenile for payment of the restitution, and 5% of the amount over $50.00 received by the juvenile to be retained by the sheriff as an administrative fee. The sheriff shall promptly send the money deducted for restitution to the court or to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds $100.00, or when the juvenile is released to probation or discharged on the maximum sentence. (3) If a juvenile who has been placed in a juvenile facility is ordered to pay restitution under section 44, and if the juvenile receives more than $50.00 in a month, the department of human services or the county juvenile agency, as applicable, may deduct 50% of the amount over $50.00 received by the juvenile for payment of the restitution. The department of human services or the county juvenile agency, as applicable, shall promptly send the deducted money to the court or to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds $100.00, or when the juvenile is released from the juvenile facility. (4) The department of corrections, sheriff, department of human services, or county juvenile agency, as applicable, shall notify the juvenile and the court in writing of all deductions and payments made under this section. The requirements of this section remain in effect until all of the restitution has been paid. The department of corrections, sheriff, department of human services, or county juvenile agency shall not enter into any agreement with a juvenile that modifies the requirements of this section. An agreement in violation of this subsection is void. History:Add. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 461, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.797 - Profit From Sale of Recollections of Thoughts and Feelings With Regard to Offense; Juvenile Offense; Forfeiture; Escrow; Distribution of Proceeds.

Sec. 47. (1) A juvenile adjudicated for an offense shall not derive any profit from the sale of any of the following until the victim

receives any restitution or compensation ordered for him or her against the juvenile, expenses of detention are paid under subsection (3), and any balance in the escrow account created under subsection (2) is paid under subsection (4): (a) The juvenile's recollections of or thoughts or feelings about the offense committed by the juvenile. (b) Memorabilia related to the offense committed by the juvenile. (c) The juvenile's property if its value has been enhanced or increased by the juvenile's notoriety. (2) Upon the disposition of a juvenile offense involving a victim, and after notice to all interested parties, an attorney for the county in which the disposition occurred or the attorney general may petition the court in which the disposition occurred to order that the juvenile forfeit all or any part of proceeds received or to be received by the juvenile or the juvenile's representatives or assignees from any of the following: (a) Contracts relating to the depiction of the offense or the juvenile's recollections, thoughts, or feelings about the offense, in books, magazines, media entertainment, or live entertainment. (b) The sale of memorabilia relating to the offense. (c) The sale of property of the juvenile, the value of which has been enhanced or increased by the juvenile's notoriety arising from the crime. (3) Proceeds ordered forfeited under subsection (2) shall be held in an escrow account for a period of not more than 5 years. (4) During the existence of an escrow account created under subsection (3), proceeds in the account shall be distributed in the following priority to satisfy the following: (a) An order of restitution entered under section 44. (b) Any civil judgment in favor of the victim against the juvenile. (c) Any reimbursement for detention ordered under section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18. (d) Fines, costs, and other assessments ordered against the juvenile. (5) A balance remaining in an escrow account created under subsection (3) at the end of the escrow period shall be paid to the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1996, Act 562, Eff. June 1, 1997 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.798 - Notice to Victim by Court, Department of Human Services, County Juvenile Agency, Sheriff, Department of Corrections, or Prosecuting Attorney.

Sec. 48. (1) Upon the victim's written request, the court or the department of human services or county juvenile agency, as applicable, shall make a good faith effort to notify the victim before any of the following occurs: (a) The juvenile is dismissed from court jurisdiction or discharged from commitment to the department of human services or county juvenile agency. (b) The juvenile is transferred from a juvenile facility to any other juvenile facility. (c) The juvenile has his or her name legally changed while under the court's jurisdiction or within 2 years after discharge from the court's jurisdiction. (d) The juvenile is detained for having committed an act which, if committed by an adult, would be a criminal violation. (2) If the court, department of human services, or county juvenile agency is not successful in notifying the victim before an event described in subsection (1)(a), (b), or (c) occurs, it shall notify the victim as soon as possible after that event occurs. (3) Upon the victim's written request, the department of human services, county juvenile agency, or court shall give to the victim notice of a juvenile's escape from a secure detention or treatment facility. A victim who requests notice of an escape shall be given immediate notice of the escape by any means reasonably calculated to give prompt actual notice. (4) Upon the victim's written request, the sheriff or the department of corrections shall mail to the victim the following, as applicable, about a juvenile who has been sentenced to imprisonment under the jurisdiction of the sheriff or the department for the offense against that victim: (a) Within 30 days after the request, notice of the sheriff's calculation of the juvenile's earliest release date or the department's calculation of the juvenile's earliest parole eligibility, with all potential good time or disciplinary credits considered, if the sentence of imprisonment exceeds 90 days. (b) Notice of the juvenile's transfer or pending transfer to a minimum security facility and the facility's address. (c) Notice of the juvenile's release or pending release in a community residential program, under furlough, or any other transfer to community status; any transfer from 1 community residential program or electronic monitoring program to another; or any transfer from a community residential program or electronic monitoring program to a state correctional facility. (d) Notice of the escape of the juvenile accused, convicted, or imprisoned for committing an offense against the victim. (e) Notice of both of the following: (i) The victim's right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the juvenile's release on parole during the time the juvenile's release on parole or commutation of sentencing is being considered. (ii) To address the parole board and to present exhibits or other photographic or documentary information to the parole board including at a commutation hearing. (f) Notice of the decision of the parole board, or any other panel having authority over the juvenile's release on parole, after a parole review. (g) Notice of the release of a juvenile 90 days before the date of the juvenile's discharge from prison, unless the notice has been otherwise provided under this article. (h) Notice of a public hearing under section 44 of 1953 PA 232, MCL 791.244, regarding a reprieve, commutation, or pardon of the juvenile's sentence by the governor. (i) Notice that a reprieve, commutation, or pardon has been granted or denied upon conclusion of a public hearing. (j) Notice that a juvenile has had his or her name legally changed while on parole or within 2 years after release from parole. (k) Notice that the juvenile, including a parolee, has died. However, the notification requirements of this subdivision apply to the death of a parolee only if the department is aware that the parolee has died. (5) A victim's address and telephone number maintained by a sheriff or the department of corrections upon a request for notice under subsection (4) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be released. (6) As provided in subsection (7) or (8), a victim who requests notice of the escape and the prosecuting attorney who filed the petition alleging the offense for which the juvenile is accused, detained, or under sentence shall be given immediate notice of the juvenile's escape. The notice shall be given by any means reasonably calculated to give prompt actual notice. (7) If the escape occurs before the sentence is executed or before the juvenile is delivered to the department of human services, county juvenile agency, sheriff, or the department of corrections, the person in charge of the agency in charge of the

juvenile's detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to a victim who requested notice. (8) If the juvenile is confined under sentence, the notice of escape shall be given to the victim and the prosecuting attorney by the chief administrator of the place in which the juvenile is confined. (9) Upon the victim's request, the prosecuting attorney shall give the victim notice of a review hearing conducted under section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18. The victim has the right to make a statement at the hearing or submit a written statement for use at the hearing, or both. History:Add. 1988, Act 22, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1996, Act 105, Eff. Apr. 1, 1996 ;-- Am. 1998, Act 523, Imd. Eff. Jan. 12, 1999 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2012, Act 564, Eff. Mar. 28, 2013Compiler's Notes:For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.798a - Notification by Court.

Sec. 48a. The court may perform the notification functions delegated to the prosecuting attorney under this article if both of the following circumstances exist: (a) The prosecuting attorney allows the court to perform those functions pursuant to a written agreement. (b) The court performed those functions before the effective date of the amendatory act that added this section. History:Add. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.799 - Providing Victim With Certified Copy of Order of Adjudicative Hearing.

Sec. 49. If requested, a victim shall be provided with a certified copy of the order of an adjudicative hearing for purposes of obtaining relief pursuant to section 2913 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2913 of the Michigan Compiled Laws. History:Add. 1988, Act 22, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.800 - Cause of Action for Money Damages Against State or Local Government Not Created.

Sec. 50. Nothing in this article shall be construed as creating a cause of action for money damages against the state, a county, or a municipality or any of their agencies, instrumentalities, or employees. History:Add. 1988, Act 22, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.801 - Effect of Failure to Provide Right, Privilege, or Notice to Victim.

Sec. 51. The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the juvenile to seek to have any proceeding set aside. History:Add. 1988, Act 22, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 2 - (780.781...780.802)Section 780.802 - Effective Date of Article; Applicability.

Sec. 52. (1) This article shall take effect June 1, 1988. (2) This article shall apply only to offenses committed on or after June 1, 1988. History:Add. 1988, Act 22, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.811 - Definitions; Physical or Emotional Inability of Victim to Exercise Privileges and Rights; Ineligibility to Exercise Privileges and Rights.

Sec. 61. (1) Except as otherwise defined in this article, as used in this article: (a) "Serious misdemeanor" means 1 or more of the following: (i) A violation of section 81 of the Michigan penal code, 1931 PA 328, MCL 750.81, assault and battery, including domestic violence. (ii) A violation of section 81a of the Michigan penal code, 1931 PA 328, MCL 750.81a, assault; infliction of serious injury, including aggravated domestic violence. (iii) Beginning January 1, 2024, a violation of section 81c(1) of the Michigan penal code, 1931 PA 328, MCL 750.81c, threatening a department of health and human services' employee with physical harm. (iv) A violation of section 115 of the Michigan penal code, 1931 PA 328, MCL 750.115, breaking and entering or illegal entry. (v) A violation of section 136b(7) of the Michigan penal code, 1931 PA 328, MCL 750.136b, child abuse in the fourth degree. (vi) A violation of section 145 of the Michigan penal code, 1931 PA 328, MCL 750.145, contributing to the neglect or delinquency of a minor. (vii) A misdemeanor violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d, using the internet or a computer to make a prohibited communication. (viii) Beginning January 1, 2024, a violation of section 174a(2) or (3)(b) of the Michigan penal code, 1931 PA 328, MCL 750.174a, embezzlement from a vulnerable adult of an amount of less than $200.00. (ix) Beginning January 1, 2024, a violation of section 174a(3)(a) of the Michigan penal code, 1931 PA 328, MCL 750.174a, embezzlement from a vulnerable adult of an amount of $200.00 to $1,000.00. (x) A violation of section 233 of the

Michigan penal code, 1931 PA 328, MCL 750.233, intentionally aiming a firearm without malice. (xi) A violation of section 234 of the Michigan penal code, 1931 PA 328, MCL 750.234, discharge of a firearm intentionally aimed at a person. (xii) A violation of section 235 of the Michigan penal code, 1931 PA 328, MCL 750.235, discharge of an intentionally aimed firearm resulting in injury. (xiii) A violation of section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure. (xiv) A violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h, stalking. (xv) A violation of section 601b(2) of the Michigan vehicle code, 1949 PA 300, MCL 257.601b, injuring a worker in a work zone. (xvi) Beginning January 1, 2024, a violation of section 601d(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.601d, moving violation causing death. (xvii) Beginning January 1, 2024, a violation of section 601d(2) of the Michigan vehicle code, 1949 PA 300, MCL 257.601d, moving violation causing serious impairment of a body function. (xviii) A violation of section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a, leaving the scene of a personal injury accident. (xix) A violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625, operating a vehicle while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood alcohol content, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to another individual. (xx) Selling or furnishing alcoholic liquor to an individual less than 21 years of age in violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, if the violation results in physical injury or death to any individual. (xxi) A violation of section 80176(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, operating a vessel while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood alcohol content, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to any individual. (xxii) A violation of a local ordinance substantially corresponding to a violation enumerated in subparagraphs (i) to (xxi). (xxiii) A violation charged as a crime or serious misdemeanor enumerated in subparagraphs (i) to (xxii) but subsequently reduced to or pleaded to as a misdemeanor. As used in this subparagraph, "crime" means that term as defined in section 2. (b) "Crime victim services commission" means that term as described in section 2 of 1976 PA 223, MCL 18.352. (c) "Defendant" means a person charged with or convicted of having committed a serious misdemeanor against a victim. (d) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of a sentence by the court. (e) "Person" means an individual, organization, partnership, corporation, or governmental entity. (f) "Prisoner" means an individual who has been convicted and sentenced to imprisonment for having committed a serious misdemeanor against a victim. (g) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based. (h) "Victim" means any of the following: (i) An individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a serious misdemeanor, except as provided in subparagraph (ii), (iii), (iv), or (v). (ii) The following individuals other than the defendant if the victim is deceased, except as provided in subparagraph (v): (A) The spouse of the deceased victim. (B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply. (C) A parent of a deceased victim if sub-subparagraphs (A) and (B) do not apply. (D) The guardian or custodian of a child of a deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply. (E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply. (F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply. (iii) A parent, guardian, or custodian of a victim who is less than 18 years of age and who is neither the defendant nor incarcerated, if the parent, guardian, or custodian so chooses. (iv) A parent, guardian, or custodian of a victim who is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process if he or she is not the defendant and is not incarcerated. (v) For the purpose of submitting or making an impact statement only, if the victim as defined in subparagraph (i) is deceased, is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process, or consents to the designation as a victim of the following individuals other than the defendant: (A) The spouse of the victim. (B) A child of the victim if the child is 18 years of age or older. (C) A parent of the victim. (D) The guardian or custodian of a child of the victim if the child is less than 18 years of age. (E) A sibling of the victim. (F) A grandparent of the victim. (G) A guardian or custodian of the victim if the victim is less than 18 years of age at the time of the commission of the crime and that guardian or custodian is not incarcerated. (2) If a victim as defined in subsection (1)(h)(i) is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, or grandparent or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in place of the victim. During the physical or emotional disability, notices to be provided under this article to the victim must continue to be sent only to the victim. (3) An individual who is charged with a serious misdemeanor, a crime as defined in section 2, or an offense as defined in section 31 arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article. (4) An individual who is incarcerated is not eligible to exercise the privileges and rights established for victims under this article except that he or she may submit a written statement to the court for consideration at sentencing. History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1996, Act 82, Imd. Eff. Feb. 27, 1996 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 461, Eff. Jan. 1, 2007 ;-- Am. 2009, Act 28, Eff. July 1, 2009 ;-- Am. 2014, Act 130, Eff. July 1, 2014 ;-- Am. 2018, Act 370, Eff. Mar. 17, 2019 ;-- Am. 2023, Act 177, Eff. Feb. 13, 2024Compiler's Notes:Enacting section 1 of Act 28 of 2009 provides:"Enacting section 1. This amendatory act takes effect July 1, 2009, and applies only to crimes committed on and after that

date."

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.811a - Statement of Property Damage, Physical Injury, or Death.

Sec. 61a. A law enforcement officer or prosecuting attorney who files with the court a complaint, appearance ticket, traffic citation, or other charging instrument regarding a serious misdemeanor described in section 61(1)(a)(xix), (xx), or (xxi), or a local ordinance substantially corresponding to a serious misdemeanor described in section 61(1)(a)(xix), (xx), or (xxi), shall place a statement on the complaint, appearance ticket, traffic citation, or other charging instrument that the offense resulted in damage to another individual's property or physical injury or death to another individual. History:Add. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2023, Act 177, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.811b - Duty to Provide Notice to Victim; Furnishing Information or Records; Exception for Address Confidentiality Program.

Sec. 61b. (1) The duty under this article and under section 24 of article I of the state constitution of 1963 of a court, the department of corrections, the department of health and human services, a county sheriff, or a prosecuting attorney to provide a notice to a victim also applies if the case against the defendant is resolved by assignment of the defendant to trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal. In performing a duty under this article or under section 24 of article I of the state constitution of 1963, the court, department of corrections, department of health and human services, county sheriff, or prosecuting attorney may furnish information or records to the victim that would otherwise be closed to public inspection, including information or records described in section 14 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.14. (2) In performing a duty to provide notice by mail under this article or under section 24 of article I of the state constitution of 1963, the court, department of corrections, department of health and human services, county sheriff, or prosecuting attorney shall mail the notice to the address provided by the victim, except as otherwise provided under section 11 of the address confidentiality program act. If the victim is a program participant as that term is defined in section 3 of the address confidentiality program act, the victim may provide the address designated by the department of the attorney general. History:Add. 2006, Act 461, Eff. Jan. 1, 2007 ;-- Am. 2020, Act 277, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.812 - Separate Written Statement.

Sec. 62. A law enforcement officer investigating a serious misdemeanor involving a victim shall include with the complaint, appearance ticket, or traffic citation filed with the court a separate written statement including the name, address, and phone number of each victim. This separate statement shall not be a matter of public record. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.813 - Information to Be Given Victim of Serious Misdemeanor.

Sec. 63. (1) Within 24 hours after the initial contact between the victim of a reported serious misdemeanor and the law enforcement agency having the responsibility for investigating that serious misdemeanor, that agency shall give to the victim the following information in writing: (a) The availability of emergency and medical services, if applicable. (b) The availability of victim's compensation benefits and the address of the crime victims compensation board. (c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights. (d) The following statements: "If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them." "If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency's telephone number] for the status of the case.". (2) If the case against the defendant is brought under a local ordinance, the law enforcement agency having responsibility for investigating the serious misdemeanor shall give to the victim the name and business address of the local prosecuting attorney for the political subdivision responsible for prosecuting the case along with the following statement: "The defendant in your case will be prosecuted under a local ordinance, rather than a state statute. Nonetheless, you have all the rights and privileges afforded to victims under the state constitution and the state crime victim's rights act.". History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.813a - Revocation of Bond or Personal Recognizance.

Sec. 63a. Based upon any credible evidence of acts or threats of physical violence or intimidation by the defendant or at the defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the bond or personal recognizance of a defendant be revoked. History:Add. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.814 - Return of Property to Victim; Exceptions.

Sec. 64. (1) The law enforcement agency having responsibility for investigating a reported serious misdemeanor shall promptly return to the victim property belonging to that victim which is taken in the course of the investigation, except as provided in subsections (2) to (4). (2) The agency shall not return property which is contraband. (3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved. (4) The agency shall retain as evidence any weapon used in the commission of the serious misdemeanor and any other evidence if the prosecuting attorney certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by the agency. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.814a - Victim of Identity Theft; Filing Police Report; Jurisdiction; "Identity Theft" Defined.

Sec. 64a. (1) To facilitate compliance with 15 USC 1681g, a bona fide victim of identity theft is entitled to file a police report with a law enforcement agency in a jurisdiction where the alleged violation of identity theft may be prosecuted as provided under section 10c of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.10c, and to obtain a copy of that report from that law enforcement agency. (2) As used in this section, "identity theft" means that term as defined in section 3 of the identity theft protection act. History:Add. 2004, Act 456, Eff. Mar. 1, 2005

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.815 - Victim to Be Given Notice of Availability of Pretrial Release, Phone Number of Sheriff, and Notice of Right to Contact Sheriff.

Sec. 65. Not later than 72 hours after the arrest of the defendant for a serious misdemeanor, the law enforcement agency having responsibility for investigating the serious misdemeanor shall give to the victim notice of the availability of pretrial release for the defendant, the phone number of the sheriff, and notice that the victim may contact the sheriff to determine whether the defendant has been released from custody. The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the defendant, or both, if the victim requests or has requested that information. If the defendant is released from custody by the sheriff, the sheriff shall notify the law enforcement agency having responsibility for investigating the crime. History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.816 - Notice to Prosecuting Attorney and to Victim; Consultation by Victim With Prosecuting Attorney; Dismissal of Case; Keeping Prosecuting Attorney and Sheriff Informed of Victim's Current Address and Telephone Number.

Sec. 66. (1) If a plea of guilty or nolo contendere is accepted by the court at the time of the arraignment of the defendant for a serious misdemeanor, the court shall notify the prosecuting attorney of the plea and the date of sentencing within 48 hours after the arraignment. If no guilty or nolo contendere plea is accepted at the arraignment and further proceedings will be scheduled, the court shall so notify the prosecuting attorney within 48 hours after the arraignment. A notice to the prosecuting attorney under this subsection must be on a separate form and must include the name, address, and telephone number of the victim. The notice is not a public record and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. Within 48 hours after receiving this notice, the prosecuting attorney shall give to each victim a written notice in plain English of each of the following: (a) A brief statement of the procedural steps in the processing of a misdemeanor case, including pretrial conferences. (b) A specific list of the rights and procedures under this article. (c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article. (d) Details and eligibility requirements for compensation from the crime victim services commission under 1976 PA 223, MCL 18.351 to 18.368. (e) Suggested procedures if the victim is subjected to threats or intimidation. (f) The person to contact for further information. (2) If requested by the victim, the prosecuting attorney shall give to the victim notice of any scheduled court proceedings and notice of any changes in that schedule. (3) If the defendant has not already entered a plea of guilty or nolo contendere at the arraignment, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about the disposition of the serious misdemeanor, including the victim's views about dismissal, plea or sentence negotiations, and pretrial diversion programs before finalizing any negotiation that may result in a dismissal, plea or sentence bargain, or pretrial diversion. (4) If the case against the defendant is dismissed at any time, the prosecuting attorney shall notify the victim of the dismissal within 48 hours. (5) A victim who receives a notice under subsection (1) or (2) and who chooses to receive any notice or exercise any right under this article shall keep the following persons informed of the victim's current address or address designated by the department of the attorney general if he or she is a program participant as that term is defined in section 3 of the address confidentiality program act and telephone number: (a) The prosecuting attorney, until final disposition or completion of the appellate process, whichever occurs later. (b) The sheriff, if the defendant is imprisoned for more than 92 days. History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341,

Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2020, Act 277, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.817 - Separate Waiting Area for Victim; Safeguards.

Sec. 67. The court shall provide a waiting area for the victim separate from the defendant, defendant's relatives, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim's contact with defendant, defendant's relatives, and defense witnesses during court proceedings. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.818 - Testimony of Victim or Other Witness; Consent of Victim; Hearing; Exemption From Disclosure; Exception.

Sec. 68. (1) Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the defendant or at defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the victim or any other witness not be compelled to testify at pretrial proceedings or at trial for purposes of identifying the victim as to the victim's address, place of employment, or other personal identification without the victim's consent. A hearing on the motion must be in camera. (2) Under section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, information and visual representations of a victim are subject to the following: (a) The home address, home telephone number, work address, and work telephone number of the victim are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. (b) A picture, photograph, drawing, or other visual representation, including any film, videotape, or digitally stored image of the victim, are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and, if the picture, photograph, drawing, or other visual representation is from a court proceeding that is made available to the public through streaming on the internet or other means, the picture, photograph, drawing, or visual representation may be blurred. (c) The following information concerning a victim of child abuse, criminal sexual conduct, assault with intent to commit criminal sexual conduct, or a similar crime who was less than 18 years of age when the crime was committed is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246: (i) The victim's name and address. (ii) The name and address of an immediate family member or relative of the victim, who has the same surname as the victim, other than the name and address of the accused. (iii) Any other information that would tend to reveal the identity of the victim, including a reference to the victim's familial or other relationship to the accused. (3) Subsection (2) does not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services. History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2012, Act 457, Imd. Eff. Dec. 27, 2012 ;-- Am. 2023, Act 179, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.819 - Expedited Trial.

Sec. 69. An expedited trial may be scheduled for any case in which the victim is averred by the prosecuting attorney to be a child. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.820 - Conference Prior to Trial.

Sec. 70. Upon request of the victim, the prosecuting attorney shall confer with the victim prior to the trial of the defendant. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.821 - Right of Victim to Be Present at Trial; Sequestering of Victim.

Sec. 71. The victim has the right to be present throughout the entire trial of the defendant, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court may, for good cause shown, order the victim to be sequestered until the victim first testifies. The victim shall not be sequestered after he or she first testifies. History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.822 - Discharge or Discipline of Victim or Victim Representative by Employer or Employer's Agent as Misdemeanor; Penalty; “Victim Representative” Defined.

Sec. 72. (1) An employer or the employer's agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a victim because that victim is subpoenaed or requested by the prosecuting attorney to attend court for the purpose of giving testimony, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both, and may be punished for contempt of court. (2) An employer or an

employer's agent who disciplines or discharges a victim representative from employment, causes a victim representative to be disciplined or discharged from employment, or threatens to discipline or discharge a victim representative from employment because that victim representative attends or desires to attend court to be present during the testimony of the victim, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both, and may be punished for contempt of court. (3) As used in this section, "victim representative" means any of the following: (a) A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age. (b) A parent, guardian, or custodian of a victim of an assaultive serious misdemeanor if the victim of the assaultive serious misdemeanor is less than 18 years of age. (c) A person who has been designated under section 61(2) to act in place of a victim of an assaultive serious misdemeanor during the duration of the victim's physical or emotional disability. History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.823 - Additional Notice to Victim; Means; Contents of Impact Statement.

Sec. 73. (1) The prosecuting attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following: (a) The defendant's conviction. (b) The offenses for which the defendant was convicted. (c) If a presentence investigation report is to be prepared, the victim's right to make a written or oral impact statement for use in the preparation of the presentence investigation report concerning the defendant. (d) The address and telephone number of the probation office which is to prepare the presentence investigation report. (e) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant unless exempted from disclosure by the court. (f) The victim's right to make an impact statement at sentencing. (g) The time and place of the sentencing proceeding. (2) The notice given by the prosecuting attorney to the victim must be given by any means reasonably calculated to give prompt actual notice. (3) A notice given under subsection (1) shall inform the victim that his or her impact statement may include but shall not be limited to the following: (a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim. (b) An explanation of the extent of any economic loss or property damage suffered by the victim. (c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage. (d) The victim's recommendation for an appropriate sentence. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.824 - Preparation of Presentence Investigation Report; Written or Oral Impact Statement; Inclusion of Statement in Presentence Investigation Report.

Sec. 74. If a presentence investigation report concerning the defendant is prepared, the victim has the right to submit or make a written or oral impact statement to the probation officer for use by that officer in preparing the report pursuant to section 14 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.14. A victim's written statement shall, upon the victim's request, be included in the presentence investigation report. History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 2000, Act 503, Eff. June 1, 2001

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.825 - Notice of Sentencing; Impact Statement; Physical Presence of Defendant; Remote Option; 2018 Pa 153 May Be Cited as "Rebekah Bletsch Law".

Sec. 75. (1) If no presentence report is prepared, the court shall notify the prosecuting attorney of the date and time of sentencing at least 10 days before the sentencing. The victim has the right to submit a written impact statement and has the right to appear and make an oral impact statement at the sentencing of the defendant. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on the victim's behalf. The other person need not be an attorney. The victim may elect to remotely provide the oral impact statement under this section. The court shall consider the victim's statement in imposing sentence on the defendant. (2) Unless the court has determined, in its discretion, that the defendant is behaving in a disruptive manner or presents a threat to the safety of any individuals present in the courtroom, the defendant must be physically present in the courtroom at the time a victim makes an oral impact statement under subsection (1). In making its determination under this subsection, the court may consider any relevant statement provided by the victim regarding the defendant being physically present during that victim's oral impact statement. This subsection applies to cases in which the sentencing of the defendant occurs after May 22, 2018. (3) 2018 PA 153, which amended this section and sections 15 and 43, may be cited as the "Rebekah Bletsch law". History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2018, Act 153, Imd. Eff. May 23, 2018 ;-- Am. 2023, Act 178, Eff. Feb. 13, 2024

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.826 - Definitions; Restitution by Defendant Convicted of Misdemeanor.

Sec. 76. (1) As used in this section only: (a) "Misdemeanor" means a violation of a law of this state or a local ordinance that is

punishable by imprisonment for not more than 1 year or a fine that is not a civil fine, but that is not a felony. (b) "Victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a misdemeanor. As used in subsections (2), (3), (6), (8), (9), and (13) only, victim includes a sole proprietorship, partnership, corporation, association, governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of a misdemeanor. (2) Except as provided in subsection (8), when sentencing a defendant convicted of a misdemeanor, the court shall order, in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law, that the defendant make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate. For an offense that is resolved by assignment of the defendant to youthful trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal, the court shall order the restitution required under this section. (3) If a misdemeanor results in damage to or loss or destruction of property of a victim of the misdemeanor or results in the seizure or impoundment of property of a victim of the misdemeanor, the order of restitution shall require that the defendant do 1 or more of the following, as applicable: (a) Return the property to the owner of the property or to a person designated by the owner. (b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraph (i) or (ii), less the value, determined as of the date the property is returned, of that property or any part of the property that is returned: (i) The fair market value of the property on the date of the damage, loss, or destruction. However, if the fair market value of the property cannot be determined or is impractical to ascertain, then the replacement value of the property shall be utilized in lieu of the fair market value. (ii) The fair market value of the property on the date of sentencing. However, if the fair market value of the property cannot be determined or is impractical to ascertain, then the replacement value of the property shall be utilized in lieu of the fair market value. (c) Pay the costs of the seizure or impoundment, or both. (4) If a misdemeanor results in physical or psychological injury to a victim, the order of restitution shall require that the defendant do 1 or more of the following, as applicable: (a) Pay an amount equal to the reasonably determined cost of medical and related professional services and devices actually incurred and reasonably expected to be incurred relating to physical and psychological care. (b) Pay an amount equal to the reasonably determined cost of physical and occupational therapy and rehabilitation actually incurred and reasonably expected to be incurred. (c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the misdemeanor. (d) Pay an amount equal to the reasonably determined cost of psychological and medical treatment for members of the victim's family actually incurred and reasonably expected to be incurred as a result of the misdemeanor. (e) Pay an amount equal to the reasonably determined costs of homemaking and child care expenses actually incurred and reasonably expected to be incurred as a result of the misdemeanor or, if homemaking or child care is provided without compensation by a relative, friend, or any other person, an amount equal to the costs that would reasonably be incurred as a result of the misdemeanor for that homemaking and child care, based on the rates in the area for comparable services. (f) Pay an amount equal to the cost of actual funeral and related services. (g) If the deceased victim could be claimed as a dependent by his or her parent or guardian on the parent's or guardian's federal, state, or local income tax returns, pay an amount equal to the loss of the tax deduction or tax credit. The amount of reimbursement shall be estimated for each year the victim could reasonably be claimed as a dependent. (h) Pay an amount equal to income actually lost by the spouse, parent, sibling, child, or grandparent of the victim because the family member left his or her employment, temporarily or permanently, to care for the victim because of the injury. (5) If a crime resulting in bodily injury also results in the death of a victim or serious impairment of a body function of a victim, the court may order up to 3 times the amount of restitution otherwise allowed under this section. As used in this subsection, "serious impairment of a body function of a victim" includes, but is not limited to, 1 or more of the following: (a) Loss of a limb or use of a limb. (b) Loss of a hand or foot or use of a hand or foot. (c) Loss of an eye or use of an eye or ear. (d) Loss or substantial impairment of a bodily function. (e) Serious visible disfigurement. (f) A comatose state that lasts for more than 3 days. (g) Measurable brain damage or mental impairment. (h) A skull fracture or other serious bone fracture. (i) Subdural hemorrhage or subdural hematoma. (j) Loss of a body organ. (6) If the victim or victim's estate consents, the order of restitution may require that the defendant make restitution in services in lieu of money. (7) If the victim is deceased or dies, the court shall order that the restitution or remaining restitution be made to those entitled to inherit from the victim's estate. (8) The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the misdemeanor. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or victim's estate under the order be made before any restitution to any other person or entity under that order is made. The court shall not order restitution to be paid to a victim or victim's estate if the victim or victim's estate has received or is to receive compensation for that loss, and the court shall state on the record with specificity the reasons for its action. (9) Any amount paid to a victim or victim's estate under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim or the victim's estate in any federal or state civil proceeding and shall reduce the amount payable to a victim or a victim's estate by an award from the crime victim services commission made after an order of restitution under this section. (10) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the defendant make restitution under this section within a specified period or in specified installments. (11) If the defendant is placed on probation or the court imposes a conditional sentence as provided in section 3 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.3, any restitution ordered under this section shall be a condition of that probation or sentence. The court may revoke probation or impose imprisonment under the conditional sentence if

the defendant fails to comply with the order and if the defendant has not made a good faith effort to comply with the order. In determining whether to revoke probation or impose imprisonment, the court shall consider the defendant's employment status, earning ability, and financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay. (12) Subject to subsection (15), a defendant who is required to pay restitution and who is not in willful default of the payment of the restitution may at any time petition the sentencing judge or his or her successor to modify the method of payment. If the court determines that payment under the order will impose a manifest hardship on the defendant or his or her immediate family, and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim, the court may modify the method of payment. (13) An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the defendant for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim's estate, or any other person or entity named in the order to receive restitution in the same manner as a judgment in a civil action or a lien. (14) Notwithstanding any other provision of this section, a defendant shall not be imprisoned, jailed, or incarcerated for a violation of probation or otherwise for failure to pay restitution as ordered under this section unless the court determines that the defendant has the resources to pay the ordered restitution and has not made a good faith effort to do so. (15) In each case in which payment of restitution is ordered as a condition of probation, the court shall order any employed defendant to make regularly scheduled restitution payments. If the defendant misses 2 or more regularly scheduled payments, the court shall order the defendant to execute a wage assignment to pay the restitution. The probation officer assigned to the case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the probation officer assigned to the case shall review the case at the end of the specific period of time to determine if the restitution has been paid in full. The final review shall be conducted not less than 60 days before the probationary period expires. If the probation officer determines at any review that restitution is not being paid as ordered, the probation officer shall file a written report of the violation with the court on a form prescribed by the state court administrative office or shall petition the court for a probation violation. The report or petition shall include a statement of the amount of the arrearage and any reasons for the arrearage known by the probation officer. The probation officer shall immediately provide a copy of the report or petition to the prosecuting attorney. If a petition or motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered by the court, the court shall promptly take action necessary to compel compliance. (16) If the court determines that a defendant who is ordered to pay restitution under this section is remanded to the jurisdiction of the department of corrections, the court shall provide a copy of the order of restitution to the department of corrections when the court determines that the defendant is remanded to the department's jurisdiction. (17) The court shall not impose a fee on a victim, victim's estate, or prosecuting attorney for enforcing an order of restitution. (18) If a person or entity entitled to restitution under this section cannot be located, refuses to claim the restitution within 2 years after the date on which he or she could have claimed the restitution, or refuses to accept the restitution, the restitution to which that person or entity is entitled shall be deposited in the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904, or its successor fund. However, a person or entity entitled to that restitution may claim that restitution any time by applying to the court that originally ordered and collected it. The court shall notify the crime victim services commission of the application and the commission shall approve a reduction in the court's revenue transmittal to the crime victim's rights fund equal to the restitution owed to the person or entity. The court shall use the reduction to reimburse that restitution to the person or entity. (19) The court may amend an order of restitution entered under this section on a motion by the prosecuting attorney, the victim, or the defendant based upon new information related to the injury, damages, or loss for which the restitution was ordered. (20) A court that receives notice that a defendant who has an obligation to pay restitution under this section has declared bankruptcy shall forward a copy of that notice to the prosecuting attorney. The prosecuting attorney shall forward the notice to the victim at the victim's last known address. (21) If the victim is a minor, the order of restitution shall require the defendant pay to a parent of the victim an amount that is determined to be reasonable for any of the following that are actually incurred or reasonably expected to be incurred by the parent as a result of the crime: (a) Homemaking and child care expenses. (b) Income loss not ordered to be paid under subsection (4)(h). (c) Mileage. (d) Lodging or housing. (e) Meals. (f) Any other cost incurred in exercising the rights of the victim or a parent under this act. History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1996, Act 121, Eff. May 1, 1996 ;-- Am. 1996, Act 562, Eff. June 1, 1997 ;-- Am. 1998, Act 232, Imd. Eff. July 3, 1998 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2009, Act 28, Eff. July 1, 2009 ;-- Am. 2013, Act 139, Imd. Eff. Oct. 22, 2013Compiler's Notes:Enacting section 1 of Act 28 of 2009 provides:"Enacting section 1. This amendatory act takes effect July 1, 2009, and applies only to crimes committed on and after that date."

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.826a - Allocation of Payments.

Sec. 76a. (1) If a person is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments ordered to be paid in that proceeding shall be allocated as provided in this section. If a person is subject to fines, costs, restitution, assessments, probation or parole supervision fees, or other payments in more than 1 proceeding in a court and if a person making a payment on the fines, costs, restitution,

assessments, probation or parole supervision fees, or other payments does not indicate the proceeding for which the payment is made, the court shall first apply the money paid to a proceeding in which there is unpaid restitution to be allocated as provided in this section. (2) Except as otherwise provided in this subsection, if a person is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of each payment collected by the court from that person shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If a person making a payment indicates that the payment is to be applied to victim payments, or if the payment is received as a result of a wage assignment under section 76 or from the sheriff under section 80a, the payment shall first be applied to victim payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied to payment of those victim payments. (3) In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority: (a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j. (b) Payment of other costs. (c) Payment of fines. (d) Payment of probation or parole supervision fees. (e) Payment of assessments and other payments, including reimbursement to third parties who reimbursed a victim for his or her loss. (4) In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority: (a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j. (b) Payment of fines and other costs. (c) Payment of assessments and other payments. (5) As used in this section, "victim payment" means restitution ordered to be paid to the victim or the victim's estate, but not to a person who reimbursed the victim for his or her loss; or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905. History:Add. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2003, Act 98, Eff. Oct. 1, 2003 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 461, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.827 - Notice of Final Disposition of Case.

Sec. 77. Upon the request of a victim, the prosecuting attorney shall, within 30 days after the final disposition of the case, notify the victim in writing of the final disposition of the case. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.827a - Notice to Victim of Defendant's Application to Have Conviction for Serious Misdemeanor Set Aside.

Sec. 77a. If a defendant applies to have a conviction for a serious misdemeanor set aside under Act No. 213 of the Public Acts of 1965, being sections 780.621 to 780.624 of the Michigan Compiled Laws, and if the name of the victim is known by the prosecuting attorney, the prosecuting attorney shall give to the victim of the serious misdemeanor written notice of the application and forward a copy of the application to the victim. The notice shall be by first-class mail to the victim's last known address. The victim has the right to appear at any proceeding under Act No. 213 of the Public Acts of 1965 concerning that conviction and make a written or oral statement. History:Add. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.827b - Early Termination of Probation; Notice to Victim.

Sec. 77b. If a defendant is sentenced to probation with a condition for the protection of the victim and if requested by the victim, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered. History:Add. 2006, Act 461, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.828 - Additional Notice to Victim; Further Proceedings or New Trial.

Sec. 78. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following: (a) That the defendant filed an appeal of his or her conviction or sentence or the prosecuting attorney filed an appeal. (b) Whether the defendant has been ordered released on bail or other recognizance pending the disposition of the appeal. If the prosecuting attorney is notified that the defendant has been ordered released on bail or other recognizance pending disposition of the appeal, the prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order. (c) The time and place of any appellate court oral arguments and any changes in the time or place of those arguments. (d) The result of the appeal. If the conviction is ordered reversed, the sentence is vacated, the case is remanded for a new trial, or the prosecuting attorney's appeal is denied, and if the prosecuting attorney has filed the appropriate notice with the appellate court, the

appellate court shall expedite delivery of the relevant document to the prosecuting attorney's office by any means reasonably calculated to give the prosecuting attorney prompt notice. The prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order. (2) If the prosecuting attorney is not successful in notifying the victim of an event described in subsection (1) within the period set forth in that subsection, the prosecuting attorney shall notify the victim of that event as soon as possible by any means reasonably calculated to give the victim prompt actual notice. (3) The prosecuting attorney shall provide the victim with a brief explanation in plain English of the appeal process, including the possible dispositions. (4) If the case is returned to the trial court for further proceedings or a new trial, the victim has the same rights as previously requested during the proceedings that led to the appeal. History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.828a - Information to Be Mailed to Victim of Serious Misdemeanor; Form to Receive Notices.

Sec. 78a. (1) Upon the written request of a victim of a serious misdemeanor, the sheriff shall mail to the victim the following, as applicable, about a prisoner who has been sentenced to imprisonment under the jurisdiction of the sheriff for commission of that serious misdemeanor: (a) Within 30 days after the request, notice of the sheriff's calculation of the earliest release date of the prisoner, with all potential good time or disciplinary credits considered if the sentence of imprisonment exceeds 90 days. The victim may request 1-time only notice of the calculation described in this subdivision. (b) Notice that a prisoner has had his or her name legally changed while imprisoned in the county jail or within 2 years of release from the county jail. (c) Notice that the prisoner has been placed on day parole or work release. (2) When a defendant is sentenced to probation or a term of imprisonment, the prosecuting attorney shall provide the victim with a form the victim may submit to receive the notices provided for under this section or section 77b or 78b. The form must include the address of the court, prosecuting attorney, or sheriff's department, as applicable, to which the form may be sent and a statement that the victim may use the address designated by the department of the attorney general to receive notices if the victim is a program participant as that term is defined in section 3 of the address confidentiality program act. History:Add. 1993, Act 341, Eff. May 1, 1994 ;-- Am. 1996, Act 105, Eff. Apr. 1, 1996 ;-- Am. 2000, Act 503, Eff. June 1, 2001 ;-- Am. 2006, Act 461, Eff. Jan. 1, 2007 ;-- Am. 2020, Act 277, Imd. Eff. Dec. 29, 2020

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.828b - Notice of Escape.

Sec. 78b. (1) As provided in subsection (2) or (3), a victim who requests notice of the escape and the prosecuting attorney who is prosecuting or has prosecuted the serious misdemeanor for which the person is detained or under sentence shall be given immediate notice of the escape of the person accused, convicted, or imprisoned for committing a serious misdemeanor against the victim. The notice shall be given by any means reasonably calculated to give prompt actual notice. (2) If the escape occurs before the sentence is executed or before the defendant is delivered to the sheriff, the chief law enforcement officer of the agency in charge of the person's detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to a victim who requested notice. (3) If the defendant is confined pursuant to a sentence, the notice shall be given by the chief administrator of the place in which the prisoner is confined. History:Add. 1993, Act 341, Eff. May 1, 1994

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.829 - Notice of Release of Defendant; Written Request.

Sec. 79. (1) Upon the written request of the victim, the sheriff shall notify the victim of the earliest possible release date of the defendant if the defendant is sentenced to more than 92 days' imprisonment. (2) The victim's written request for notice under this section shall include the victim's address. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.830 - Exemption of Victim's Address and Telephone Number From Disclosure.

Sec. 80. A victim's address and telephone number maintained by a court or a sheriff pursuant to this article is exempt from disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.830a - Deductions and Payments.

Sec. 80a. (1) If a defendant who has been sentenced to jail is ordered to pay restitution under section 76, and if the defendant receives more than $50.00 in a month, the sheriff may deduct 50% of the amount over $50.00 received by the defendant for payment of the restitution, and 5% of the amount over $50.00 received by the defendant to be retained by the sheriff as an administrative fee.

The sheriff shall promptly send the money deducted for restitution to the court or to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds $100.00, or when the defendant is released to probation or discharged on the maximum sentence. (2) The sheriff shall notify the defendant and the court in writing of all deductions and payments made under this section. The requirements of this section remain in effect until all of the restitution has been paid. The sheriff shall not enter into any agreement with a defendant that modifies the requirements of this section. An agreement in violation of this subsection is void. History:Add. 2005, Act 184, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 461, Eff. Jan. 1, 2007

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.831 - Profit From Sale of Recollections of Thoughts and Feelings of Person Convicted; Misdemeanor; Forfeiture; Escrow Account; Distribution of Proceeds.

Sec. 81. (1) A person convicted of a serious misdemeanor shall not derive any profit from the sale of any of the following until the victim receives any restitution or compensation ordered for him or her against the defendant, expenses of incarceration are paid under subsection (3), and any balance in the escrow account created under subsection (2) is paid under subsection (4): (a) The person's recollections of or thoughts or feelings about the offense committed by the person. (b) Memorabilia related to the offense committed by the person. (c) The person's property if its value has been enhanced or increased by the person's notoriety. (2) Upon the conviction of a defendant for a serious misdemeanor involving a victim, and after notice to all interested parties, an attorney for the county in which the conviction occurred or the attorney general may petition the court in which the conviction occurred to order that the defendant forfeit all or any part of proceeds received or to be received by the defendant or the defendant's representatives or assignees from any of the following: (a) Contracts relating to the depiction of the crime or the defendant's recollections, thoughts, or feelings about the crime, in books, magazines, media entertainment, or live entertainment. (b) The sale of memorabilia relating to the crime. (c) The sale of property of the defendant, the value of which has been enhanced or increased by the defendant's notoriety arising from the crime. (3) Proceeds ordered forfeited under subsection (2) shall be held in an escrow account for a period of not more than 5 years. (4) During the existence of an escrow account created under subsection (3), proceeds in the account shall be distributed in the following priority to satisfy the following: (a) An order of restitution entered under section 76. (b) Any civil judgment in favor of the victim against the defendant. (c) Any reimbursement ordered under the prisoner reimbursement to the county act, 1984 PA 118, MCL 801.81 to 801.93, or ordered under the state correctional facility reimbursement act, 1935 PA 253, MCL 800.401 to 800.406. (d) Fines, costs, and other assessments ordered against the defendant. (5) A balance remaining in an escrow account created under subsection (3) at the end of the escrow period shall be paid to the crime victim's rights fund created in section 4 of 1989 PA 196, MCL 780.904. History:Add. 1988, Act 21, Eff. June 1, 1988 ;-- Am. 1996, Act 562, Eff. June 1, 1997 ;-- Am. 2005, Act 184, Eff. Jan. 1, 2006

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.832 - No Cause of Action Against State or Local Government.

Sec. 82. Nothing in this article shall be construed as creating a cause of action for money damages against the state, a county, a municipality or any of their agencies, instrumentalities, or employees. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.833 - Failure to Provide Right, Privilege, or Notice to Victim.

Sec. 83. The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the defendant to seek to have the conviction or sentence set aside. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 87 of 1985 - William Van Regenmorter Crime Victim's Rights Act (780.751 - 780.834)Article 3 - (780.811...780.834)Section 780.834 - Effective Date of Article; Applicability.

Sec. 84. (1) This article shall take effect June 1, 1988. (2) This article shall apply only to misdemeanors committed on or after June 1, 1988. History:Add. 1988, Act 21, Eff. June 1, 1988

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.1001 - Applicability of Freedom of Information Act and Open Meetings Act.

Sec. 21. Both of the following apply to the MIDC: (a) The freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, except as provided in section 7(10). (b) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275. History:2013, Act 93, Imd. Eff. July 1, 2013

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.1002 - Michigan Indigent Defense Fund; Creation; Administration; Purpose.

Sec. 22. (1) The Michigan indigent defense fund is created within the state treasury. (2) The state treasurer may receive money or other assets from any source for deposit into the fund, including private gifts, bequests, and donations. The state treasurer shall

direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. (3) Money in the fund at the close of the fiscal year shall lapse to the general fund. (4) The commission shall be the administrator of the fund for auditing purposes. (5) The commission shall expend money from the fund to carry out its responsibilities under this act. History:Add. 2018, Act 214, Eff. Dec. 23, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.1003 - Effect of United States or State Supreme Court Cases; Failure to Comply With Statutory Duties; Grounds for Reversal or Modification of Conviction.

Sec. 23. (1) Nothing in this act shall be construed to overrule, expand, or extend, either directly or by analogy, any decisions reached by the United States supreme court or the supreme court of this state regarding the effective assistance of counsel. (2) Nothing in this act shall be construed to override section 29 or 30 of article IX of the state constitution of 1963. (3) Except as otherwise provided in this act, the failure of an indigent criminal defense system to comply with statutory duties imposed under this act does not create a cause of action against the government or a system. (4) Statutory duties imposed that create a higher standard than that imposed by the United States constitution or the state constitution of 1963 do not create a cause of action against a local unit of government, an indigent criminal defense system, or this state. (5) Violations of MIDC rules that do not constitute ineffective assistance of counsel under the United States constitution or the state constitution of 1963 do not constitute grounds for a conviction to be reversed or a judgment to be modified for ineffective assistance of counsel. History:2013, Act 93, Imd. Eff. July 1, 2013

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.981 - Short Title.

Sec. 1. This act shall be known and may be cited as the "Michigan indigent defense commission act". History:2013, Act 93, Imd. Eff. July 1, 2013

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.983 - Definitions.

Sec. 3. As used in this act: (a) "Adult" means either of the following: (i) An individual 18 years of age or older. (ii) An individual less than 18 years of age at the time of the commission of a felony if any of the following conditions apply: (A) During consideration of a petition filed under section 4 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.4, to waive jurisdiction to try the individual as an adult and upon granting a waiver of jurisdiction. (B) The prosecuting attorney designates the case under section 2d(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d, as a case in which the juvenile is to be tried in the same manner as an adult. (C) During consideration of a request by the prosecuting attorney under section 2d(2) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d, that the court designate the case as a case in which the juvenile is to be tried in the same manner as an adult. (D) The prosecuting attorney authorizes the filing of a complaint and warrant for a specified juvenile violation under section 1f of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.1f. (b) "Consumer Price Index" means the annual United States Consumer Price Index for all urban consumers as defined and reported by the United States Department of Labor, Bureau of Labor Statistics. (c) "Department" means the department of licensing and regulatory affairs. (d) "Effective assistance of counsel" or "effective representation" means legal representation that is compliant with standards established by the appellate courts of this state and the United States Supreme Court. (e) "Indigent" means meeting 1 or more of the conditions described in section 11(3). (f) "Indigent criminal defense services" means local legal defense services provided to a defendant and to which both of the following conditions apply: (i) The defendant is being prosecuted or sentenced for a crime for which an individual may be imprisoned upon conviction, beginning with the defendant's initial appearance in court to answer to the criminal charge. (ii) The defendant is determined to be indigent under section 11(3). (g) Indigent criminal defense services do not include services authorized to be provided under the appellate defender act, 1978 PA 620, MCL 780.711 to 780.719. (h) "Indigent criminal defense system" or "system" means either of the following: (i) The local unit of government that funds a trial court. (ii) If a trial court is funded by more than 1 local unit of government, those local units of government, collectively. (i) "Local share" or "share" means an indigent criminal defense system's average annual expenditure for indigent criminal defense services in the 3 fiscal years immediately preceding the creation of the MIDC under this act, excluding money reimbursed to the system by individuals determined to be partially indigent. Beginning on November 1, 2018, if the Consumer Price Index has increased since November 1 of the prior state fiscal year, the local share must be adjusted by that number or by 3%, whichever is less. (j) "MIDC" or "commission" means the Michigan indigent defense commission created under section 5. (k) "Partially indigent" means a criminal defendant who is unable to afford the complete cost of legal representation, but is able to contribute a monetary amount toward his or her representation. History:2013, Act 93, Imd. Eff. July 1, 2013 ;-- Am. 2016, Act 439, Imd. Eff. Jan. 4, 2017 ;-- Am. 2018, Act 214, Eff. Dec. 23, 2018 ;-- Am. 2019, Act 108, Eff. Oct. 1, 2021

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.985 - Michigan Indigent Defense Commission; Establishment; Powers and Duties; Functions; Delivery of Services; Minimum Standards; Final Department Action; Judicial Review; Best Practices; Performance Metrics; Annual Report.

Sec. 5. (1) The Michigan indigent defense commission is established within the department. (2) The MIDC is an autonomous entity within the department. Except as otherwise provided by law, the MIDC shall exercise its statutory powers, duties, functions, and responsibilities independently of the department. The department shall provide support and coordinated services as requested by the MIDC including providing personnel, budgeting, procurement, and other administrative support to the MIDC sufficient to carry out its duties, powers, and responsibilities. (3) The MIDC shall propose minimum standards for the local delivery of indigent criminal defense services providing effective assistance of counsel to adults throughout this state. These minimum standards must be designed to ensure the provision of indigent criminal defense services that meet constitutional requirements for effective assistance of counsel. However, these minimum standards must not infringe on the supreme court's authority over practice and procedure in the courts of this state as set forth in section 5 of article VI of the state constitution of 1963. (4) The commission shall convene a public hearing before a proposed standard is recommended to the department. A minimum standard proposed under this subsection must be submitted to the department for approval or rejection. Opposition to a proposed minimum standard may be submitted to the department in a manner prescribed by the department. An indigent criminal defense system that objects to a recommended minimum standard on the ground that the recommended minimum standard would exceed the MIDC's statutory authority shall state specifically how the recommended minimum standard would exceed the MIDC's statutory authority. A proposed minimum standard is final when it is approved by the department. A minimum standard that is approved by the department is not subject to challenge through the appellate procedures in section 15. An approved minimum standard for the local delivery of indigent criminal defense services within an indigent criminal defense system is not a rule as that term is defined in section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207. (5) Approval of a minimum standard proposed by the MIDC is considered a final department action subject to judicial review under section 28 of article VI of the state constitution of 1963 to determine whether the approved minimum standard is authorized by law. Jurisdiction and venue for judicial review are vested in the court of claims. An indigent criminal defense system may file a petition for review in the court of claims within 60 days after the date of mailing notice of the department's final decision on the recommended minimum standard. The filing of a petition for review does not stay enforcement of an approved minimum standard, but the department may grant, or the court of claims may order, a stay upon appropriate terms. (6) The MIDC shall identify and encourage best practices for delivering the effective assistance of counsel to indigent defendants charged with crimes. (7) The MIDC shall identify and implement a system of performance metrics to assess the provision of indigent defense services in this state relative to national standards and benchmarks. The MIDC shall provide an annual report to the governor, legislature, supreme court, and the state budget director on the performance metrics not later than December 15 of each year. History:2013, Act 93, Imd. Eff. July 1, 2013 ;-- Am. 2016, Act 439, Imd. Eff. Jan. 4, 2017 ;-- Am. 2018, Act 214, Eff. Dec. 23, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.987 - Midc; Membership; Terms; Appointment by Governor; Qualifications; Staggered Terms; Vacancy; Chairperson; Compensation; Removal; Quorum; Official Action; Confidential Case Information; Exemption From Freedom of Information Act.

Sec. 7. (1) The MIDC includes 18 voting members and the ex officio member described in subsection (2). The 18 voting members shall be appointed by the governor for terms of 4 years, except as provided in subsection (4). Subject to subsection (3), the governor shall appoint members under this subsection as follows: (a) Two members submitted by the speaker of the house of representatives. (b) Two members submitted by the senate majority leader. (c) One member from a list of 3 names submitted by the supreme court chief justice. (d) Three members from a list of 9 names submitted by the Criminal Defense Attorneys of Michigan. (e) One member from a list of 3 names submitted by the Michigan Judges Association. (f) One member from a list of 3 names submitted by the Michigan District Judges Association. (g) One member from a list of 3 names submitted by the State Bar of Michigan. (h) One member from a list of names submitted by bar associations whose primary mission or purpose is to advocate for minority interests. Each bar association described in this subdivision may submit 1 name. (i) One member from a list of 3 names submitted by the Prosecuting Attorneys Association of Michigan who is a former county prosecuting attorney or former assistant county prosecuting attorney. (j) One member selected to represent the general public. (k) Two members representing the funding unit of a circuit court from a list of 6 names submitted by the Michigan Association of Counties. (l) One member representing the funding unit of a district court from a list of 3 names submitted by the Michigan Townships Association or the Michigan Municipal League. The Michigan Townships Association and the Michigan Municipal League shall alternate in submitting a list as described under this subdivision. For the first appointment after the effective date of the amendatory act that amended this subdivision, the Michigan Municipal League shall submit a list as described under this subdivision for consideration for the appointment. For the second appointment after the effective date of the amendatory act that amended this subdivision, the Michigan Townships Association shall submit a list as described under this subdivision for consideration for the appointment. (m) One member from a list of 3 names submitted by the state budget office. (2) The supreme court chief justice or his or her designee shall serve as an ex officio member of the MIDC without vote. (3) Individuals nominated for service on the MIDC as provided in subsection (1) must have significant experience in the defense or prosecution of criminal proceedings or have demonstrated a strong commitment to providing effective representation in indigent criminal defense services. Of the members appointed under this section, the governor shall appoint no fewer than 2 individuals who are not licensed attorneys. Any individual who receives compensation from this state or an indigent criminal defense system for providing prosecution of or representation to indigent adults in state courts is ineligible to serve as a member of the MIDC. Not more than 3 judges, whether they are former judges or sitting judges, shall serve on the MIDC at the same time. The

governor may reject the names submitted under subsection (1) and request additional names. (4) MIDC members shall hold office until their successors are appointed. The terms of the members must be staggered. Initially, 4 members must be appointed for a term of 4 years each, 4 members must be appointed for a term of 3 years each, 4 members must be appointed for a term of 2 years each, and 3 members must be appointed for a term of 1 year each. (5) The governor shall fill a vacancy occurring in the membership of the MIDC in the same manner as the original appointment, except if the vacancy is for an appointment described in subsection (1)(d), the source of the nomination shall submit a list of 3 names for each vacancy. However, if the senate majority leader or the speaker of the house of representatives is the source of the nomination, 1 name must be submitted. If an MIDC member vacates the commission before the end of the member's term, the governor shall fill that vacancy for the unexpired term only. (6) The governor shall appoint 1 of the original MIDC members to serve as chairperson of the MIDC for a term of 1 year. At the expiration of that year, or upon the vacancy in the membership of the member appointed chairperson, the MIDC shall annually elect a chairperson from its membership to serve a 1-year term. An MIDC member shall not serve as chairperson of the MIDC for more than 3 consecutive terms. (7) MIDC members shall not receive compensation in that capacity but must be reimbursed for their reasonable actual and necessary expenses by the state treasurer. (8) The governor may remove an MIDC member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or for any other good cause. (9) A majority of the MIDC voting members constitute a quorum for the transaction of business at a meeting of the MIDC. A majority of the MIDC voting members are required for official action of the commission. (10) Confidential case information, including, but not limited to, client information and attorney work product, is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. History:2013, Act 93, Imd. Eff. July 1, 2013 ;-- Am. 2018, Act 214, Eff. Dec. 23, 2018 ;-- Am. 2018, Act 443, Eff. Mar. 21, 2019

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.989 - Midc; Authority and Duties; Establishment of Minimum Standards, Rules, and Procedures; Manual.

Sec. 9. (1) The MIDC has the following authority and duties: (a) Developing and overseeing the implementation, enforcement, and modification of minimum standards, rules, and procedures to ensure that indigent criminal defense services providing effective assistance of counsel are consistently delivered to all indigent adults in this state consistent with the safeguards of the United States constitution, the state constitution of 1963, and this act. (b) Investigating, auditing, and reviewing the operation of indigent criminal defense services to assure compliance with the commission's minimum standards, rules, and procedures. However, an indigent criminal defense service that is in compliance with the commission's minimum standards, rules, and procedures must not be required to provide indigent criminal defense services in excess of those standards, rules, and procedures. (c) Hiring an executive director and determining the appropriate number of staff needed to accomplish the purpose of the MIDC consistent with annual appropriations. (d) Assigning the executive director the following duties: (i) Establishing an organizational chart, preparing an annual budget, and hiring, disciplining, and firing staff. (ii) Assisting the MIDC in developing, implementing, and regularly reviewing the MIDC's standards, rules, and procedures, including, but not limited to, recommending to the MIDC suggested changes to the criteria for an indigent adult's eligibility for receiving criminal trial defense services under this act. (e) Establishing procedures for the receipt and resolution of complaints, and the implementation of recommendations from the courts, other participants in the criminal justice system, clients, and members of the public. (f) Establishing procedures for the mandatory collection of data concerning the operation of the MIDC, each indigent criminal defense system, and the operation of indigent criminal defense services. (g) Establishing rules and procedures for indigent criminal defense systems to apply to the MIDC for grants to bring the system's delivery of indigent criminal defense services into compliance with the minimum standards established by the MIDC. (h) Establishing procedures for annually reporting to the governor, legislature, and supreme court. The report required under this subdivision shall include, but not be limited to, recommendations for improvements and further legislative action. (2) Upon the appropriation of sufficient funds, the MIDC shall establish minimum standards to carry out the purpose of this act, and collect data from all indigent criminal defense systems. The MIDC shall propose goals for compliance with the minimum standards established under this act consistent with the metrics established under this section and appropriations by this state. (3) In establishing and overseeing the minimum standards, rules, and procedures described in subsection (1), the MIDC shall emphasize the importance of indigent criminal defense services provided to juveniles under the age of 17 who are tried in the same manner as adults or who may be sentenced in the same manner as adults and to adults with mental impairments. (4) The MIDC shall be mindful that defense attorneys who provide indigent criminal defense services are partners with the prosecution, law enforcement, and the judiciary in the criminal justice system. (5) The MIDC shall establish procedures for the conduct of its affairs and promulgate policies necessary to carry out its powers and duties under this act. (6) MIDC policies must be placed in an appropriate manual, made publicly available on a website, and made available to all attorneys and professionals providing indigent criminal defense services, the supreme court, the governor, the senate majority leader, the speaker of the house of representatives, the senate and house appropriations committees, and the senate and house fiscal agencies. History:2013, Act 93, Imd. Eff. July 1, 2013 ;-- Am. 2016, Act 440, Imd. Eff. Jan. 4, 2017 ;-- Am. 2018, Act 214, Eff. Dec. 23, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.991 - Midc; Establishment of Minimum Standards, Rules, and Procedures; Principles; Application For, and Appointment Of, Indigent Criminal Defense Services; Requirements; Partially Indigent; Objective Standards.

Sec. 11. (1) The MIDC shall establish minimum standards, rules, and procedures to effectuate the following: (a) The delivery of indigent criminal defense services must be independent of the judiciary but ensure that the judges of this state are permitted and encouraged to contribute information and advice concerning that delivery of indigent criminal defense services. (b) If the caseload is sufficiently high, indigent criminal defense services may consist of both an indigent criminal defender office and the active participation of other members of the state bar. (c) Trial courts shall assure that each criminal defendant is advised of his or her right to counsel. All adults, except those appearing with retained counsel or those who have made an informed waiver of counsel, must be screened for eligibility under this act, and counsel must be assigned as soon as an indigent adult is determined to be eligible for indigent criminal defense services. (2) The MIDC shall implement minimum standards, rules, and procedures to guarantee the right of indigent defendants to the assistance of counsel as provided under amendment VI of the Constitution of the United States and section 20 of article I of the state constitution of 1963. In establishing minimum standards, rules, and procedures, the MIDC shall adhere to the following principles: (a) Defense counsel is provided sufficient time and a space where attorney-client confidentiality is safeguarded for meetings with defense counsel's client. (b) Defense counsel's workload is controlled to permit effective representation. Economic disincentives or incentives that impair defense counsel's ability to provide effective representation must be avoided. The MIDC may develop workload controls to enhance defense counsel's ability to provide effective representation. (c) Defense counsel's ability, training, and experience match the nature and complexity of the case to which he or she is appointed. (d) The same defense counsel continuously represents and personally appears at every court appearance throughout the pendency of the case. However, indigent criminal defense systems may exempt ministerial, nonsubstantive tasks, and hearings from this prescription. (e) Indigent criminal defense systems employ only defense counsel who have attended continuing legal education relevant to counsels' indigent defense clients. (f) Indigent criminal defense systems systematically review defense counsel at the local level for efficiency and for effective representation according to MIDC standards. (3) The following requirements apply to the application for, and appointment of, indigent criminal defense services under this act: (a) A preliminary inquiry regarding, and the determination of, the indigency of any defendant, including a determination regarding whether a defendant is partially indigent, for purposes of this act must be made as determined by the indigent criminal defense system not later than at the defendant's first appearance in court. The determination may be reviewed by the indigent criminal defense system at any other stage of the proceedings. In determining whether a defendant is entitled to the appointment of counsel, the indigent criminal defense system shall consider whether the defendant is indigent and the extent of his or her ability to pay. Factors to be considered include, but are not limited to, income or funds from employment or any other source, including personal public assistance, to which the defendant is entitled, property owned by the defendant or in which he or she has an economic interest, outstanding obligations, the number and ages of the defendant's dependents, employment and job training history, and his or her level of education. A trial court may play a role in this determination as part of any indigent criminal defense system's compliance plan under the direction and supervision of the supreme court, consistent with section 4 of article VI of the state constitution of 1963. If an indigent criminal defense system determines that a defendant is partially indigent, the indigent criminal defense system shall determine the amount of money the defendant must contribute to his or her defense. An indigent criminal defense system's determination regarding the amount of money a partially indigent defendant must contribute to his or her defense is subject to judicial review. Nothing in this act prevents a court from making a determination of indigency for any purpose consistent with article VI of the state constitution of 1963. (b) A defendant is considered to be indigent if he or she is unable, without substantial financial hardship to himself or herself or to his or her dependents, to obtain competent, qualified legal representation on his or her own. Substantial financial hardship is rebuttably presumed if the defendant receives personal public assistance, including under the food assistance program, temporary assistance for needy families, Medicaid, or disability insurance, resides in public housing, or earns an income less than 140% of the federal poverty guideline. A defendant is also rebuttably presumed to have a substantial financial hardship if he or she is currently serving a sentence in a correctional institution or is receiving residential treatment in a mental health or substance abuse facility. (c) A defendant not falling below the presumptive thresholds described in subdivision (b) must be subjected to a more rigorous screening process to determine if his or her particular circumstances, including the seriousness of the charges being faced, his or her monthly expenses, and local private counsel rates would result in a substantial hardship if he or she were required to retain private counsel. (d) A determination that a defendant is partially indigent may only be made if the indigent criminal defense system determines that a defendant is not fully indigent. An indigent criminal defense system that determines a defendant is not fully indigent but may be partially indigent must utilize the screening process under subdivision (c). The provisions of subdivision (e) apply to a partially indigent defendant. (e) The MIDC shall promulgate objective standards for indigent criminal defense systems to determine whether a defendant is indigent or partially indigent. These standards must include availability of prompt judicial review, under the direction and supervision of the supreme court, if the indigent criminal defense system is making the determination regarding a defendant's indigency or partial indigency. (f) The MIDC shall promulgate objective standards for indigent criminal defense systems to determine the amount a partially indigent defendant must contribute to his or her defense. The standards must include availability of prompt judicial review, under the direction and supervision of the supreme court, if the indigent criminal defense system is making the determination regarding how much a partially indigent defendant must contribute to his or her defense. (g) A defendant is responsible for applying for indigent defense counsel and for establishing his or her indigency and eligibility for appointed counsel under this act. Any oral or written statements made by the defendant in or for use in the criminal proceeding and material to the issue of his or her indigency must be made under oath or an equivalent affirmation. (4) The MIDC shall establish standards for trainers and organizations conducting training that receive MIDC funds for training and education. The standards established under this subsection must require that the MIDC analyze the quality of the training, and must require that the effectiveness of the training

be capable of being measured and validated. (5) An indigent criminal defense system may include in its compliance plan a request that the MIDC serve as a clearinghouse for experts and investigators. If an indigent criminal defense system makes a request under this subsection, the MIDC may develop and operate a system for determining the need and availability for an expert or investigator in individual cases. History:2013, Act 93, Imd. Eff. July 1, 2013 ;-- Am. 2016, Act 439, Imd. Eff. Jan. 4, 2017 ;-- Am. 2018, Act 214, Eff. Dec. 23, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.993 - Investigation, Audit, and Review of Indigent Criminal Defense Services; Cooperation and Participation With Midc; Development of Plan and Cost Analysis; Award of Grant; Submission of Plan; Annual Plan; Approval or Disapproval of Plan and Cost Analysis by Midc; Report; Maintenance of Local Share; Necessity for Excess Funding; Appropriation of Additional Funds; Grants to Local Units of Government; Compliance With Minimum Standards; Zero Grant; Funds Received by Midc as State Funds; Financial Protocols; Unexpended Grant Funds; Reimbursement.

Sec. 13. (1) All indigent criminal defense systems and, at the direction of the supreme court, attorneys engaged in providing indigent criminal defense services shall cooperate and participate with the MIDC in the investigation, audit, and review of their indigent criminal defense services. (2) An indigent criminal defense system may submit to the MIDC an estimate of the cost of developing the plan and cost analysis for implementing the plan under subsection (3) to the MIDC for approval. If approved, the MIDC shall award the indigent criminal defense system a grant to pay the approved costs for developing the plan and cost analysis under subsection (3). (3) No later than 180 days after a standard is approved by the department, each indigent criminal defense system shall submit a plan to the MIDC for the provision of indigent criminal defense services in a manner as determined by the MIDC and shall submit an annual plan for the following state fiscal year on or before October 1 of each year. A plan submitted under this subsection must specifically address how the minimum standards established by the MIDC under this act will be met and must include a cost analysis for meeting those minimum standards. The standards to be addressed in the annual plan are those approved not less than 180 days before the annual plan submission date. The cost analysis must include a statement of the funds in excess of the local share, if any, necessary to allow its system to comply with the MIDC's minimum standards. (4) The MIDC shall approve or disapprove all or any portion of a plan or cost analysis, or both a plan and cost analysis, submitted under subsection (3), and shall do so within 90 calendar days of the submission of the plan and cost analysis. If the MIDC disapproves any part of the plan, the cost analysis, or both the plan and the cost analysis, the indigent criminal defense system shall consult with the MIDC and, for any disapproved portion, submit a new plan, a new cost analysis, or both within 60 calendar days of the mailing date of the official notification of the MIDC's disapproval. If after 3 submissions a compromise is not reached, the dispute must be resolved as provided in section 15. All approved provisions of an indigent criminal defense system's plan and cost analysis must not be delayed by any disapproved portion and must proceed as provided in this act. The MIDC shall not approve a cost analysis or portion of a cost analysis unless it is reasonably and directly related to an indigent defense function. (5) The MIDC shall submit a report to the governor, the senate majority leader, the speaker of the house of representatives, and the appropriations committees of the senate and house of representatives requesting the appropriation of funds necessary to implement compliance plans after all the systems compliance plans are approved by the MIDC. For standards approved after January 1, 2018, the MIDC shall include a cost analysis for each minimum standard in the report and shall also provide a cost analysis for each minimum standard approved on or before January 1, 2018, if a cost analysis for each minimum standard approved was not provided and shall do so not later than October 31, 2018. The amount requested under this subsection must be equal to the total amount required to achieve full compliance as agreed upon by the MIDC and the indigent criminal defense systems under the approval process provided in subsection (4). The information used to create this report must be made available to the governor, the senate majority leader, the speaker of the house of representatives, and the appropriations committees of the senate and house of representatives. (6) The MIDC shall submit a report to the governor, the senate majority leader, the speaker of the house of representatives, and the appropriations committees of the senate and house of representatives not later than October 31, 2021 that includes a recommendation regarding the appropriate level of local share, expressed in both total dollars and as a percentage of the total cost of compliance for each indigent criminal defense system. (7) Except as provided in subsection (9), an indigent criminal defense system shall maintain not less than its local share. If the MIDC determines that funding in excess of the indigent criminal defense system's share is necessary in order to bring its system into compliance with the minimum standards established by the MIDC, that excess funding must be paid by this state. The legislature shall appropriate to the MIDC the additional funds necessary for a system to meet and maintain those minimum standards, which must be provided to indigent criminal defense systems through grants as described in subsection (8). The legislature may appropriate funds that apply to less than all of the minimum standards and may provide less than the full amount of the funds requested under subsection (5). Notwithstanding this subsection, it is the intent of the legislature to fund all of the minimum standards contained in the report under subsection (5) within 3 years of the date on which the minimum standards were adopted. (8) An indigent criminal defense system must not be required to provide funds in excess of its local share. The MIDC shall provide grants to indigent criminal defense systems to assist in bringing the systems into compliance with minimum standards established by the MIDC. (9) An indigent criminal defense system is not required to expend its local share if the minimum standards established by the MIDC may be met for less than that share, but the local share of a system that expends less than its local share under these circumstances is not reduced by the lower expenditure. (10) This state shall appropriate funds to the MIDC for grants to the local units of government for the reasonable costs associated with data required to be collected under this act that is over and above the local unit of

government's data costs for other purposes. (11) Within 180 days after receiving funds from the MIDC under subsection (8), an indigent criminal defense system shall comply with the terms of the grant in bringing its system into compliance with the minimum standards established by the MIDC for effective assistance of counsel. The terms of a grant may allow an indigent criminal defense system to exceed 180 days for compliance with a specific item needed to meet minimum standards if necessity is demonstrated in the indigent criminal defense system's compliance plan. The MIDC has the authority to allow an indigent criminal defense system to exceed 180 days for implementation of items if an unforeseeable condition prohibits timely compliance. (12) If an indigent criminal defense system is awarded no funds for implementation of its plan under this act, the MIDC shall nevertheless issue to the system a zero grant reflecting that it will receive no grant funds. (13) The MIDC may apply for and obtain grants from any source to carry out the purposes of this act. All funds received by MIDC, from any source, are state funds and must be appropriated as provided by law. (14) The MIDC shall ensure proper financial protocols in administering and overseeing funds utilized by indigent criminal defense systems, including, but not limited to, all of the following: (a) Requiring documentation of expenditures. (b) Requiring each indigent criminal defense system to hold all grant funds in a fund that is separate from other funds held by the indigent criminal defense system. (c) Requiring each indigent criminal defense system to comply with the standards promulgated by the governmental accounting standards board. (15) If an indigent criminal defense system does not fully expend a grant toward its costs of compliance, its grant in the second succeeding fiscal year must be reduced by the amount equal to the unexpended funds. Identified unexpended grant funds must be reported by indigent criminal defense systems on or before October 31 of each year. Funds subject to extension under subsection (11) must be reported but not included in the reductions described in this subsection. Any grant money that is determined to have been used for a purpose outside of the compliance plan must be repaid to the MIDC, or if not repaid, must be deducted from future grant amounts. (16) If an indigent criminal defense system expends funds in excess of its local share and the approved MIDC grant to meet unexpected needs in the provision of indigent criminal defense services, the MIDC shall recommend the inclusion of the funds in a subsequent year's grant if all expenditures were reasonably and directly related to indigent criminal defense functions. (17) The court shall collect contribution or reimbursement from individuals determined to be partially indigent under applicable court rules and statutes. Reimbursement under this subsection is subject to section 22 of chapter XV of the code of criminal procedure, 1927 PA 175, MCL 775.22. The court shall remit 100% of the funds it collects under this subsection to the indigent criminal defense system in which the court is sitting. Twenty percent of the funds received under this subsection by an indigent criminal defense system must be remitted to the department in a manner prescribed by the department and reported to the MIDC by October 31 of each year. The funds received by the department under this subsection must be expended by the MIDC in support of indigent criminal defense systems in this state. The remaining 80% of the funds collected under this subsection may be retained by the indigent criminal defense system for purposes of reimbursing the costs of collecting the funds under this subsection and funding indigent defense in the subsequent fiscal year. The funds collected under this subsection must not alter the calculation of the local share made pursuant to section 3(i). History:2013, Act 93, Imd. Eff. July 1, 2013 ;-- Am. 2016, Act 441, Imd. Eff. Jan. 4, 2017 ;-- Am. 2018, Act 214, Eff. Dec. 23, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.995 - Dispute Between Midc and Indigent Criminal Defense System.

Sec. 15. (1) Except as provided in section 5, if a dispute arises between the MIDC and an indigent criminal defense system concerning the requirements of this act, including a dispute concerning the approval of an indigent criminal defense system's plan, cost analysis, or compliance with section 13 or 17, the parties shall attempt to resolve the dispute by mediation. The state court administrator, as authorized by the supreme court, shall appoint a mediator agreed to by the parties within 30 calendar days of the mailing date of the official notification of the third disapproval by the MIDC under section 13(4) to mediate the dispute and shall facilitate the mediation process. The MIDC shall immediately send the state court administrative office a copy of the official notice of that third disapproval. If the parties do not agree on the selection of the mediator, the state court administrator, as authorized by the supreme court, shall appoint a mediator of his or her choosing. Mediation must commence within 30 calendar days after the mediator is appointed and terminate within 60 calendar days of its commencement. Mediation costs associated with mediation of the dispute must be paid equally by the parties. (2) If the parties do not come to a resolution of the dispute during mediation under subsection (1), all of the following apply: (a) The mediator may submit his or her recommendation of how the dispute should be resolved to the MIDC within 30 calendar days of the conclusion of mediation for the MIDC's consideration. (b) The MIDC shall consider the recommendation of the mediator, if any, and shall approve a final plan or the cost analysis, or both, in the manner the MIDC considers appropriate within 30 calendar days, and the indigent criminal defense system shall implement the plan as approved by the MIDC. (c) The indigent criminal defense system that is aggrieved by the final plan, cost analysis, or both, may bring an action seeking equitable relief as described in subsection (3). (3) The MIDC, or an indigent criminal defense system may bring an action seeking equitable relief in the circuit court only as follows: (a) Within 60 days after the MIDC's issuance of an approved plan and cost analysis under subsection (2)(b). (b) Within 60 days after the system receives grant funds under section 13(8), if the plan, cost analysis, or both, required a grant award for implementation of the plan. (c) Within 30 days of the MIDC's determination that the indigent criminal defense system has breached its duty to comply with an approved plan. (d) The action must be brought in the judicial circuit where the indigent criminal defense service is located. The state court administrator, as authorized by the supreme court, shall assign an active or retired judge from a judicial circuit other than the judicial circuit where the action was filed to hear the case. Costs associated with the assignment of the judge must be paid equally by the parties. (e) The action must not challenge the validity, legality, or appropriateness of the minimum standards approved by the department. (4) If the dispute

involves the indigent criminal defense system's plan, cost analysis, or both, the court may approve, reject, or modify the submitted plan, cost analysis, or the terms of a grant awarded under section 13(8) other than the amount of the grant, determine whether section 13 has been complied with, and issue any orders necessary to obtain compliance with this act. However, the system must not be required to expend more than its local share in complying with this act. (5) If a party refuses or fails to comply with a previous order of the court, the court may enforce the previous order through the court's enforcement remedies, including, but not limited to, its contempt powers, and may order that the state undertake the provision of indigent criminal defense services in lieu of the indigent criminal defense system. (6) If the court determines that an indigent criminal defense system has breached its duty under section 17(1), the court may order the MIDC to provide indigent criminal defense on behalf of that system. (7) If the court orders the MIDC to provide indigent criminal defense services on behalf of an indigent criminal defense system, the court shall order the system to pay the following amount of the state's costs that the MIDC determines are necessary in order to bring the indigent criminal defense system into compliance with the minimum standards established by the MIDC: (a) In the first year, 20% of the state's costs. (b) In the second year, 40% of the state's costs. (c) In the third year, 60% of the state's costs. (d) In the fourth year, 80% of the state's costs. (e) In the fifth year, and any subsequent year, not more than the dollar amount that was calculated under subdivision (d). (8) An indigent criminal defense system may resume providing indigent criminal defense services at any time as provided under section 13. When a system resumes providing indigent criminal defense services, it is no longer required to pay an assessment under subsection (7) but must be required to pay no less than its share. History:2013, Act 93, Imd. Eff. July 1, 2013 ;-- Am. 2016, Act 442, Imd. Eff. Jan. 4, 2017 ;-- Am. 2018, Act 214, Eff. Dec. 23, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.997 - Duty of Compliance With Approved Plan.

Sec. 17. (1) Except as provided in subsection (2), every local unit of government that is part of an indigent criminal defense system shall comply with an approved plan under this act. (2) A system's duty of compliance with 1 or more standards within the plan under subsection (1) is contingent upon receipt of a grant in the amount sufficient to cover that particular standard or standards contained in the plan and cost analysis approved by the MIDC. (3) The MIDC may proceed under section 15 if an indigent criminal defense system breaches its duty of compliance under subsection (1). History:2013, Act 93, Imd. Eff. July 1, 2013 ;-- Am. 2016, Act 443, Imd. Eff. Jan. 4, 2017 ;-- Am. 2018, Act 214, Eff. Dec. 23, 2018

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureAct 93 of 2013 - Michigan Indigent Defense Commission Act (780.981 - 780.1003)Section 780.999 - Annual Report, Budget, and Listing of Expenditures; Availability on Website.

Sec. 19. The MIDC shall publish and make available to the public on a website its annual report, its budget, and a listing of all expenditures. Publication and availability of the listing of expenditures shall be on a quarterly basis, except for the annual report and salary information, which may be published and made available on an annual basis. As used in this section, "expenditures" means all payments or disbursements of MIDC funds, received from any source, made by the MIDC. History:2013, Act 93, Imd. Eff. July 1, 2013

2024 Michigan Compiled LawsChapter 780 - Criminal ProcedureE.R.O. No. 1997-9 - Executive Reorganization Order (780.921 - 780.921)Section 780.921 - Transfer of Powers and Duties of Crime Victim Services Commission From the Department of Management and Budget to the Department of Community Health by Type II Transfer.

WHEREAS, Article V, Section 1 of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and WHEREAS, Article V, Section 2 of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration; and WHEREAS, Act No. 223 of the Public of 1976, as amended, created the Crime Victims Compensation Board within the Department of Management and Budget; and WHEREAS, Act No. 196 of 1989, as amended, created the Criminal Assessments Commission within the Department of Management and Budget; and WHEREAS, Act No. 519 of 1996, being Sections 18.351 et seq. of the Michigan Compiled Laws, renamed the former Crime Victims Compensation Board as the Crime Victim Services Commission, which is the successor agency of the board in all respects and for all purposes; and WHEREAS, Act No. 520 of 1996, being Sections 780.901 et seq. of the Michigan Compiled Laws, abolished the former Criminal Assessments Commission, and further transferred its powers, duties, and jurisdiction to the Crime Victim Services Commission; and WHEREAS, management of the Crime Victim Services Commission will be enhanced with increased coordination of efforts, collaboration and communication with other criminal justice related agencies and divisions within the Department of Community Health; and WHEREAS, the Crime Victim Services Commission is responsible for duties and functions closely related to the duties and functions of divisions within the Michigan Department of Community Health, including, but not limited to, the Office of Drug Control Policy and the Division of Violence, Injury and Surveillance; and WHEREAS, the Department of Community Health has a role in determining the Medicaid eligibility of applicants, which is a prerequisite for processing a claim for reimbursement for necessary medical expenses under Act No. 519 of 1996 and its constitutional and statutory counterparts; and WHEREAS, mental health services to children and families provided by the Department of Community Health will serve to assist the counseling needs of crime victims; and WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government. NOW THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the

State of Michigan, do hereby order the following: 1. All the statutory authority, powers, duties, functions and responsibilities of the Crime Victim Services Commission set forth in Act No. 519 and Act No. 520 of the Public Acts of 1996, as amended, are hereby transferred from the Department of Management and Budget to the Department of Community Health by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws. 2. The Department of Community Health shall administer the assigned functions in such ways as to promote efficient administration and make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order. 3. The Director of the Department of Management and Budget shall immediately initiate coordination with the Director of the Department of Community Health to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, and other obligations to be resolved related to the Crime Victim Services Commission or its predecessor Commissions; 4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to any entity for the activities, powers, duties, functions and responsibilities transferred to the Department of Community Health by this Order are hereby transferred to the Department of Community Health. 5. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling the financial transactions and records related to this Order and the state's financial management system for the reminder of the fiscal year. 6. All rules, orders, contracts, declaratory rulings, agreements and other actions relating to the functions transferred to the Department of Community Health by this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or rescinded. 7. Any suit, action or other proceeding lawfully commenced by, against or before the Crime Victim Service Commission, or its predecessors, the Crime Victims Compensation Board or the Criminal Assessments Commission, shall not abate by reason of the taking effect of this Order. In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days after filing. History:1997, E.R.O. No. 1997-9, Eff. Sept. 6, 1997Compiler's Notes:In the third paragraph of this section, the phrase “Act No. 223 of the Public of 1976” evidently should read “Act No. 223 of the Public Acts of 1976.”In the paragraph numbered “5.”, the phrase “for the reminder of the fiscal year” evidently should read “for the remainder of the fiscal year.”